

Commenter G1: U.S. Environmental Protection Agency, Region 8

From: VA Black Hills Future <vablackhillsfuture@va.gov>
Sent: Thursday, February 4, 2016 10:23 PM
Subject: FW: [EXTERNAL] EPA NEPA review letter for NHPA Section 106 Consultation: Reconfiguration of VA Black Hills Health Care System
Attachments: 20150304.pdf; 20150304 Enclosure.pdf

From: Hubner, Matt [REDACTED]
Sent: Thursday, February 04, 2016 4:19 PM
To: VA Black Hills Future
Cc: Strobel, Phillip; Lloyd, Lisa
Subject: [EXTERNAL] EPA NEPA review letter for NHPA Section 106 Consultation: Reconfiguration of VA Black Hills Health Care System

Dear Mr. Epperson,

Thank you for the opportunity to review and provide comments for the VA Black Hills Health Care System Reconfiguration. We have completed our review of the Draft EIS, and our comments and rating can be found in the enclosed pdf. A hard copy of this letter will be arriving shortly. If you have any questions, please feel free to contact me.

Best regards,

Matt Hubner
NEPA Compliance and Review Program
U.S. EPA, Region 8, 8EPR-N
1595 Wynkoop Street
Denver, CO 80202-1129
[REDACTED]

Commenter G1: U.S. Environmental Protection Agency, Region 8



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

FEB 4 2016

Ref: 8EPR-N

Ms. Sandra L. Horsman
Director, Black Hills Health Care System
United States Department of Veterans Affairs
113 Comanche Road
Fort Meade, SD 57741-1099

RE: Draft Environmental Impact Statement and National Historic Preservation Act Section 106
Consultation: Reconfiguration of VA Black Hills Health Care System. CEQ# 20150304

Dear Ms. Horsman:

The U.S. Environmental Protection Agency Region 8 has reviewed the Draft Environmental Impact Statement (EIS) and National Historic Preservation Act (NHPA) Section 106 Consultation: Reconfiguration of VA Black Hills Health Care System (VA BHHCS), developed by United States Department of Veterans Affairs. In accordance with our responsibilities under Section 102(2)(C) of the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the EPA has reviewed and rated this Draft EIS.

Project Background

The VA BHHCS serves approximately 19,000 Veterans over an area of 100,000 square miles in parts of South Dakota, Wyoming and Nebraska. The Draft EIS analyzes six alternatives which focus on proposed modifications to the locations, use and operations of facilities in Hot Springs and Rapid City, South Dakota. Most notably for three of the five action alternatives, the VA would cease operating the Hot Springs campus, which includes the Battle Mountain Sanitarium (BMS), a National Historic Landmark. The EIS serves to fulfill the consultation and effects analysis components of Section 106 of the National Historic Preservation Act (NHPA).

The EPA has evaluated the Draft EIS and has the following comments:

Environmental Impacts

The EIS notes that the Hot Springs campus has a general permit (SDG860037) for a waste water treatment facility that discharges to waters of the U.S. The Draft EIS identified concerns about the facility should it remain stagnant for too long due to disuse. The EPA suggests that the VA analyze this issue in greater detail and/or explain how the treatment facility will be maintained or closed out in order

G1-1

G1-1: See group response in Table E-2 related to Impacts, Utilities. While VA considers operation of the waste water treatment facility owned and operated by the City of Hot Springs as outside the scope of the EIS, the Final EIS does recognize the potential operational issue and identifies suggested mitigation in Section 5.1.13. In addition, the issue may not be as big a concern in light of VA's selection of A-2 as the preferred alternative, and the potential addition of 120 staff under the recently proposed VA national call center (which is also addressed in the Final EIS), both of which would result in a continued VA presence on the existing Hot Springs campus.

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<p>to avoid problems with the facility or its discharge in the future should it not transfer to new occupants in a timely manner.</p> <p>The sections regarding solid and hazardous waste primarily discuss wastes associated with construction activity, operations and some legacy wastes such as asbestos and other materials that would be associated with historical buildings of the age of BMS. The Draft EIS does not discuss if there are any known legacy issues on the campus grounds, such as old landfills, chemical waste disposal areas, vehicle maintenance areas, underground storage tanks, etc. that may need to be disclosed to future tenants and or addressed before it could be turned over to new tenants. Due to the age of the campus and the potential for legacy environmental issues, it would be valuable to have an assessment of any potential environmental hazards and mitigation measures provided for any environmental hazards that are discovered.</p> <p>Due to the theoretical nature of the proposal, much of the environmental concerns and potential impacts are necessarily speculative, such as the location and potential impacts of future facilities in Rapid City. The Draft EIS does a good job noting the best management practices and guidance that will be used to avoid or mitigate impacts to the environment for building and operational purposes as outlined in the alternatives. That being said, the Draft EIS notes that additional NEPA may be necessary once final plans are developed at a more site-specific level. The EPA recommends that the Final EIS explain in more detail what will trigger additional environmental review(s) that may be necessary under NEPA to address site-specific environmental issues. Additional NHPA Section 106 consultation may also be necessary depending on the specifics of any potential re-use of the Hot Springs campus.</p> <p>Cost Analysis</p> <p>Because the VA is proposing to make a difficult decision based on what will provide the best care and service to the most veterans in the service area for the least cost, it is important that the 30-year cost projections adequately reflect the alternatives and the uncertainties associated with them. In particular, it is unclear in the Draft EIS how the cost projections could be affected for those alternatives where the Hot Springs campus is closed and maintained to NHPA standards. For instance, it is not evident whether the calculated 30-year estimates include the cost of maintaining the campus or parts of the campus for the entire thirty years or a shorter period of time. It is also unknown if potential users of the campus would have the capital to acquire, remodel and operate all or some of the buildings and whether that is a factor in the resulting estimate. There also may be costs that have not been calculated in regards to the environmental concerns identified above, such as the cost of appropriately maintaining and/or closing out the waste water treatment system and addressing potential legacy environmental issues.</p> <p>For these reasons, we recommend the Final EIS provide more clarity related to what factors were included in the cost analysis and the cost associated with addressing known or potential environmental issues for both maintaining the Hot Springs campus, or transferring it to new owners or tenants. The VA may wish to consider providing a cost range estimate to reflect the dynamic situation and best or worst-case scenarios.</p>	<p>G1-2: A discussion of the existing environment as it relates to legacy environmental issues has been added to Section 3.12.2.6.</p> <p>G1-2 G1-3: See response in Table E-2 of Appendix E (Category General NEPA process, Trigger for additional NEPA review)</p> <p>G1-3 G1-4: See detailed response in Table E-2 relating to the costs of alternatives (Category Alternatives, Cost of Alternatives). Additional cost breakout information also has been provided for each alternative (e.g., annual maintenance / recurring costs) in Chapter 2 of the Final EIS.</p> <p>G1-4 VA will include costs for non-recurring maintenance and repair of the buildings while in an unoccupied state, in VA's annual Strategic Capital Investment Plan (SCIP) ten year planning process, with emphasis on the priority of such non-recurring maintenance and repair given by BHHCS and VISN 23.</p>

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Climate Change

We recommend that the VA utilize the Council on Environmental Quality's December 2014 revised draft guidance for Federal agencies' consideration of greenhouse gas (GHG) emissions and climate change impacts in NEPA to help outline the framework for its analysis of these issues. Accordingly, we recommend the Final EIS include an estimate of the GHG emissions associated with the project, qualitatively describe relevant climate change impacts, and analyze reasonable alternatives and/or practicable mitigation measures to reduce project-related GHG emissions. More specifics on those elements are provided below. In addition, we recommend that the NEPA analysis address the appropriateness of considering changes to the design of the proposal to incorporate GHG reduction measures and resilience to foreseeable climate change. We recommend that the Final EIS make clear whether commitments have been made to ensure implementation of design or other measures to reduce GHG emissions or to adapt to climate change impacts. More specifically, we suggest the following:

Environmental Consequences Section:

- Estimate the GHG emissions associated with the proposal and its alternatives. Example tools for estimating and quantifying GHG emissions can be found on CEQ's NEPA.gov website¹. These emissions levels can serve as a basis for comparison of the alternatives with respect to GHG impacts.
- Describe measures to reduce GHG emissions associated with the project, including reasonable alternatives or other practicable mitigation opportunities and disclose the estimated GHG reductions associated with such measures. For example, the Draft EIS mentions that sustainable building practices will be utilized if there is new construction. How will such practices reduce the carbon footprint of the VA BHHCS overall? The alternatives analysis should, as appropriate, consider practicable changes to the proposal to make it more resilient to anticipated climate change. The EPA further recommends that the Record of Decision commits to implementation of reasonable mitigation measures that would reduce or eliminate project-related GHG emissions, where possible.

Effects of Climate Change on Project Impacts:

We recommend that the Final EIS describe potential changes to the Affected Environment that may result from climate change. Including future climate scenarios in the Final EIS would help decision makers and the public consider whether the environmental impacts of the alternatives would be exacerbated by climate change. If impacts may be exacerbated by climate change, additional mitigation measures may be warranted.

Climate Change Adaptation:

We recommend considering climate adaptation measures based on how future climate scenarios may impact the project in the Final EIS. The National Climate Assessment (NCA), released by the U.S.

¹ https://ceq.doe.gov/current_developments/GHG_accounting_methods_7Jan2015.html

G1-5

G1-5: A discussion of GHG emissions estimates for the existing operations and operations under each alternative has been added to Sections 3.2 and 4.2 respectively. As the existing and alternative scenarios are shown to be insignificant contributors to statewide GHG emissions, and as several of the alternative scenarios are estimated to reduce GHG emissions from existing conditions, further discussion of minimization measures, design changes, or climate change adaptation are not warranted.

Commenter G1: U.S. Environmental Protection Agency, Region 8

Global Change Resource Program^[1], contains scenarios for regions and sectors, including energy and transportation. Using NCA or other peer reviewed climate scenarios to inform alternatives analysis and possible changes to the proposal can improve resilience and preparedness for climate change.

Changing climate conditions can affect a proposed project, as well as the project's ability to meet the purpose and need presented in the Draft EIS. In addition to considering the resilience and preparedness of facilities, in some cases adaptation measures could avoid potentially significant environmental impacts. For example, the Draft EIS discusses potential project locations in relationship to floodplains. It would be critical to consider potential changes in precipitation and whether there may be increased chances of flooding in what was previously considered a minimal-risk area.

Conclusion and Rating

The EPA notes that the VA BHHCS did a considerable amount of work in preparing this Draft EIS and Section 106 consultation. We appreciate the VA's efforts to objectively estimate the impacts of the alternatives, especially the socioeconomic ones, which are sensitive for the Hot Springs community.

Pursuant to the EPA policy and guidance, the EPA rates the environmental impact of an action and the adequacy of the NEPA analysis. The EPA has rated the preferred alternative (A) "EC-2" (Environmental Concerns-Insufficient information). This "EC" rating means that the review has identified environmental impacts that should be avoided in order to fully protect the environment. The "2" rating indicates there was insufficient information for the EPA to fully assess the environmental impacts that should be avoided in order to fully protect the environment. These concerns appear to be resolvable between the Draft and Final EIS. An explanation of the rating criteria is at <http://www.epa.gov/nepa/environmental-impact-statement-rating-system-criteria>.

We appreciate the opportunity to review this project. If you have any questions or would like to discuss our comments, please contact me at (303) 312-6704, or Matt Hubner of my staff at (303) 312-6500.

Sincerely,



Philip S. Strobel, Director
Director, NEPA Program
Office of Ecosystems Protection and Remediation

Enclosure

cc: Luke Epperson, Veterans Affairs, Black Hills Health Care System

^[1] <http://nca2014.globalchange.gov/>



Commenter G1: U.S. Environmental Protection Agency, Region 8

**U.S. Environmental Protection Agency Rating System for
Draft Environmental Impact Statements**

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.

Commenter G2: Fall River County Commission

Commenter G2: Fall River County Commission

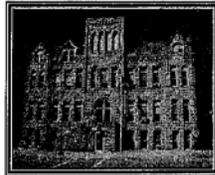
From: VA Black Hills Future <vablackhillfuture@va.gov>
Sent: Friday, February 26, 2016 7:40 PM
Subject: FW: [EXTERNAL] Hot Springs VA Hospital EIS Comment
Attachments: DOC022316-02232016112644.pdf

-----Original Message-----
From: Jenna Stokesberry [REDACTED]
Sent: Tuesday, February 23, 2016 11:41 AM
To: VA Black Hills Future
Cc: 'Ganje, Sue'
Subject: [EXTERNAL] Hot Springs VA Hospital EIS Comment

Please review the attached comments regarding the Draft EIS regarding the Hot Springs VA Hospital.

Jenna Stokesberry
Fall River/Oglala Lakota County Auditors Office [REDACTED]
[REDACTED]

Commenter G2: Fall River County Commission



**FALL RIVER COUNTY
 COUNTY COMMISSIONERS**
 Fall River County Courthouse
 906 North River Street
 Hot Springs, South Dakota 57747
 Phone: (605) 745-5132, Fax: (605) 745-6835

Staff Assistant to the Director
 VA Black Hills Health Care System
 113 Comanche Rd.
 Fort Meade, SD 57741

February 16, 2016

To Whom it May Concern;

The whole Veteran's Administration proposal showing that the cost of veterans' care at the Hot Springs campus is significantly higher than the cost at other VA VISN 23 facilities ignores the fact that since 1995 the VA has systematically dismantled the services and the staff providing them at the Hot Springs facility. This commission would assert that the cost of patient care in Hot Springs in 1995 per patient was at least comparable if not significantly lower than at other VA hospitals.

Another assertion by the VA that a more effective PTSD program can be provided in Rapid City than at Hot Springs relies on a false premise that these veterans after treatment would be returning to and living in urban areas. Historically the vast majority of veterans treated at the Hot Springs VA facility have come from non-metropolitan areas as well as Native American reservations. After treatment these folks would be returning to their rural or at least non-metropolitan homes and their reservations. They are not used to nor interested in the more fast paced metropolitan lifestyle.

The economic impact of the current VA proposal would be devastating to the Fall River and Hot Springs area. A state study indicates a negative impact of \$55 million dollars in lost jobs, payroll, student numbers, sales and property taxes and population. In a county of 7000 people this is a kick in the face.

A significant environmental and social impact of the closing of the VA campus in Hot Springs is to the Native American veteran population. This campus is where these veterans seek treatment for several reasons. One is because of its close physical proximity to the Oglala and Rosebud reservations. Another negative impact would be the loss of the Sweat Lodge for Native American religious ceremonies. The healing waters of Fall River and its hot springs have for hundreds of years been a place of healing for the Native American people.

G2-1

G2-2

G2-3

G2-4

G2-1: See response in Table E-2 of Appendix E (Category, Scope of EIS, Past Actions/Decline in Services).

G2-2: VA agrees that an urban environment is not critical to the success for PTSD treatment. However, the VA still believes Rapid City is the preferred location for the other types of services provided by the RRTP. VA's rationale for the proposed relocation is explained more fully in Section 1.2.2.3 of the Final EIS.

G2-3: Section 4.10 of the Final EIS recognizes the potential adverse impacts to the local Hot Springs community. In addition, a recent proposal to locate a national VHA call center on the existing Hot Springs, which is addressed in the cumulative impact analysis in the Final EIS (Section 4.15) would bring in 120 additional jobs to the area which should help offset some of the adverse effects to the local economy. See also group response in Table E-2 of Appendix E relating to socioeconomic impacts.

G2-4: VA has not received comments from Native American tribes or tribal leadership regarding traditional practices associated with the VA BHHCS campus water. VA acknowledges that the Black Hills are an area of import to Native American Tribes and that the VA BHHCS campus is a National Historic Landmark.

Commenter G2: Fall River County Commission

Another negative impact on the environment is the VA's propensity when it closes down a facility to let it become run down and its failure to find suitable replacement uses for it. In the meantime Hot Springs would have the increased burden of police and fire protection for the facility while receiving no property taxes or other financial support for the campus.

G2-5

If the VA moves forward with its proposed closure the Fall River County Commission would propose that the facility be used for vocational training programs for the health professions as well as such service professions as plumbing and electricians. We would expect a significant VA financial contribution to getting this proposal off of the ground in terms of both some remodeling and initial staffing costs.

G2-6

We ask, again, that you give serious consideration to the negative impact such a move would have on both the veterans in your care and the residents of Fall River County.

Adopted unanimously by the Fall River Board of County Commissioners on February 16, 2016.



Michael P. Ortner
Chairman, Fall River County Commission

Cc: Representative Kristi Noem
Senator Mike Rounds
Senator John Thune

G2-5: VA officials have acknowledged in historic properties consulting party meetings that VA has struggled to properly mothball facilities. For that reason, and in light of the Hot Springs VA campus's historical significance, VA has committed to a long-term preservation program, rather than traditional mothballing, and a marketing strategy for finding a reuse for the campus in the event VA chooses to vacate all or some of the property.

G2-6: VA appreciates your proposal and will take it under advisement.

Commenter G3: SD State Representative Lance Russell

Commenter G3: SD State Representative Lance Russell

From: VA Black Hills Future <vablackhillsfuture@va.gov>
Sent: Tuesday, May 10, 2016 3:49 PM

Subject: FW: [EXTERNAL] Reconfiguration of VA Black Hills Health Care System - EIS Comment
Attachments: VA EIS Comments 5-5-16.pdf

From: Lance Russell [REDACTED]
Sent: Thursday, May 05, 2016 9:58 PM
To: VA Black Hills Future
Subject: [EXTERNAL] Reconfiguration of VA Black Hills Health Care System - EIS Comment

Please find attached my comment as referenced above.

Thank you,

Lance S. Russell
Attorney at Law

[REDACTED]

This electronic mail message contains CONFIDENTIAL information which is (a) ATTORNEY - CLIENT PRIVILEGED COMMUNICATION, WORK PRODUCT, PROPRIETARY IN NATURE, OR OTHERWISE PROTECTED BY LAW FROM DISCLOSURE, and (b) intended only for the use of the Addressee(s) named herein. If you are not an Addressee, or the person responsible for delivering this to an Addressee, you are hereby notified that reading, copying, or distributing this message is prohibited. If you have received this electronic mail message in error, please reply to the sender and take the steps necessary to delete the message completely from your computer system.

Commenter G3: SD State Representative Lance Russell



South Dakota Legislature

State Capitol, 500 East Capitol, Pierre, South Dakota 57501-5070

House of Representatives

May 5, 2016

Staff Assistant to Director
VA Black Hills Health Care System
113 Comanche Road
Fort Meade, SD 57741

VIA Email: vablackhillsfuture@va.gov

Re: Reconfiguration of VA Black Hills Health Care System

Dear Sir/Madam:

As the hometown State Representative for Hot Springs and Fall River County, it is with great and utter disillusionment that I make these comments on the DEIS. The National Environmental Policy Act, 42 U.S.C. 4321 et seq., requires federal agencies to take "a 'hard look' at the salient problems" and genuinely engage in reasoned decision-making. My scoping comment of August 16, 2014, attempted to make certain that the EIS would adequately evaluate and take a hard look at the adverse cumulative environmental impacts that will result from the decision that had been made long before this NEPA process had been proposed—close the Hot Springs VA Hospital. My scoping comment which is above-referenced is incorporated herein by this reference.

After reviewing the DEIS, it is apparent to me that the attempt to have those items identified in my scoping comment evaluated were largely ignored. The problem for the DEIS process is that the hard look doctrine requires that a reviewing court determine the following:

Its supervisory function calls on the court to intervene not merely in the case of procedural inadequacies, or bypassing the mandate in the legislative charter, but more broadly if the court becomes aware, especially from a combination of danger signals, that the agency has not really taken a "hard look" at the salient problems, and has not genuinely engaged in reasoned decision-making. Greater Boston Television Corp. v. Federal Communications Commission, 444 F.2d 841 (D.C. Cir. 1980).

The reasoned decision-making required by NEPA was not engaged in during the DEIS process, as the decision was clearly previously arrived at. The May 4, 2016, STVA Draft EIS Response, which is incorporated herein by this reference, does a comprehensive and systematic fact specific analysis of the DEIS and makes clear that the DEIS preferred alternative was not based on proper analysis, but rather, the agency manufactured facts and engaged in a process

G3-1: The proposed reconfiguration has been in development for a long time. While VA believed Alternative A to be the most responsive in addressing the health care needs of Veterans in the service area, it has always been willing to consider all options, as evidenced by selection of a new preferred alternative, A-2, in the Final EIS. Alternative A-2 is a hybrid between Alternatives A and C and includes a continued VA presence on the existing campus through operation of a CBOC in renovated Building 12. See also related response in Section E.3.4 relating to the timing of the NEPA review.

G3-1

Commenter G3: SD State Representative Lance Russell

Reconfiguration of VA Black Hills Health Care System
EIS comment of State Representative Lance Russell
May 5, 2016
Page 2

to come up with statistics that only buttressed its prior conclusion to close the Hot Springs VA Hospital. This type of "analysis" is arbitrary and capricious, violating the Administrative Procedure Act.

Conclusory documents and analysis of cumulative effects may render the EA inadequate. Friends of the Earth, Inc. v. United States Army Corps of Eng'rs, 109 F. Supp. 2d 30 (D. D.C. 2000). The DEIS prepared to come to the conclusion to close the Hot Springs VA Hospital with conclusory documents and analysis is wholly inadequate as it violates not only the letter of NEPA, but also the spirit of the Act itself.

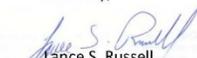
NEPA requires that the agency "shall include appropriate conditions [including mitigation measures and monitoring and enforcement programs] in grants, permits or other approvals" and shall "condition funding of actions on mitigation." 40 C.F.R. 1505.3. And those measures adopted must be explained and committed in the ROD.

The cumulative effects on the quality of the human environment went almost unmentioned. Again, my scoping comment attempted to point the agency to the salient issues presented by its pre-NEPA commitment of irretrievable resources to mothballing the Hot Springs VA Campus and building brand new, unnecessary structures. This analysis was utterly devoid of a serious discussion of possible mitigation measures for the protection and enhancement of the quality of the human environment. The United States Supreme Court has found that an "omission of a reasonably complete discussion of possible mitigation measures would undermine the 'actionforcing' function of NEPA. Without such a discussion, neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects." Robertson v. Methow Valley Citizens Council, 490 U.S. 332, 352, 371 (1989).

The agency had a pre-determined outcome and no amount of stubborn facts were going to get in the way of the agency's desired outcome of closing the Hot Springs VA Hospital. The VA has forgotten its responsibility to the taxpayers, the veterans and to its statutory duties to conduct a good faith, reasoned and adequate analysis of the consequences of its actions and inactions. This DEIS exercise, once again, proves that the federal government is completely out of control and has devolved into a level of disrepute and dishonesty that permeates every crack and crevice of its physical and moral existence.

Your actions are a disgrace and will be challenged until all administrative and legal appeals have been finally exhausted.

Sincerely,


Lance S. Russell

G3-2: VA has significantly expanded the cumulative impact analysis (Section 4.16) in the Final EIS. See group response in Table E-2 of Appendix E relating to cumulative impacts.

G3-3: More consultation with historic properties consulting parties regarding measures to resolve adverse effects to historic was planned following issuance of the Draft EIS and Section 5.2 of the Final EIS has been significantly revised to include detailed mitigation measures. See also group response in Table E-2 in Appendix E relating to Cultural Resources and Historic Properties, Mitigation.

G3-2

G3-3

Commenter G4: U.S. Department of the Interior

Commenter G4: U.S. Department of the Interior

From: VA Black Hills Future <vablackhillsfuture@va.gov>
Sent: Thursday, January 28, 2016 6:33 PM
Subject: FW: [EXTERNAL] BHHCS Reconfiguration EIS - DOI Comments
Attachments: BHHCS DEIS - DOI Comments.pdf

fyi

From: Robert Stewart [REDACTED]
Sent: Thursday, January 28, 2016 1:34 PM
To: VA Black Hills Future
Subject: [EXTERNAL] BHHCS Reconfiguration EIS - DOI Comments

PLEASE ACKNOWLEDGE RECEIPT BY REPLY TO THIS MESSAGE

The Department of the Interior's comments on the subject document are attached.

If you require paper-copy or word-processor version, please so advise.

Robert F. Stewart
Regional Environmental Officer
Office of Environmental Policy and Compliance
U.S. Department of the Interior
P.O. Box 25007 (D-108)
Denver, CO 80225-0007
[REDACTED]

Commenter G4: U.S. Department of the Interior



United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 67, Room 118
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007

January 28, 2016

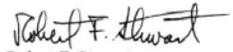
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ER 15/598

Sandra L. Horsman, Director
VA Black Hills Health Care System
113 Comanche Road
Fort Meade, SD 57741

Dear Ms. Horsman:

The U.S. Department of the Interior has reviewed the Draft Environmental Impact Statement for the Reconfiguration of VA Black Hills Health Care System (BHHCS) facilities in Hot Springs and Rapid City, South Dakota, and has no comments on the document. The National Park Service advises that the VA facility's status as a National Historic Landmark requires their participation in the National Historic Preservation Act Section 106 consultation process, which is where their concerns will be addressed.

Sincerely,


Robert F. Stewart
Regional Environmental Officer

G4-1

G4-1: The NPS was an active participant in the public process and in the historic properties consultation. VA received the agency's comments on the draft EIS. A copy is included in Appendix C.

Commenter G4: U.S. Department of the Interior

The NPS has no comments on the EIS. The VA facility is a National Historic Landmark, requiring NPS participation in the NHPA Section 106 process, which is where our concerns will be addressed.

G4-1

Commenter G5: City of Hot Springs, Planning Administrator

Commenter G5: City of Hot Springs, Planning Administrator

From: VA Black Hills Future <vablackhillsfuture@va.gov>
Sent: Wednesday, May 11, 2016 4:17 PM
Cc: Horsman, Sandra L.
Subject: FW: [EXTERNAL] Public Comment - DRAFT EIS
Attachments: VA EIS response Planner march 2016.pdf

From: Kim Barbieri [REDACTED]
Sent: Wednesday, May 11, 2016 9:37 AM
To: VA Black Hills Future
Subject: [EXTERNAL] Public Comment - DRAFT EIS

Please accept this letter as comment from the Hot Springs City Planner regarding the Hot Springs VA EIS.
I appreciate the opportunity to voice our concerns, solutions and ideas.



Kim Barbieri
Planning Administrator/Building/Zoning
City of Hot Springs
Hot Springs, South Dakota 57747
[REDACTED]

Commenter G5: City of Hot Springs, Planning Administrator

City of Hot Springs

Kim Barbieri
Planning Administrator – Building & Code Enforcement



May 10, 2016

Staff Assistant to the Office of Director
VA Black Hills Health Care System
113 Comanche Road
Fort Meade, SD 57741

**Re: Comment - Draft BS VA Black Hills Health Care System Reconfiguration
Hot Springs, SD**

Director Horsman,

Please accept this letter as the City of Hot Springs, City Planner's formal response to the Draft EIS VA Black Hills Health Care System Reconfiguration. The VA's interest in relocating out of Hot Springs has huge ramifications for our community, its citizens and the many veterans who have come here to retire, to find peace and obtain quality healthcare at the VA and the State Veteran Home. After all, Hot Springs is 'The Veterans Town'. No other town in the region is as committed to our nations veterans than Hot Springs, and we have held that purpose and conviction for well over 100 years.

With that said, the EIS clearly states that the "VA BHHCS's preferred alternative is Alternative A, which would add purchased care from community providers, construct a multi-specialty outpatient clinic and 100-bed residential rehabilitation treatment program facility in Rapid City, construct a community-based outpatient clinic in Hot Springs, discontinue services at the Hot Springs campus—which includes the Battle Mountain Sanitarium, a National Historic Landmark—and identify and approve appropriate re-use of the Hot Springs campus under Supplemental Alternative G." Just by stating a preferred alternative within the initial study gives the impression that the decision has already been made to leave Hot Springs. A decision to leave has been physically supported by the excruciatingly slow process of 'death by attrition' that the VA has subjected our community to over the last 50+ years. To be clear, the VA's handling of their facility, the veterans care there and its role within the fabric of our town has led to a cancerous degradation of the veterans' healthcare here as well as untold financial impacts to our once thriving community.

Our city has grown tired of holding our breath to see what the VA will impose upon our community. We have begun to gather. Passionate and committed groups like **Save the VA** have been tirelessly fighting for the veterans that depend on and appreciate everything the VA in Hot Springs can offer beyond appointments and treatments. Things like acknowledgement and support from people walking down the street, clean air, warm therapeutic waters and a natural setting that soothes their soul – things not present in a more urban community like Rapid City.

More are gathering to determine Hot Springs future with or without the VA and are finding our way back to our roots – our water. Our commitment to health, wellness and healing in this town is significant. Our medicinal waters brought people here, in the middle of a wilderness when it was much more difficult to travel, to find health and restoration. We are bringing health and wellness back as a central theme to Hot Springs. If the VA leaves now, it would miss out on all the ancillary programs, services and therapies that we will be developing and promoting within the community – healthful options that would not be available to your patients anywhere else. Staying in Hot Springs would actually help you provide even greater care and a healthier environment for those veterans who do deserve the very best – not just from a doctor's office but from their very own community. We want you to stay and become a cornerstone in our renaissance.

From reading the EIS it is clear that one of the main issues the VA is struggling with is Washington's interest in divesting from being property owners. The bright and shiny option in moving to a new facility is the lease option where somebody else would be responsible for the facility upkeep and maintenance. We believe we could do effectively the same thing here. The city, county and state can pull our resources to locate and engage hospital developers to take over the facility to manage it and leave you, the VA, in charge of the healthcare aspects of the property. It could be run as a non-profit and utilize a Funded Maintenance Account set up by the VA at the time of property transfer to act as a trust for the ongoing upkeep and maintenance of the facility.

Travel concerns were another issue the EIS cited as detraction from the facility being maintained or expanded in Hot Springs. You may be unaware but Hot Springs is a short 1 hour ride from Rapid City – and a scenic drive at that. Plus we

G5-1: Selection of a preferred alternative is not a sign that a decision has been made, The identification of a preferred alternative in the Draft EIS is required by CEQ NEPA regulations, if the Agency has selected one at that time; this is often the case. In addition, VA has now changed its preferred alternative between the Draft and Final EIS, to a new A-2 hybrid alternative (between Alternatives A and C) identified by historic property consulting parties. This indicates VA's willingness to consider all options. Alternative A-2, which has been analyzed in the Final EIS, includes operating the Hot Springs CBOC in renovated Building 12 on the existing medical campus. Thus VA will continue to have a presence on the Hot Springs campus.

G5-2: VA has noted your suggestion for managing the Hot Springs medical center property.

G5-3 - VA appreciates all of the support and services available to our Veterans in Hot Springs. VA will continue to rely on these services under the proposed reconfiguration, which includes continued operation of a CBOC in Hot Springs (on the existing campus under the new preferred Alternative A-2). The Care in the Community component of the reconfiguration will also help address travel concerns as it will give Veterans more options to receive care from local providers closer to where Veterans live.

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5-3

Commenter G5: City of Hot Springs, Planning Administrator

have our own airport and have helicopter service through Life-Flight should more intensive care be required. For appointments a shuttle service between Rapid City and other rural areas can be contracted with *Disabled American Veterans* or other non-profit veterans organizations interested in making sure veterans can make it to their various appointments. Utilizing these service organizations helps to also connect veterans to a network of caring and giving people helping to fill the void if patients are feeling alone or lost. This interaction with other veterans and volunteers is just one more added benefit for the health and well-being of your patients and reduces the pressure for additional parking for expanded services at the Hot Springs Campus.

The Fall River County Commissioners also made a great point in recognizing that the number of Lakota veterans from the surrounding reservations, a specific group desperately needing your services, would again be marginalized. Their travels to appointments in Rapid would become impossible to manage for many who live below poverty levels. Gentrification of healthcare services for these people is unconscionable.

The EIS clearly shows that quality services CAN be located at the existing campus in Hot Springs and is culturally and environmentally more appealing than relocating and building a brand new facility. We've shown ways to work with municipal, county, state and volunteer groups to not only support the existing services at the VA but also expand them as well in a way that would be far more enriching people's lives than a disengaged center in a big city where your patients won't feel welcomed and cared for by the larger community.

Further, with the National Park Services "*Discover Our Shared Heritage*" touring program, the Hot Springs facility would be the absolute "must-see" historical visits as one of the oldest First Generation facility still in use – something to be very proud of! Maintaining a volunteer workforce to tout the history, successes and proud heritage of serving our nations veterans as part of an active and promoted tour would only gain the VA much needed positive press and good will. The Hot Spring campus still illustrates for the tourist why the site and location were chosen for the surrounding that provides a setting for healing – sunshine, healing waters and fresh air, and away from the greater distractions found in a city setting.

Now, if the decision has already been made and if the comment period is just delaying the inevitable and if there is no chance to work in partnership with the veterans, community and state representatives to make the necessary changes to allow the VA to view the beautiful Hot Springs Campus as an asset instead of a liability THEN we need to discuss options for reuse. Mothballing this incredibly beautiful and well-maintained facility would be a crime – a crime to the town's people, the veterans that depend on the services, the local economy, historic preservation and our cultural heritage. Based on the information provided in the EIS, the VA has already issued a solicitation for alternate uses for the facility. On July 1, 2015 the VA published Solicitation VA10115N0183. This seems premature since the VA was supposedly still listening to public comment in order to make a final decision for the Hot Springs Campus but, if the decision is made then let's move forward. Too much of our community's future has been squeezed dry by the VA management and any decision whether good or bad would be welcomed.

Based on many community gatherings, health and wellness is the over-riding and driving theme to our future development. We would agree that any alternate use for the facility would be best if it focused on veterans, healthcare and wellness or medical research. Obviously, all valid requests would be reviewed but with the important veteran's service history of the site; with the National Cemetery adjacent to the campus and the long history of the Lakota on site, some uses just would not seem appropriate. We encourage the VA to reach out and work closely with SHEDCO, our local economic development organization, on finding a suitable and sustainable reuse of the facility. The ultimate use of the campus must have the input and action from the local community.

To close, the City of Hot Springs sees the VA, its service to the veterans and the community at large to be paramount in our local history and story. We see our future full and plentiful with businesses and community action around health, wellness, recreation and service, and we see the VA as part of that vision. Sure you can move to Rapid City and just be another government building amongst hundreds or you can stay here and make Hot Springs the regions' destination for wellness for everyone. Join us and grow with us.

Sincerely,

Kimberly H. Barbieri
 Hot Springs, City Planner



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G5-4: See group response in Section E.3.1 of Appendix E relating to distance travelled and geographic access, including special concerns for Native Americans.

G5-5: The Battle Mountain Sanitarium currently is listed as part of the National Park Service "Discover Our Shared Heritage" program (https://www.nps.gov/nr/travel/veterans_affairs/Battle_Mountain_Sanitarium.html). Heritage tourism can be an option for adaptive reuse suggested to the marketing strategy team if VA decides to vacate all or a portion of the campus.

Information about the long-term preservation of campus buildings program and the marketing study are included in Section 5.2. VA has committed to involving the consulting parties in the marketing strategy if VA decides to vacate all or a portion of the campus.

Commenter G6: SD, NE, and WY Congressional Delegation

Commenter G6: SD, NE, and WY Congressional Delegation

G6-1: Request for additional time to comment has been granted. VA extended the public comment period on the Draft EIS multiple times. The final extension ended on June 20, 2016.

Sent: Tuesday, February 9, 2016 2:29 PM

Subject: Text of SD, WY, and NE Delegation letter to SecVA requesting comment period

Joining Thune on the letter were U.S. Sens. Mike Rounds (R-S.D.), Mike Enzi (R-Wy.), John Barrasso (R-Wy.), Deb Fischer (R-Neb.), Ben Sasse (R-Neb.), and U.S. Reps. Kristi Noem (R-S.D.), Cynthia Lummis (R-Wy.), and Adrian Smith (R-Neb.).

Full text of the letter can be found below:

The Honorable Robert McDonald
Secretary of Veterans Affairs
Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, D.C. 20420

Dear Secretary McDonald:

We write to request an additional extension to the comment period for the Department of Veterans Affairs' (VA) Draft Environmental Impact Study (EIS) concerning the proposed reconfiguration of the Black Hills Health Care System (BHHCS). While we appreciate the VA granting a 30-day extension after the VA BHHCS National Environmental Policy Act (NEPA) historic properties consultation for Hot Springs was rescheduled from December 1, 2015, to January 21, 2016, we believe that a 60-day comment period extension would better allow for thoughtful review and comment in response to this final consultation meeting.

G6-1

Extending the comment period will also provide additional time to address the requirements of Section 106 of the National Historic Preservation Act (NHPA). Ideally, both the NHPA and NEPA processes would proceed in concert in order to provide detailed analysis and consideration of the draft EIS. However, we understand that the NHPA process is far behind its NEPA counterpart. The consultation process may be further delayed because Labat Environmental, Inc. has switched working with SWCA as the consultant leading the Section 106 consultation process and is instead proceeding with R. Christopher Goodwin and Associates, Inc.

Additionally, Section 106 requires that the VA provide the Advisory Council on Historic Preservation (ACHP) "a reasonable opportunity to comment." The ACHP is awaiting a response

Commenter G6: SD, NE, and WY Congressional Delegation

from the VA to a series of questions posed to the agency in a letter dated December 21, 2015. This letter was precipitated by requests from the South Dakota State Historic Preservation Office and the National Trust for Historic Preservation for a Section 213 report to be completed by the National Parks Service (NPS), which will provide detailed recommendations on avoiding, minimizing, and mitigating adverse effects to the historic integrity of the Hot Springs VA. If the ACHP agrees to request a Section 213 report from the NPS, they will need adequate time to prepare it.

An inclusive and accessible comment period for the draft EIS is essential for ensuring thoughtful participation by all consulting parties and stakeholders. Unfortunately, the VA's postponement of the Hot Springs NEPA historic properties consultation and delays in the NHPA process may limit constructive contributions. For these reasons, we respectfully request an additional 30-day comment period extension.

Thank you for your consideration. We look forward to your response.

Sincerely,

Permalink: <http://www.thune.senate.gov/public/index.cfm/2016/2/tri-state-delegations-request-additional-extension-of-public-comment-period-for-reconfiguration-of-black-hills-health-care-system>

G6-2

G6-2: VA responded to comments made by the ACHP and comments from other historic properties consulting parties in letters dated March 9 and April 4, 2016. A copy of this letter is included in Appendix C, NEPA/NHPA Substitution Process.

Commenter G7: City of Hot Springs, Public Works

Commenter G7: City of Hot Springs, Public Works

Christine Modovsky
Labat Environmental, Inc.

Christine,

I have been given your additional questions regarding the City of Hot Springs wastewater facility and the impact that further reductions in activity at the Hot Springs VAMC may have on our operation.

Our wastewater plant is currently operating at about 50% of its design capacity. The current flows from the VAMC represent about 10-12% of our total average inflow of approximately 350,000 gallons per day. As I stated in the historical analysis of when the plant was constructed, the VAMC percentage of the total flow was considered to be 26%.

While it is true that inflow that is substantially below a plant's design capacity can actually result in reduced performance, there is not a particular "cut off" where dropping below a certain inflow level will cause a sudden change in performance. The reality is that as flows drop, the raw sewage remains in the sequential stages of treatment longer than ideal and if that "detention time" becomes excessive, the probability of the wastewater becoming "septic" increases and the treatment process is failing and actually reversing in that the wastewater is getting worse rather than better. Losing the current VAMC flow would certainly increase the risk of this adverse condition. Inflow to the plant varies considerably during the day as well as during different times of the year. The most likely scenario for septic conditions to occur would be during the winter when the overall flow trend is lower.

We have approached borderline adverse conditions on occasion but we have never had a complete septic condition ever occur. However, with less flow, there is a greater chance it could happen.

The historical flows over the past five years vary according to the season with summer flow rates usually being higher which may be due to some of the roof drains in the facility discharging into the sanitary sewer system on the VA campus. I have daily flow logs since 2008 in an Excel spreadsheet and the overall change from 2008 to 2015 indicates approximately a 20-25% drop in flows. Much of the drop in flow from the levels of the 1980's occurred prior to 2008 with the shutdown of the surgical hospital services and the large laundry that was a significant contributor to the flows.

G7-1

G7-1: VA appreciates the additional information relating to the potential impacts of the proposed reconfiguration on the Hot Springs wastewater treatment plant. The FEIS does recognize the potential issues and contribution of the wastewater treatment plant, including annual revenues, and this information has been incorporated into the Final EIS where appropriate (see discussions in 3.14, 4.14 and 5.1.13).

VA also points out that with selection of the new preferred Alternative A-2 and the proposed new national VA call center, which would bring in an additional 120 jobs, VA would be able to maintain a larger presence on the existing campus that previously expected. This expanded presence should help further minimize the changes in flow and associated operational concerns with the wastewater treatment plant resulting from the proposed reconfiguration.

Commenter G7: City of Hot Springs, Public Works

The revenue to the City from the VA sewer billing historically averages approximately \$35,000 per year since 2008 but has shown a trend towards becoming lower. The billing is compiled on quarterly billing statements of which I also have records dating back to at least 2008. All of this data should be compiled in a new spreadsheet in order to be easily useable and to be able to plot trendlines.

Please feel free to ask further questions. I can transfer existing data into a new spreadsheet if that information would be beneficial.

Thank you,

Tracy Bastian
Public Works Engineer/Utilities Director
City of Hot Springs

Commenter G8: National Park Service

Commenter G8: National Park Service

G8-1 (same as G4-1): Comment acknowledged. No response necessary.

From: VA Black Hills Future <vablackhillsfuture@va.gov>
Sent: Thursday, January 28, 2016 6:34 PM
To:
Subject: FW: [EXTERNAL] NPS Comments, ER-15/0598: VA Black Hills Health Care System (BHHCS) facilities in Hot Springs and Rapid City, South Dakota
Attachments: attachment.zip

fyi

-----Original Message-----

From: NPS_Environ_Rev@NoReply.nps.gov
[mailto:NPS_Environ_Rev@NoReply.nps.gov]
Sent: Thursday, January 28, 2016 11:18 AM
To: VA Black Hills Future

Cc: [REDACTED]
Subject: [REDACTED]
and [REDACTED]

Dear Sir/Madam,

Attached please find NPS comments on ER-15/0598, the VA Black Hills Health Care System (BHHCS) facilities in Hot Springs and Rapid City, South Dakota.

If you have questions, please contact Nick Chevence at [REDACTED]

The NPS has no comments on the EIS. The VA facility is a National Historic Landmark, requiring NPS participation in the NHPA Section 106 process, which is where our concerns will be addressed.

G8-1

Commenter G9: National Park Service

Commenter G9: National Park Service

G9-1: Request has been granted; VA extended the public comment period on the Draft EIS multiple times. The final extension ended on June 20, 2016.

From: Sanford, Dena [REDACTED]
Sent: Monday, November 09, 2015 2:45 PM
To: Zonna Barnes
Cc: [REDACTED]
Dani [REDACTED]
Subject: Re: VA BHHCS Section 106 Consultation Workshop

Ms. Barnes-

Given the timing of the release of this Draft EIS, and the pending Thanksgiving and Christmas holidays that occur during the review period, I am requesting an additional 30 days (to February 5th) to provide written comments. This is necessary to devote adequate attention to this extensive document. FYI, I will be on pre-scheduled leave over the Thanksgiving holiday, returning on the 30th, and barring any cancelled airline flights on my return, will be attending the 106 workshop December 1.

G9-1

-Dena Sanford

DENA SANFORD / ARCHITECTURAL HISTORIAN
HISTORY & NATIONAL REGISTER PROGRAMS / MIDWEST REGIONAL OFFICE
c/o AGATE FOSSIL BEDS N.M. / 301 RIVER ROAD / HARRISON, NE / 69346
[REDACTED]

Commenter G10: SD State Historic Preservation Office

Commenter G10: SD State Historic Preservation Office



December 7, 2015

Mr. Reed Nelson
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637

Re: Request for Section 213 Report Regarding Proposed Realignment of the Black Hills Health Care System

Dear Mr. Nelson:

The Department of Veterans Affairs (VA) is proposing to reconfigure the Black Hills Health Care System located in South Dakota. This federal undertaking may result in the termination of services at the Hot Springs campus which includes the Battle Mountain Sanitarium, a National Historic Landmark (NHL).

The VA's decision to substitute the National Environmental Policy Act for Section 106 of the National Historic Preservation Act has resulted in a convoluted process that fails to seek ways to avoid or minimize the potential adverse effects to the NHL. Instead, consultation with the VA has focused on developing mitigation measures associated with the closure of the NHL.

The South Dakota Office of the State Historic Preservation Officer requests that the Chairman of the Advisory Council on Historic Preservation ask for a Section 213 Report from the Secretary of the Interior.

Given the diverse group of consulting parties and the public, a Section 213 Report would allow the National Park Service (NPS) to share its expert opinions concerning effects of the proposed undertaking and provide recommendations on ways to avoid, minimize, or mitigate adverse effects to the NHL. The information provided by NPS might lend transparency to the process and help address concerns held by consulting parties and the public.

Should you require any additional information or clarification concerning my comments, please feel free to contact me or Paige Olson at Paige.Olson@state.sd.us or (605) 773-6004. We appreciate your concern for the non-renewable cultural heritage of South Dakota.

Sincerely,

Ted Spencer
Director of Historic Preservation
200 GOVERNORS DR - PIERRE, SD 57501 • P (605) 773-3458 | F (605) 773-6041 • HISTORY.SD.GOV
DEPARTMENT OF TOURISM | TOURISM.SD.GOV

G10-1: VA has worked to correct any missteps in the substitution process. For more information about this process, see the letter from VA BHHCS Director Sandra Horsman to ACHP Executive Director John Fowler dated July 11, 2016 included in Appendix C, NEPA/NHPA Substitution Process.

G10-2: The ACHP declined to request a Section 213 report. A letter detailing the agency's reasons dated December 21, 2016, is included in Appendix C, NEPA/NHPA Substitution Process.

G10-1

G10-2

Commenter G10: SD State Historic Preservation Office

cc: Christopher Daniel, Advisory Council on Historic Preservation
Amy Cole, National Trust for Historic Preservation
Dena Sanford, National Park Service

Commenter G11: Hot Springs, Mayor

Commenter G11: Hot Springs, Mayor

From: Cindy Donnell [REDACTED]
Sent: Monday, December 14, 2015 5:50 PM
To: Mary Peters
Cc: Chris Modovsky
Subject: Hot Springs SD Wastewater info.

Mary,

As discussed when you were in Hot Springs, below is information compiled by our city engineer based on VA wastewater discharge and the financial impact to the City.

Summary of impact of Hot Springs Veteran's Administration Facility on City of Hot Springs Wastewater Treatment

Historical background:

When the current wastewater plant was constructed in the 1983-1984 time frame, a study at that time indicated that wastewater discharge from the VA medical center accounted for 26% of the total load on the plant. The new plant was designed to handle up to an average flow of .7 MGD, which is 700,000 gallons per day. The current average flow into the plant is approximately .375 MGD (375,000 gallons per day).

It is important to note that in a wastewater treatment facility, if inflow levels drop substantially below the design level of the facility, problems can develop. These issues are a result of wastewater remaining for too long in the individual stages of the plant as there isn't enough wastewater flowing in to push the water into the next stages of the plant. Wastewater that stays too long in a given stage of treatment can actually see a reverse of the process and become "septic" which means that an anaerobic process has overtaken the intended biological purification process. The City of Hot Springs Wastewater Plant operates quite closely now to the lower end of inflow levels that still provide proper treatment.

Revenue to City From VA:

2007 Billing: \$41,338.84
2008 Billing: \$39,016.11
2009 Billing: \$41,344.22
2010 Billing: \$39,963.15
2011 Billing: \$38,113.70
2012 Billing: \$34,516.73
2013 Billing: \$35,560.82
2014 Billing: \$26,473.57

Rates since 2007 have increased by 15%

The reduction in VA services has already had a significant effect on wastewater revenue over the last few years on our small economy. This reduction directly affects our ability to staff for seasonal positions, or to create a budget for capital improvements.

Please let me know if you need additional information. We would appreciate that this information be included in the alternatives.

Thanks and Kind Regards,



Cindy Donnell
Mayor
City of Hot Springs
303 North River Street
Hot Springs, SD 57747
hotspringmayor@hs-sd.org

G11-1: VA appreciates the additional historical background and revenue information related to operation of the wastewater treatment plant. This information as been incorporated into the Final EIS where appropriate (see Sections 3.14, 4.14, and 5.1.13). See related response to G7-1.

G11-1

Commenter G12: Hot Springs, Mayor

From: Cindy Donnell [REDACTED]
Sent: Wednesday, December 16, 2015 7:14 PM
To: Chris Modovsky
Cc: Mary Peters; Doug Schlagel
Subject: RE: Hot Springs SD Wastewater info.

Christine,

I have asked our City engineer to work on providing the information requested.

Would it be possible to find out what the staffing level was at the VA Hot Springs in 1983? Or at least in 2007 through now?

Thanks for continuing to document our concerns in the EIS.

Regards,



Cindy Donnell
Mayor
City of Hot Springs
303 North River Street
Hot Springs, SD 57747
hotspringsmayor@hs-sd.org

[REDACTED]

G12-1

G12-1: VA is able to provide staffing levels at the Hot Springs VAMC since 2007 (see below). VA has also updated Section 4.16 of the Final EIS to address potential cumulative impacts from past actions occurring within the Fall River County, including the changes at the Hot Springs campus since 2000. These are approximate numbers based on full time equivalents.

2007-342
2008- 367
2009 378
2010 379
2011 375
2012 352
2013 342
2014 342
2015 336

Commenter G13: Advisory Council on Historic Preservation

Commenter G13: Advisory Council on Historic Preservation



December 21, 2015

Ms. Janet P. Murphy
Acting Deputy Under Secretary for Health for Operations and Management (10N)
Veterans Health Administration
Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420

Ref: *Proposed Reconfiguration of VA Black Hills Health Care System, Section 213 Request
Hot Springs, South Dakota*

Dear Ms. Murphy:

The Advisory Council on Historic Preservation's (ACHP) is writing to express our concerns regarding the status of the consultation for the Department of Veterans Affairs' (VA) proposed reconfiguration of the Black Hills Health Care System (BHHCS). Specifically, we are writing in response to requests we have received from the National Trust for Historic Preservation (NTHP) and the South Dakota State Historic Preservation Office (SHPO) to formally request a report under Section 213 of the National Historic Preservation Act (NHPA) to assist in the Section 106 consultation.

A Section 213 report prepared by the Secretary of the Interior typically details the significance of a historic property, describes the effects of any proposed undertaking on the property, and recommends measures to avoid, minimize, or mitigate adverse effects to the property. Under the ACHP's regulations, the Council may, when commenting on an undertaking affecting a National Historic Landmark (NHL), request a Section 213 report from the Secretary of the Interior.

In this instance, the requests assert that a Section 213 report would assist VA in evaluating the preferred alternative documented in the draft Environmental Impact Statement (EIS), which, if implemented, would result in VA vacating the Battle Mountain NHL campus. The report would also explore how challenges in alternatives that propose VA reuse of the campus could be overcome to meet mission needs and to avoid and minimize adverse effects. We agree with the NTHP and SHPO that these are critical questions that VA, in an effort to maintain a solid administrative record and to minimize harm to the NHL "to the maximum extent possible," should be answering through the consultation process.

However, it is the ACHP's impression that these requests for more clarity are a symptom of the unclear and inconsistent manner in which VA and its contractors have been conducting consultation. In the ACHP's past correspondence to leadership at the VA Medical Center (VAMC) and the Veterans Integrated Service Network (VISN), we have continually outlined concerns related to implementation of the consultation process. These comments have specifically focused on VA's format for consulting party meetings, responses to consulting party comments, utilization of the substitution process, and

ADVISORY COUNCIL ON HISTORIC PRESERVATION
401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

G13-1: VA responded to this letter on April 4, 2016. A copy is included in Appendix C, NEPA/NHPA Substitution Process.

G13-1

Commenter G13: Advisory Council on Historic Preservation

2

consideration of alternatives that would avoid and minimize adverse effects. While we acknowledge that VA has taken steps to address some of these concerns, there still exists a pervasive environment of distrust and misunderstanding between VA and consulting parties centering on VA's consideration of alternatives, resolution of adverse effects, and the final decision making process.

In deliberating on whether to request a Section 213 report, we think it would be useful for VA to first respond to the items outlined in the attached letters and work to resolve the persistent concerns and questions that raised by consulting parties about the significance of the NHP and potential impacts to it from the various alternatives under consideration. We have reviewed the draft EIS and previous consultation materials, and we have developed the attached recommendations to assist VA in better focusing the consultation process. VA's ability to implement successfully to the outlined concerns at the January consulting parties meeting will help us more effectively evaluate the future need for a Section 213 report and perhaps even prelude the need for such a report, should VA's response be thorough and complete.

While it is our belief that all the attached recommendations will assist VA in effectively completing the consultation process, the paramount concern is the need for an active and visible VA leadership presence at the consultation table. During previous meetings, VA leadership from the VAMC and the VISN attended, but these representatives were unable to make substantial commitments because they lack the authority and responsibility to make them regarding the proposed reconfiguration, and by extension the consideration of alternatives and mitigation measures. To remedy this, we request your assistance in bringing this matter to the attention of appropriate VA leadership at the upcoming January meeting.

To support the success of this meeting, the ACHP will be sending management from the Office of Federal Agency Programs to attend alongside VA's Liaison, Mr. Daniel. We appreciate the initial efforts of VA and its contractors and look forward to a robust discussion at the upcoming meeting. We recognize the imperative of reaching a solution that will allow the VA to continue its mission within the BHHCS. From our perspective, a definitive response from VA to these identified concerns and a collaborative effort from all parties should enable VA to complete the process in a timely manner.

As always, we continue to value the strong partnership between the VA and the ACHP and look forward to supporting the VA as it continues consultation on this action. If you or your staff have any questions or require our further assistance, please contact me directly at 202-517-0206 or melson@achp.gov at any time.

Sincerely,



Reid J. Nelson
Director
Office of Federal Agency Programs

Enclosures

Enclosures 1 and 2 are provided in this appendix as Commenters CP20 and G10, respectively; see responses to those submissions.

Commenter G13: Advisory Council on Historic Preservation

Attachment - Consultation Recommendations

Ref: *Proposed Reconfiguration of VA Black Hills Health Care System, Section 213 Request
Hot Springs, South Dakota*

VA Transparency and Consulting Party Involvement

1. Establish detailed meeting agenda with consulting party input

The Advisory Council on Historic Preservation (ACHP) recommends VA provide a draft agenda to all the consulting parties and use their input when developing the final agenda for the upcoming January meeting. This approach will inform VA selection of content for the meeting and will allow consulting parties to assist VA in ensuring that all necessary items are given adequate attention. The meeting agenda should also take into account that eight months have passed since the last consulting parties meeting and a general overview of past consultation might assist those in attendance.

Additionally, VA and their contractors should ensure that the meeting agenda gives proper time and consideration to the status of the overall National Environmental Policy Act (NEPA) process, including the draft Environmental Impact Statement (EIS), public meetings, and the recent comment period extension.

2. Respond to documented consulting party comments

Consulting parties including the South Dakota State Historic Preservation Office (SHPO), the National Trust for Historic Preservation (NTHP), the National Park Service (NPS), and Save the VA have previously submitted detailed letters to VA with their comments and unanswered questions. These parties have requested clarification concerning VA's proposed undertaking and the status of the Section 106 consultation process being implemented through the NEPA substitution process, pursuant to 36 CFR § 800.8(c). The ACHP recommends VA and its contractors review the existing correspondence record and, as appropriate, respond directly to outstanding questions and concerns in a manner that clarifies the VA's position on these matters.

VA's ability to document responses to consulting party comments and concerns, when combined with the records developed from consulting parties meetings, will allow the VA to maintain a solid administrative record. Additionally, we recommend that all consultation documentation should be included directly in the EIS appendices as part of the required documentation for the NEPA/NHPA substitution process.

VA Leadership Presence

1. Attendance and involvement of agency official at January meeting

Past consulting parties meetings have lacked the involvement of VA leadership that can commit the agency to action. As noted in our cover letter, the ACHP recommends VA identify a representative as the agency official or his/her representative that can speak directly at the January meeting to the development and selection of alternatives and to avoidance, minimization, and mitigation approaches. Pursuant to our regulations, this official has "approval authority for the undertaking and can commit the Federal agency to take appropriate action for a specific undertaking." VA should also clarify the roles of the Black Hills Health Care System (BHHCS), Veterans Integrated Service Network (VISN) 23, and the Central Office staff in the consultation and NEPA process. The ACHP has requested such a delineation of responsibilities in the past.

Commenter G13: Advisory Council on Historic Preservation

Attachment - Consultation Recommendations

Ref: *Proposed Reconfiguration of VA Black Hills Health Care System, Section 213 Request
Hot Springs, South Dakota*

NEPA Substitution Process

1. Clarify VA's utilization of the NEPA substitution process

The ACHP appreciates the previous efforts by VA to define and document its approach for utilizing the NEPA substitution process, pursuant to 36 CFR § 800.8(c). VA and its contractors have provided materials, including the Checklist for Substitution from the ACHP's *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*, to assist parties in understanding VA compliance with Section 106 through NHPA. These materials should continue to be utilized to assist in tracking compliance with the substitution process.

However, we are still concerned that while VA is on record stating that they are integrating Section 106 and NEPA through the substitution process, the format and methods used at both consultation workshops and public meetings demonstrates a clear separation and isolation of the two processes. In previous letters, we have expressed concerns related to meeting content and to facilitators firmly isolating discussion focused on historic properties from all other environmental resource areas covered under NEPA. This method of execution contradicts the core of the substitution process. We recommend VA and its contractors attempt to facilitate discussion related to NEPA analysis where necessary to inform the consultation process and where potential environmental impacts might have cumulative effects.

2. Consider using Programmatic Agreement (PA) for resolution of adverse effects

Rather than incorporating VA's binding commitment to mitigation measures within the Record of Decision (ROD), the ACHP recommends VA consider embodying these in a PA. A PA would allow VA to formalize consulting party roles in the resolution process, to define opportunities for consulting party input in the future, and establish clear dispute resolution procedures for resolving disagreements. We believe an agreement developed with these processes in mind would greatly enhance VA's commitment to resolving the adverse effects from the proposed undertaking. Furthermore, such an agreement would also allow VA to establish specific/detailed timelines for implementation and to provide flexibility for amendment in the event of unanticipated changes.

Discussion of Analysis & Alternatives

1. Discuss and review alternatives that support adaptive reuse by VA

The ACHP supports the requests provided by consulting parties (most recently in the NTHP's Section 213 request) that VA should address how it might overcome the existing accessibility and adaptive reuse challenges posed by reutilizing the existing Hot Springs campus under Alternative C. We encourage VA to facilitate a more detailed discussion on how portions of the reuse-focused alternatives could be incorporated into the final preferred alternative. The VA should seek consulting party feedback at the January meeting to assist with refining the preferred alternative and identifying where features from other proposed alternatives could be incorporated to help minimize adverse effects. Under NEPA, VA is not constrained to select only one of the current alternatives and has the flexibility to develop new alternatives combining aspects of the existing structure. We recommend VA solicit consulting party feedback on pursuing such an approach as part of the final EIS.

Commenter G13: Advisory Council on Historic Preservation

Attachment - Consultation Recommendations

Ref: *Proposed Reconfiguration of VA Black Hills Health Care System, Section 213 Request Hot Springs, South Dakota*

2. *Respond to consulting party concerns of immediate vs. long-term adverse effects*

Through previous meetings and correspondence, consulting parties have expressed concern about VA's assessment of adverse effects related to the proposed vacating of the entire Hot Springs campus, and the proposed interior renovation/modification of specific buildings that would continue partial operation of the campus. VA has identified both alternatives as potential adverse effects to historic properties within the Area of Potential Effect (APE), but current analysis does not recognize the consulting party feedback regarding VA's continued use (even if partial) of the campus as more preferable and beneficial to the properties than the proposed long-term and less-defined vacating coupled with mothballing and potential reuse.

In VA's draft EIS analysis the adverse effects of modification and renovation of the historic properties appears to be weighted equally against the proposed closure of the Hot Springs campus, which may or may not result in reuse from another entity. The ACHP would encourage VA to review its current analysis of adverse effects to acknowledge the magnitude and complexity of effects in VA's current preferred alternative versus the immediate effects of known alternatives that continue VA use of some or all of the campus.

Discussion of Mitigation for Preferred Alternative

1. *Respond to consulting party concerns related to mothballing*

VA should be prepared at the January meeting to discuss its proposed mothballing and eventual reuse of the NHL campus under Alternatives A, B, & D, and Supplemental Alternative G. At previous meetings and in the recent correspondence, consulting parties such as NTHP and NPS, have voiced concerns over the effects that prolonged mothballing could have on the NHL campus. The ACHP recommends VA detail how it would propose to continue to maintain the NHL campus pending transition to a future re-use under Alternative G and how the implementation of this alternative would overcome obstacles such as funding and staffing shortages.

Additionally, we request VA share the findings of the July 2015 Solicitation (VA10115N0183), which sought expressions of interest for the development of the existing Hot Springs campus. This information will better inform consulting parties on VA's analysis of the viability of Alternative G and its potential effects to the NHL.

2. *Review and utilize previous federal mothballing examples*

The ACHP concurs with the NTHP's concerns regarding the VA and its previous challenges faced when mothballing historic properties. VA and its contractors should be able to delineate how any proposed mothballing will seek to avoid the pitfalls encountered in the examples the NTHP referenced. We encourage VA and its contractor to review other federal agency examples that include larger scale mothballing. In particular, we recommend the General Services Administration's (GSA) consultation for the development of St. Elizabeths Campus by the Department of Homeland Security (DHS) as an example of the success and challenges faced in mothballing an NHL.

We also recommend reviewing materials associated with the Department of Defense's closure of Fort Monroe. The final agreement document executed for this undertaking provided for upfront mitigation measures and long-term management processes for the historic properties that ensured that

Commenter G13: Advisory Council on Historic Preservation

Attachment - Consultation Recommendations

Ref: *Proposed Reconfiguration of VA Black Hills Health Care System, Section 213 Request
Hot Springs, South Dakota*

mothballing and reuse were successful. VA's Liaison will gladly assist in providing copies of the necessary agreements and supporting materials.

National Historic Landmark Status

Define and discuss of maximum extent possible considerations for alternatives

VA should be prepared to detail how it will meet its responsibilities under of 36 CFR § 800.10(a), which requires the agency, through its planning and actions, minimize harm to the NHL "to the maximum extent possible." The ACHP recommends that VA be prepared to discuss this responsibility with respect to the current preferred alternative and through additional alternatives and modifications that the existing alternatives presented. As stated in previous correspondence, alternatives that meet VA's goals and avoid adverse effects to the NHL should be given a higher level of consideration as part of NEPA and Section 106. In the final NEPA document, VA should be able to present how it has considered all prudent and feasible alternatives to avoid adverse effects to the Battle Mountain Sanitarium NHL.

Commenter G14: SD State Historic Preservation Office



January 13, 2016

Ms. Sandra L. Horsman
VA Black Hills Health Care System
113 Comanche Road
Fort Meade, SD 57741

Dear Ms. Horsman:

The South Dakota Office of the State Historic Preservation Officer (SHPO) has reviewed the draft Environmental Impact Statement (EIS) for the Reconfiguration of Veterans Affairs (VA) Black Hills Health Care System (BHHCS). We offer the following comments.

In a letter dated November 7, 2014 to Mr. Steven DiStassio, we advised against substituting National Environmental Policy Act (NEPA) for Section 106 of the National Historic Preservation Act (NHPA). It continues to be our experience that the substitution process is not an effective way for the VA to fulfill its responsibility under Section 106 of NHPA.

According to the document entitled "NEPA and NHPA, A Handbook for Integrating NEPA and Section 106", consultation is "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". The current process has failed to facilitate a productive dialogue between the VA and consulting parties. For example, Section 1.4 of the draft EIS indicates that a number of items were determined in consultation with the SHPO and other consulting parties. However, the actual format of the meetings did not allow for meaningful discussions with the VA. Discussion items determined to be off topic by the VA's consultant were placed on a list to be addressed at a later date. These items have not been addressed. As the federal agency responsible for compliance with NEPA and NHPA, we encourage the VA to take an active role in consultation. More importantly, it is essential that senior leadership with decision making authority participate in the consultation process to ensure meaningful and productive dialogue.

The draft EIS addresses only mitigation, but does not provide adequate information on ways to avoid or minimize adverse effects to the Battle Mountain National Historic Landmark (NHL) campus. A number of issues discussed throughout the draft EIS can be address through renovation

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DEPARTMENT OF EDUCATION {DOE.SD.GOV}

G14-1: See group response in Table E-2 of Appendix E relating to Integration of NHPA Section 106 Process.

G14-2: More consultation was planned following issuance of DEIS consistent with CEQ/ACHP Guidance on Substitution and 36 CFR Part 800.8(c). A full description of the measures to resolve adverse effects, including measures to avoid and/or minimize effects, is included in Section 5.2. More information about the development of those measures is included in Appendix C, NEPA/NHPA Substitution Process.

G14-1

G14-2

Commenter G14: SD State Historic Preservation Office

and adaptive reuse. Section 110(f) of NHPA requires the VA to the maximum extent possible, to undertake planning and actions that may be necessary to minimize harm to the NHL.

As for the proposed mitigation, we strongly discourage the VA from using mothballing as a mitigation technique. It is unclear if the VA has fully taken into consideration the expense associated with a comprehensive mothballing program. The VA has not provided enough information concerning how they will ensure that the buildings are maintained, as mothballed buildings require maintenance to prevent deterioration and vandalism. The draft EIS does not explain who will be responsible for the mothballed buildings, how often the buildings will be inspected and by who, and how any of the necessary maintenance projects will be accomplished and funded.

In addition, several of the bullet points outlined in Section 5.2.1.4 Managing Underutilized Real Property are considered adverse effects pursuant to 36 CFR 800.5. For example, transferring the property out of federal ownership is an adverse effect, as is mothballing the property for the reasons outlined above. Should the VA choose to pursue this line of mitigation, we recommend providing examples of other VA facilities where this type of mitigation has been successfully implemented.

Section 3.3.5.1 contains discrepancies between our records and the information provided in the draft EIS, such as the number of recorded and eligible properties located at the Michael J. Fitzmaurice South Dakota Veterans Home. Because this information relates directly to the identification of historic properties within the APE, we request the VA provide the SHPO with copies of documents used to determine the number of resources located in the Hot Springs and Rapid City APE.

The DEIS contains a number of statements that are unclear or not supported.

1. Page 15, "...older facilities are recognized as vulnerable to disaster and inaccessible to patients, caregivers, and other users." This is a gross mischaracterization of historic buildings. Buildings of a certain era, namely pre-World War II, tend to be built with higher-quality materials such as rare hardwoods and wood from old-growth forests that no longer exist. Extra thick walls and masonry were standard in older structures, and they can withstand the fiercest of tornadoes. Furthermore, numerous studies have clearly demonstrated that pre-war buildings were also built by different standards. A century-old building, such as the Battle Mountain Sanitarium, is oftentimes of much better quality in terms of materials and craftsmanship than a new structure, and is normally a much better long-term sustainable building than a newly built structure.

Additionally, according to research by the National Trust's Preservation Green Lab, "It can take between 10 and 80 years for a new, energy-efficient building to overcome, through

G14-3

G14-3: Following the advice of consulting parties, VA has committed to a long-term preservation program that goes beyond standard mothballing procedures. This plan will be developed by a professional in consultation with the SD SHPO and other parties.

G14-4: VA concurs that transfer out of federal control and mothballing are adverse effects.

G14-5: VA revised the identification of historic properties and cultural resources in Chapter 3 of the Final EIS.

G14-6: VA has revised this information. Please see revised Chapter 3 of the Final EIS.

G14-4

G14-5

G14-6

Commenter G14: SD State Historic Preservation Office

more efficient operations, the negative climate change impacts that were created during the construction process.”

Policy makers, with little or no knowledge of construction materials and workmanship, will often assume that it is preferable to build a new, energy-efficient building than to retrofit an older building to the same level of efficiency. Yet data from the U.S. Energy Information Administration (EIA) pointedly demonstrates that commercial buildings constructed before 1920 use less energy, per square foot, than buildings from any other decade of construction. Lastly, in terms of the Americans with Disabilities Act (ADA) requirements, previous studies commissioned by the Save the VA committee and the VA’s own independent architectural assessments have already disproven the concept that such alterations to the older, historic buildings on campus are cost-prohibitive. The economic and environmental advantages to reuse these buildings far outweigh the environmental and cost impacts of building entirely new facilities.

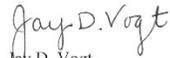
2. Page 349, 36 CFR 800.5(a)(2)(ii) notes that the Secretary of the Interior’s Standards are regulatory.
3. It appears that many of the maintenance concerns are the direct result of the VA’s poor record of maintenance at the facility. How does deferred maintenance factor into the current cost analysis to renovate the Hot Springs Campus?

Since the VA intends to conduct phased identification and evaluation, we strongly recommend the development of a programmatic agreement (PA). PAs can be beneficial for all parties participating in the Section 106 process by providing clarity to complex projects and establish a clear path to compliance.

Finally, we request the VA extend the review period of the draft EIS, which ends on February 5th. We recommend a minimum of a two month extension to ensure that meaningful consultation can occur between the VA and consulting parties.

Should you require any additional information please feel free to contact myself or Paige Olson at Paige.Olson@state.sd.us or (605) 773-6004.

Sincerely,



Jay D. Vogt

Director, South Dakota State Historical Society
 State Historic Preservation Officer

- cc: Advisory Council on Historic Preservation
 City of Hot Springs
 National Trust for Historic Preservation
 R. Christopher Goodwin and Associates, Inc.
 Save the VA
 VA Federal Preservation Officer

G14-7: 36 CFR §800.5(a)(2)(ii) does not state that use of the SOI *Standards for the Treatment of Historic Properties* is required, but that alteration of a property that is not consistent with the SOI *Standards for the Treatment of Historic Properties* in an example of an adverse effect. VA has detailed its commitment to use of the *Standards for the Treatment of Historic Properties* in Section 5.2.

G14-8: VA Engineering has maintained the buildings for over 100 years. See revised Section 2.3.5 for a more detailed cost breakout for each of the alternatives analyzed in the Final EIS.

G14-9: VA will commit to measures to resolve adverse effects in the Record of Decision.

G14-10: VA extended the review of the comment period, partially in response to consulting party request.

G14-7

G14-8

G14-9

G14-10

Commenter G15: National Park Service

Commenter G15: National Park Service

G15-1: VA answered this transmission. A copy of the April 2015 meeting summary is included in Appendix C, NEPA/NHPA Substitution Process.

From: Sanford, Dena [REDACTED]
Sent: Tuesday, January 19, 2016 12:33 PM
To: Katy Coyle
Cc: [REDACTED]

Subject: Re: [EXTERNAL] VA Black Hills Historic Properties Consultation

Thank you, Katy-

I do not have a copy of the summary for the April 27, 2015 conference call. Was one prepared and distributed?

-Dena

DENA SANFORD, ARCHITECTURAL HISTORIAN
HISTORY & NATIONAL REGISTER PROGRAMS
NATIONAL PARK SERVICE MIDWEST REGIONAL OFFICE
c/o AGATE FOSSIL BEDS NATIONAL MONUMENT
301 RIVER ROAD
HARRISON, NE 69346
[REDACTED]

G15-1

Commenter G16: National Park Service

From: Sanford, Dena [REDACTED]
Sent: Tuesday, January 12, 2016 7:09 PM
To: Katy Coyle
Cc: [REDACTED]

Subject: Re: VA Black Hills Historic Properties Consultation
Attachments: 21 Jan agenda_Draft for Comments ds.docx

Katy-

Attached are my suggested modifications to the agenda. At the bottom of the list is a suggestion to extend the period of review for the DEIS an additional two months. Given the number of issues raised, this would facilitate the completion of a meaningful consultation process under the National Historic Preservation Act, and best inform the VA prior to their production of a final EIS.

Thank you,

Dena Sanford

DENA SANFORD, ARCHITECTURAL HISTORIAN
HISTORY & NATIONAL REGISTER PROGRAMS
NATIONAL PARK SERVICE MIDWEST REGIONAL OFFICE
c/o AGATE FOSSIL BEDS NATIONAL MONUMENT
301 RIVER ROAD
HARRISON, NE 69346
[REDACTED]

G16-1

G16-1: This transmission related to the historic properties consultation meeting held January 21, 2016. The transcript of this meeting is available in Appendix C of the Final EIS.

Commenter G16: National Park Service

**VA BHHCS NEPA Historic Properties Consultation
VA Hot Springs Campus, Auditorium, Building 11
January 21, 2016 (9 a.m. to noon, 1:30 p.m. to 4:30 p.m.)**

Invited Participants

a. VA Officials

To be Determined - <title> - VHA
Sandra Horsman – Director - VA BHHCS
Jason Petti – Deputy Network Director – VISN 23
Chris Stomberg – Chief Financial Officer – VISN 23
Doug Pulak – Deputy Historic Preservation Officer – VA Central Office
Cynthia Doolittle – Acting Capital Asset Manager – VISN 23

Support staff:

Billie Jo Beal, Staff Assistant to Director - VA BHHCS
Teresa Forbes, Public Affairs Officer - VA BHHCS
John Henderson, Chief of Facilities Management – VA BHHCS
Luke Epperson, Staff Assistant, VA BHHCS
Glenn Wittman, VA Office of Construction and Facilities Management

b. Consultants

Labat Environmental, Inc. – Christine Modovsky, Project Manager
R. Christopher Goodwin & – Katy Coyle, 106 Consultation Lead
Assoc., Inc, (replacing SWCA) Kelly S. Wittie, Historic Preservation
Specialist

c. Consulting Parties

Advisory Council on Historic Preservation:

- Chris Daniel, VA Liaison
TBD, Office of Federal Agency Programs
State Historic Preservation Office
Indian Tribes
Government Representatives
- NPS, Midwest Region: Dena Sanford, History and National Register Programs;
 - NPS, Midwest Region (potential virtual attendee via telephone conference call): Nicholas Chevance, Regional Environmental Coordinator

Consulting Parties

Commenter G16: National Park Service

Agenda

1. Introductions

2. Clarifications in the Ground Rules

- Ensure the consultation is a discussion process to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties.
- Given the combined NEPA/NHPA process, dialogue should not exclude any information provided in the DEIS.

3. Where we are in the consultation

- Address status of VA's compliance with the "Consolidated and Further Continuing Appropriations Act, 2015"
- The last consultation was a conference call in April 27, 2015. While a follow-up email requested comments on information distributed prior to the call (effects table), or suggestions for additional considerations regarding the proposed resolutions, a follow-up summary was never distributed to the parties. It would appear this discussion was never completed?
- Given time constraints of past consultation meetings, "Parking Lot" issues were never discussed; rather they appear to have been unilaterally addressed by the contractors and the VA in summary narratives distributed by the contractors. This negated the purpose of consultation.
 - a. Definition of the Undertaking
 - b. Area of Potential Effect
 - Consulting parties continue to disagree with the APE boundary excluding Fort Meade. If the undertaking is the "Reconfiguration of the BHHCS," as noted in the DEIS, what changes completed or proposed for Fort Meade either directly or indirectly (physically or operationally) are associated with reconfiguration (NEPA process begun in 2011)? (This may include surgery, urgent care, laboratory and pharmacy work, or other services.) Does the planned redesign of the Fort Meade SPS and update to the surgery tower reflect an expected increase in services at Fort Meade directly or indirectly associated with the closure of Hot Springs?
 - c. Identification of Historic Properties
 - See above item

4. New alternative to be considered and analyzed

Utilizing Building 12 as potential location for Hot Springs CBOC

- This represents a positive response to the Section 106 and 110 consultation process, and the concerns raised by consulting parties and the public. However, per the directives of 36 CFR §800.6(a) and §800.10(a), other alternatives may also be viable, in order to undertake planning and actions that to the maximum extent possible avoid adversely impacting the NHL. A number of questions addressed as part of

Commenter G16: National Park Service

consultation would contribute to meaningful discussions about avoiding or minimizing adverse impacts:

- A primary justification for leaving the historic facility is the scope and cost of rehabilitation of the buildings. The totals for various treatments are provided in the DEIS, but not the supporting data upon which was based cost estimates. Review of such information would be informative to the consultation process, and answer such questions as: What were the specific use and treatments considered for each building? How was ADA/ABA compliance incorporated into this, considering ABA Chapter 2, F223.2.1 and F2232.2? How were concepts behind the VA's "recovery model of care" applied to the existing facilities/were rehabilitation design concepts developed that would meet the care model? Was a critical evaluation done of space needs, with architecture and engineering analysis of each building?
- Depending upon the level of detail considered for rehabilitation and associated costs, did the AE firm have previous historic preservation experience with the Secretary of the Interior's Standards?
- Related to cost calculations for rehabilitation, what actions were envisioned for "mothballing" in the preferred alternative, and upon what information were cost estimates derived?
- What is the definition of "quality care" and how does that relate to the age of a structure? Has Hot Springs failed inspections in the past? Did the VA contact or consult peers regarding rehabilitation precedence at other medical facilities such as the Henry Ford Health System (Detroit, MI), and the Northern Arizona VA Medical Center (Prescott)?
- The Save the VA proposal provided extensive responses that contradict data provided in the DEIS, on a number of issues. These include a difference of \$2.8 million more in operational costs at Fort Meade compared to Hot Springs (Appendix B); the benefit of locating an RRTP in a small community (Appendix C) for PTSD vets; and economic impacts to Hot Springs (Appendix J). What is VA's response to this data?
- Regarding the transfer of services to local communities, what data was obtained to determine the capabilities of local communities within the BHHCS, including Hot Springs, to provide the necessary services to veterans, particularly those with special mental health needs? The Fall River Hospital Committee White Paper, Appendix A in the SVA proposal, indicates that the facility does not have such capabilities. Other statements have been made expressing concern about the ability of Indian Health Services to meet service needs.
- Regarding statements from American Indians attending various open house meetings, and an apparent preference for Hot Springs as a service provider, what is the distribution of primary care within the VA BHHCS facilities for those from the poorest counties in the catchment area (about 1/3 of the counties rank between 51st to 66th poorest among the 66 counties in SD, all are fully or partially located on reservations; five counties rank between 11th

Commenter G16: National Park Service

to 2nd poorest in the nation)? Should this be a factor in consideration of the DEIS' environmental justice section?

5. Discussion of Adverse Effects

- A distinction should be made between the effects of VA vacation of the campus, and rehabilitation of historic structures consistent with the Secretary of the Interior's Standards (not considered an adverse effect), to allow for continued use by the VA. The interiors of buildings 1-12, as noted in the 2012 "Renovation Impact Review," have been previously modified, and the most important "Class A" spaces are greatly outnumbered by "Class B" and "Class C" space. This means that there is a great range of new design potential that can be undertaken without adversely affecting historic character—it would be inaccurate to assume that rehabilitation of the existing RRTP buildings would be "severely restricted" due to NHL designation.

6. Introduction of Mitigation Measures

- See item 4.
- As was pointed out by the contractors at the December 2015 public meetings, following receipt of public and consultant comments on the DEIS, the VA is to consider such comments in preparing a final EIS. Consideration may result in modification of a preferred alternative. If the VA is considering modifying their preferred alternative, discussing mitigation seems premature.
- In developing a final preferred alternative, the VA must comply with Sections 106(a) and 110(f) of the NHPA. (54 U.S.C. 306101(a), and 54 U.S.C. 306107). What consideration has the VA given to the use, to the maximum extent feasible, of historic properties available to the agency? What is the VA's documentation of considering prudent and feasible alternatives to avoid adverse effects to an NHL (Section 110(f))? If avoidance is impossible, what can be done to minimize adverse effects? If there are no options for minimization, then the next consideration is mitigation. Alternative E suggests an option for avoiding adverse impacts, Alternative C minimizes adverse impacts. The preferred alternative proposes mitigation. Because other options are available, and which may be prudent and feasible, the VA should seriously consider public and consultant comments, undertake all necessary data collection (possibly including detailed cost estimates for rehabilitation), and consider a preferred alternative that avoids or minimizes adverse impacts.

7. Next Steps

- Administrative Record: The DEIS does not contain official (or informal, public comments at open houses) correspondence from the consulting parties regarding NHPA/NEPA consultation to date, only letters issued by the VA or its consultants. What was the rationale for this?
- Allow a two-month extension of DEIS comment period, allowing VA to take into consideration the conclusions of this consultation meeting, and collect additional information or research as necessary.

Commenter G17: Hot Springs Historic Preservation Commission

Commenter G17: Hot Springs Historic Preservation Commission

From: [REDACTED]
Sent: Thursday, January 14, 2016 4:36 PM
To: [REDACTED]
Subject: Comments or Questions for EIS meeting 1/21/16

Hello, the following questions are being submitted by the Hot Springs Historic Preservation Commission, for consideration.

- (1) We would like to address 4.15 Environmental Justice, referring to the VA statement that VA BHCHS will send Native American Veterans to IHS hospitals.
- (2) Mothball costs of possible vacated Landmark buildings, and the estimated costs VA BHCHS provided, versus what Sec. Shinseki provided to congress.
- (3) Cost analysis from JLL & VA BHCHS dated May of 2012, prior to the deadline for submitting alternate solutions to the VA BHCHS reconfiguration of services. We need the documents used to determine that the alternate proposed submissions were treated equally.
- (4) How has the VA addressed the Sacred sites of the Sioux Tribal Council, within the Landmark Campus?
- (5) If the VA enters into a EUL agreement with other parties, how will unrestricted access to the Native American Sacred sites be ensured? (if the property is vacated).
- (6) Does the VA consider the significance of a National Landmark property when evaluating and estimating construction, and or Mothballing costs? (What Preservation experts were involved)?
- (7) Doesn't the downtown Central Hot Springs "meet the very definition of Sustainable Locations" as defined by the VA, and executive order?
- (8) If the VA renovates the existing Landmark buildings, won't they comply with the executive order "Preserve America"?
- (9) Has the VA involved Historic Preservation experts to help manage the 1700+ Historic properties that they own? (to better comply with NEPA, NHPA, and section 106, EIS processes)?
- (10) Does the VA consider that if contractors are contracted to assist with cost benefit analysis of using, or vacating Historic properties, these contractors need to have Historic Preservation experience? To avoid, complications, and or address these issues "Early in this process"?

Thank you for considering these issues, and questions for the 1/21/16 EIS Consultation meeting.

Pat Lyke,
Hot Springs Historic Preservation Commission.

G17-1

G17-1: This transmission related to the historic properties consultation meeting held January 21, 2016. The transcript of this meeting is available in Appendix C of the Final EIS.

Commenter G18: Advisory Council on Historic Preservation



Preserving America's Heritage

February 10, 2016

Janet P. Murphy
Acting Deputy Under Secretary for Health for Operations and Management (10N)
Veterans Health Administration
Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420

Ref: *Proposed Reconfiguration of VA Black Hills Health Care System
Hot Springs, South Dakota*

Dear Ms. Murphy:

The Advisory Council on Historic Preservation (ACHP) appreciated the opportunity to attend the recent January consulting party workshop held in Hot Springs regarding the Department of Veterans Affairs' (VA) proposed Black Hills Health Care System (BHHCS) reconfiguration.

Foremost, we would like to commend VA and its contractors for facilitating an open and productive consultation meeting. Particularly, the attendance of Ms. Fiotes, VA's Senior Policy Official, afforded the opportunity for VA leadership to speak directly and with authority to the development and selection of alternatives that could avoid, minimize, or mitigate adverse effects to the Battle Mountain Sanitarium, National Historic Landmark (NHL). Additionally, the efforts of staff from BHHCS and the Midwest Health Care Network, particularly Director Horsman and Cynthia Doolittle, allowed the participants to address many of the long-standing consulting party concerns.

Unfortunately, due to time constraints, the parties were unable to address all the items outlined in the agenda, and it was mutually agreed that another meeting in the near future would be necessary to address the remaining concerns. The ACHP stands ready to participate in such discussions; moreover, we believe that the continued involvement by those individuals mentioned above will assist VA in successfully concluding its Section 106 review for the reconfiguration.

During the meeting, VA and consulting parties raised several questions regarding the next steps in continuing consultation, the timing related to opportunities for public comment, and the process for raising and resolving objections under the Section 106/National Environmental Policy Act (NEPA) substitution process. Based on the information provided at the meeting, the ACHP recommends that VA continue to consult with the parties (pursuant to 36 CFR § 800.8(c)(1)) with particular attention to identifying alternatives to the undertaking and to further refine measures that might avoid, minimize, or mitigate adverse effects to (historic properties/the NHL).

ADVISORY COUNCIL ON HISTORIC PRESERVATION
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Commenter G18: Advisory Council on Historic Preservation

Because we anticipate significant changes to the proposed alternatives and minimization and mitigation efforts discussed in the current draft EIS as a result of the consultation process, the ACHP recommends VA consider either 1) extending the existing public comment period beyond the current March deadline or 2) provide for an additional public comment period once the final EIS is published (40 CFR § 1503.1(b)) but before the Record of Decision (ROD) is issued. Both of these approaches would allow the consulting parties and the public the opportunity to review and comment on the proposed revisions.

It is our recommendation that Option 1, the extension of the existing comment period with sufficient time for continued consultation and additional public comment, would best meet the intent of the environmental document review process outlined in 36 CFR § 800.8(c)(2). If Option 1 is preferred by the VA, the ACHP recommends VA use Appendix C of the draft EIS to document any agreed upon changes and substantial outcomes of the continued consultation effort. VA could provide a revised Appendix C, during the extended public comment period, to consulting parties and the public for review and comment. VA could then utilize this document, along with consideration of any received comments, in developing the final EIS and ROD.

The ACHP believes that both of the above approaches would provide a suitable opportunity for VA to continue consultation and for parties and the public to review and comment on the document. This time period would also allow the consulting parties, if they believe VA did not adequately meet the standards set forth in 36 CFR § 800.8(c)(1), the opportunity to raise an objection under 36 CFR § 800.8(c)(2)(ii). Any objection raised would be handled in accordance with the process outlined in § 800.8(c)(3) and further detailed within the *NEPA and NHPA: A Handbook for Integrating NEPA and Section 106*.

As always, we look forward to assisting VA in this consultation and working with VA to carry out its Section 106 compliance responsibilities. We appreciate your consideration of our comments and recommendations on these issues, and look forward to your response as we move forward. If you or your staff have any questions or require further clarification, please contact me directly at 202-517-0206 or nelson@achp.gov at any time.

Sincerely,



Reid J. Nelson
Director
Office of Federal Agency Programs

G18-1

G18-1: In accordance with this guidance from the ACHP, VA chose to extend the comment period to provide more time for consulting parties and members of the public to comment on the draft EIS (Option 1 as detailed in this letter).

Commenter G19: National Park Service

Commenter G19: National Park Service



United States Department of the Interior
National Park Service
Midwest Regional Office NRHP: KS, ND, NE, MI, SD
c/o Agate Fossil Beds National Monument
301 River Road
Harrison, NE 69346



IN REPLY REFER TO:

8.A.4. (H3417 MWR/CR-NRHP)

February 12, 2016

Ms. Sandra L. Horsman, Director
Department of Veterans Affairs
Black Hills Health Care System
113 Commanche Road
Fort Meade, SD 57741

Dear Director Horsman:

On behalf of the National Park Service (NPS), I would like to thank the Department of Veterans Affairs (VA) and its contractor for conducting the January 21 consultation party meeting regarding the proposed Black Hills Health Care System reconfiguration, and the future of the Battle Mountain Sanitarium National Historic Landmark (NHL). The participation of yourself, Senior Policy Officer Stella Fiotes, and other VA staff facilitated the discussion of outstanding concerns raised by the consulting parties regarding the draft Environmental Impact Statement (EIS), and the National Historic Preservation Act (NHPA) Section 106/National Environmental Policy Act (NEPA) substitution process.

Because the one-day meeting was insufficient to address all agenda items, another meeting has been scheduled for February 17. Pursuant to 36 CFR §800.8(c)(1), the enclosed document is intended to inform the discussion on means of avoiding, minimizing or mitigating adverse effects to the NHL. The document also serves as NPS comments on the draft EIS.

The agenda for the February 17 includes the topic of next steps for compliance with the Section 106/NEPA substitution process. The NPS agrees with recommendations by the Advisory Council on Historic Preservation in their February 10 letter to VA Acting Deputy Under Secretary Janet Murphy to extend the public comment period beyond the current March 6 deadline. The consultation process suggests that significant changes will be made to the alternatives, and possibly to the content of the draft EIS. Extending the public comment period will allow the public and consulting parties to review and comment on the revisions. In this way, the VA would meet the intent of 36 CFR §800.8(c)(2), regarding the environmental review process. Regarding the revised EIS, the NPS suggests that the document include correspondence submitted by the public and consulting parties, as part of the administrative record. Information on budget expenses should also be updated to the present fiscal year.

I look forward to further participation in the NHPA/NEPA process. If you have questions on the enclosed document, please contact me at 308-436-9797 or dena_sanford@nps.gov.

Sincerely,

/s/

Dena Sanford
Architectural Historian

G19-1: VA utilized the *Battle Mountain National Historic Landmark Assessment of Significance, Assessment of Likely Adverse Effects, Recommended Measures to Avoid, Minimize, or Mitigate Adverse Effects* prepared by the NPS and dated February 12, 2016, to inform live consultation with historic properties consulting parties on February 17, 2016, and utilized the document in development of draft and revised measures to avoid adverse effects. A copy of the document has been included in the administrative record and is available in Appendix C, NEPA/NHPA Substitution Process.

G19-1

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Enclosure

cc:

Ms. Kathleen Schamel, VA Federal Preservation Officer, Office of Construction and Facilities Management (00CFM1), 810 Vermont Ave NW, Washington DC 20420

Mr. Doug Pulak, VA Deputy Federal Preservation Officer, Office of Construction and Facilities Management (00CFM1), 810 Vermont Ave NW, Washington DC 20420

Mr. Jay Vogt, South Dakota State Historic Preservation Officer, South Dakota State Historical Society, 900 Governors Drive, Pierre, SD 57501

Mr. Christopher Daniel, Advisory Council on Historic Preservation, 401 F Street NW, Suite 308, Washington, DC 20001-2637

Mr. Jeffrey Durbin, 106 Compliance Manager, National Park Service, WASO, 1201 Eye Street, NW 7th Floor, Washington, DC 20005

Superintendent Vidal Davila, Wind Cave National Park, 26611 U.S. Highway 385, Hot Springs, SD 57747-9430

Mayor Cindy Donnell, City of Hot Springs, 303 North River, Hot Springs, SD 57747

Mr. Pat Russell, Save the VA Chair, P.O. Box 851, Hot Springs, SD 57747

Ms. Amy Cole, National Trust for Historic Preservation, Denver Field Office, 1420 Ogden Street, Suite 203, Denver, CO 80218

Ms. Jennifer Buddenborg, National Trust for Historic Preservation, Denver Field Office, 1420 Ogden Street, Suite 203, Denver, CO 80218

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**Battle Mountain Sanitarium National Historic Landmark
Assessment of Significance, Assessment of Likely Adverse Effects
Recommended Measures to Avoid, Minimize, or Mitigate Adverse Effects
February 12, 2016**

Prepared by the National Park Service, Midwest Regional Office (Dena Sanford)

INTRODUCTION

Acting as the lead agency on behalf of the Secretary of the Interior in administering the National Historic Landmarks (NHL) program, the National Park Service (NPS) is responsible for the monitoring of NHLs and ensuring they retain the qualities and characteristics that led to their designation. It is the goal of the NPS NHL program to ensure the long-term preservation of these nationally significant properties designated by the Secretary of the Interior. The Secretary of the Interior designated Battle Mountain Sanitarium, a branch of the National Home for Disabled Volunteer Soldiers, as an NHL in 2011. In 2015, the NPS received the draft Environmental Impact Statement (DEIS) that defines the alternative plans developed by the Department of Veterans Affairs (VA) for the reconfiguration of the VA Black Hills Health Care System (BHHCS).

The DEIS preferred Alternative A, proposes that the VA would vacate the Battle Mountain Sanitarium NHL campus, and lease or build a new, 16,711 square-foot Community Based Outpatient Clinic with 100 parking spaces in Hot Springs, on approximately 5 acres of land. The VA would lease or build a facility in the Rapid City area at a single location, to serve as a Multi-Specialty Outpatient Clinic (MSOC) and 100-bed Residential Rehabilitation Treatment Program (RRTP), requiring a facility up to nearly 145,000 square feet, with 620 parking spaces, on up to 17 acres of land. Certain medical services would be provided in the new facilities, while others would be provided through locally-purchased care. In combination with Supplemental Alternative G, the NHL would be available for re-use by others. Re-use could involve a range of possible options that involve continued ownership by the VA, or new ownership following transfer or sale of the property using available authorities.

The central issue of how and where to best provide care services to United States veterans is a matter of intense concern involving a number of stakeholders, including the Congressional delegation from South Dakota, Nebraska and Wyoming, and the South Dakota governor. The level of concern also extends to the affects the preferred alternative may have on the Battle Mountain NHL. This has prompted the National Trust for Historic Preservation and the South Dakota State Historic Preservation to ask the Advisory Council on Historic Preservation (the Advisory Council) to formally request from the Secretary of the Interior the preparation of a "Section 213" report. As provided in §36 C.F.R. 800.10(c), a Section 213 report is intended to aid an evaluation of the preferred alternative by "detailing the significance of the property, describing the effects of proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects."

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The Advisory Council has not yet requested a Section 213 report. In their December 21, 2015, letter to Acting Deputy Under Secretary for Health for Operations and Management, the Advisory Council provided a number of recommendations to assist the VA in completion of the consultation process. To assist the VA in completion of the Environmental Impact Statement (EIS), and the integrated consultation processes required by the National Environmental Policy Act of 1969 (NEPA), and the National Historic Preservation Act of 1966, as amended (NHPA), the following pages address the information that would be included in a Section 213 report. This document speaks on behalf of the historic resource and explains how the VA plans would affect the Battle Mountain Sanitarium NHL, a resource that is by definition one of the most important cultural, architectural and historical properties in the United States.

The report is arranged as follows:

I.	Summary Statement	Page 3
II.	Significance	Page 5
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	o Battle Mountain Sanitarium	Page 7
III.	Assessment of Integrity	Page 9
IV.	Effects of the Proposed Undertaking	Page 13
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	o Expanded Assessment of Effects—Indirect and Direct Effects	Page 15
	o Expanded Assessment of Effects—Cumulative Effects	Page 16
	o Expanded Assessment of Effects—Reasonably Foreseeable Future Actions	Page 17
V.	Recommended Measures to Avoid, Minimize or Mitigate Adverse Effects	Page 18
	o Avoid Adverse Effects	Page 20
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The NPS finds that the preferred Alternative constitutes an adverse effect to the NHL. The preferred alternative would have a substantial cumulative adverse effect on the NHL district, as it would diminish several aspects of the property's integrity, and because it allows for the potential serious, permanent destruction of critical character-defining features and resources. The preferred alternative proceeds directly to mitigation measures to resolve adverse effects associated with campus closure. It does not present consideration of reasonable modifications to the undertaking to avoid or minimize adverse impacts. The suggested mitigation measures are also inadequate to ensure avoidance of adverse effects and the long-term preservation of the resources.

The NPS does not question the VA's mission to provide the best possible care to U.S. veterans. However, we are not convinced that sensitive rehabilitation of the historic buildings to provide quality care cannot be undertaken cost-effectively. The NPS therefore suggests that the VA reevaluate the preferred alternative to consider reuse of all or some of the historic buildings on the medical campus. Reevaluation should consider data provided by various consulting parties, and entail additional research and assessment as necessary. The VA should consider maintaining a presence on the historic campus, which would give the strongest potential for successful preservation and use of the property. In this way, adverse effects to the NHL would be avoided or minimized.

Should continued occupation and use by the VA be determined infeasible, the NPS suggests leased reuse of the property that ideally supports medical services and veterans. This would minimize adverse effects. Reuse should be demonstrably achievable before a final alternative is approved. A marketing plan may be necessary to adequately promote the reuse potential of the site, and to identify potential, appropriate lessees. Some continued level of presence, and administrative involvement by the VA, or by a joint entity that includes the VA, would allow greater potential for successful preservation and reuse. Guiding the decision-making process would be specific preservation treatment prescriptions for each resource and design guidelines. Input on such documents would be provided by the South Dakota State Historic Preservation office and the NPS, following the *Secretary of the Interior's Standards* (the *Standards*). Lease agreements should be very specific to ensure appropriate treatment will be undertaken, within a reasonable time frame. Specific responsibilities for oversight and enforcement would be required, with penalties for failure to comply with treatment guidelines or reuse deadlines. The VA should not vacate portions. A Programmatic Agreement should be the tool to record actions and responsibilities, with annual reporting on the status of progress, submitted by the VA to the signatory parties. Vacation of all or part of the campus property should not be undertaken until lease agreements are established.

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Complete vacation of the NHL campus by the VA has the greatest potential to impact the NHL, and should only be taken with an even more robust program for mitigation than that described above, to address minimizing adverse effects. Transfer of ownership to another entity should be demonstrably achievable before a final alternative is chosen. Confirmation should be determined through a feasibility study and solicitations of interest to determine market interest. The establishment of an advisory committee, similar to that recommended described for the lease scenario, might assist the VA in determining market interest, and for developing long-range planning and preservation goals. A marketing plan may be required, with a commitment by the VA to actively solicit new owners within an established timeline. Specific preservation covenants should be attached to the deed(s), with the identification of an entity legally and fiscally able to enforce the covenants. Preservation covenants should include provision for design review and approval by an assigned entity. The VA should not vacate the property until a new owner or owners have been confirmed.

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II. SIGNIFICANCE

Battle Mountain Sanitarium NHL is a 52.95-acre district occupying a highly visible site on a plateau overlooking the canyon of Fall River and the historic warm-water mineral springs health resort district in Hot Springs, South Dakota. The therapeutic qualities of the local waters and the high elevation and dry atmosphere prompted Congress to establish the sanitarium in 1902 as a medical facility for disabled veterans. Local citizens donated land and owners of nearby mineral springs granted rights for use by the facility. Battle Mountain Sanitarium has been in continuous operation as a federal medical facility since its opening in 1907. It originally treated musculoskeletal conditions and respiratory illnesses. The NHL is now a unit of the BHHCS, and provides in-patient and out-patient treatment, substance abuse programs, and transitional housing. It is the oldest facility specifically dedicated for medical (rather than residential) care in the VA health system.

The Secretary of the Interior designated Battle Mountain Sanitarium as an NHL on June 17, 2011, nationally significant for its associations with the development of governmental health and medicine institutions. This designation represented the culmination of an effort begun in 2004, when VA Secretary Anthony Principi officially proposed to the Department of the Interior a working relationship between the Department of Veterans Affairs and the National Park Service in order to assess the significance of the eleven branches of the National Home for Disabled Volunteer Soldiers (the National Home). The National Home represents a federal policy of veterans' benefits that directly influenced the development of a national system for veteran health care in the United States. As such it is a precursor to the modern system of veteran's benefits administered by the VA.

The National Home system was created in 1865 by act of Congress and the signature of President Abraham Lincoln. Spurred by concerns for the care of the country's Civil War veterans, between 1866-1929 eleven National Home branches would be established across the country. Battle Mountain Sanitarium is distinguished among the eleven branches because of its specific purpose as a medical facility, whereas earlier National Home branches were established as multi-purpose residential facilities. Battle Mountain Sanitarium's period of national significance spans from 1902, the year of its establishment by Congress, to 1930, when the National Home for Disabled Volunteer Soldiers system was incorporated into the newly created Veterans Administration, thus ending the National Home's status as an independent entity.

The National Home for Volunteer Soldiers—Historic Context

The National Home was a notable departure from the previous focus on care for professional soldiers and officially set forth the concern and commitment of the federal government for the

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well-being of the civilian soldier. The Battle Mountain Sanitarium NHL reflects changes to the National Home system that occurred with the expansion of membership and medical needs. It is the embodiment of the National Home's managing board insistence that the veterans and the public view residence and treatment at the National Home as a reward for service. As at other National Home branches, Battle Mountain Sanitarium also reminded citizens of the federal government's support of veterans and helped forge a link between the public and the government.

The National Home institution evolved over five distinct phases, reflecting changes in the managing board's policy regarding admissions and medical care. The first National Home in Togus, Maine, was established in 1866 to care for Union Army volunteer veterans of the Civil War with service-related disabilities. Veterans admitted membership were provided living quarters, basic medical care, wage-earning work, recreation and entertainment. Cemeteries were established at these facilities to provide a final benefit—perpetual burial among comrades. Subsequent expansion of admittance standards allowed disabled veterans of all U. S. wars and military actions eligible to enter National Home facilities. Membership was not restricted to service-related disabilities but included the effects of old age. In the twentieth century, the National Home population began to shift from elderly Civil War veterans to young servicemen and servicewomen with medical or psychiatric problems. As medical benefits for veterans expanded and their needs became more complex, the National Home mission increasingly focused on that care. Until World War I, National Home members were the only veterans receiving government-provided medical care regardless of the cause of illness or disability. After the onset of World War I, other federal programs utilized and supported the institution's functions. With the establishment of the Veterans Administration (precursor to the VA) in 1930, the National Home and its functions became the responsibility of a large agency for whom standardization was an important tool for efficiency and cost effectiveness.

The National Home's policies and practices were physically reflected in the branch campuses, and the architecture and landscape of each National Home branch was designed specific to each site. The noteworthy buildings and parklike, designed landscapes reflect a commitment to provide visually attractive, restful and comfortable institutions that would be a source of pride for veterans and instill respect for them among the general public. The National Home branches were located in rural settings, sufficiently close to urban areas to allow for ease of supply, but far enough away so that members were less likely to be tempted by urban vices. A variety of scenery and other attractions entertained both patients and the visiting public. The National Homes provided a variety of educational and recreational opportunities, and included chapels, theaters, libraries, billiards halls, and musical bands. With facilities boasting grand buildings located on prominent sites and surrounded by well-kept grounds, the National Homes also became in effect public parks and entertainment complexes for the communities near which they were located.

An additional three of the eleven original National Home branches have been designated as NHLs for their ability to most fully represent other specific periods of development—the Northwestern Branch in Milwaukee, Wisconsin; the Western Branch in Leavenworth, Kansas; and Mountain Home in Johnson City, Tennessee. All have individually distinct appearances and layouts which reflect their particular histories.

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Battle Mountain Sanitarium

Battle Mountain Sanitarium outstandingly represents the evolution of the National Home from a primarily residential system to one offering high quality and specialized medical services to veterans. As with previous National Homes, its placement takes advantage of local topography to create distinctive views and evoke special responses. It is sited on a geographically prominent location—a clear statement of federal presence.

The dominant resource on campus is the hospital complex. The striking design by Architect Thomas R. Kimball placed the hospital complex at the highest point of the bluff, and included an administrative/ hospital building, six hospital wards, two plunge baths, a mess hall/kitchen, and a library/chapel/ amusement hall, collectively known today as the Domiciliary. Kimball's Mission/Spanish Colonial Revival style pavilion plan drew on existing theories of panoptical or radial plans as a means to advance patient care. The arrangement is circular, with the various buildings connected to a central arcade as spokes on a wheel. The design enabled staff to efficiently care for a large number of patients, segregated patients by diagnoses in order to prevent contagion, and allowed for optimal air circulation. All wards were oriented to include a sheltered porch on one side, and full-sun exposure on the other. Rather than steps, ramped passages connected the arcade to individual wards. This facilitated both moving patients in wheelchairs and transporting equipment. The wide arcade, with its tall casement windows and arched transoms, made for a light-filled space that included several lounging areas for patients, staff and visitors. A service tunnel below the arcade housed plumbing, heating and lighting services, and included a tramway for food distribution.

The size and scope of the facility required a number of auxiliary buildings. Kimball designed a power plant, refrigeration plant, engineering building, stable, carriage house, and four houses for officers and staff. A conservatory grew flowers and seedlings for garden vegetables. Within eight years were built two more wards, additional quarters, a bandstand, a new library/chapel and amusement hall, and a root cellar. The Home Band concerts were particularly important to the men as well as townspeople and visitors, with concerts held almost nightly in the illuminated bandstand. A grand staircase connected the Sanitarium to the valley floor, physically and symbolically linking the National Home with the local community. Later additions built to care for an increase of patients include the 1926 Veterans Bureau Hospital (originally used for tuberculosis patients), and 1920s medical staff housing, represent the evolution of veterans' medical benefits.

Compliments Kimball's work, Landscape Architect George E. Kessler's landscape is an integral and contributing resource to the NHL. There are three intact components to the landscape: one designed to support medical and therapeutic needs; another associated with the cemetery; and the third for the residential area. A fourth agricultural component is no longer present. The grounds of Battle Mountain Sanitarium are not as extensive or elaborate as those of other National Home branches. The facility's relatively small scale, its site on a bluff above a resort community, its views of surrounding mountain foothills, and its role as a medical rather than a residential facility may have eliminated the motivation for the more elaborate landscaping.

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The overall design for the medical grounds includes open spaces, a pond, selective screening and ornamental plantings, and broadly curving roads and walkways that defined the hospital complex and the residential area. At the center of the administration/hospital complex is a courtyard that once included an ornamental fountain. Support facilities are located to the rear (northeast) of the hospital complex, their presence visually reduced both by their placement downslope of the complex, and the strategic planting of trees and shrubs. Staff housing is concentrated south of the hospital complex, arranged about a loop road. East of the main complex once grew a variety of fruit trees; and in a small canyon, ground was leveled to create a baseball field (both gone). The road system also links to the 8.65-acre Hot Springs National Cemetery northeast of the campus. Nestled at the foot of Battle Mountain, the Cemetery's sloping site is largely beyond views from all of the buildings, but affords scenic vistas of the Black Hills to the northwest. At the apex of the hill overlooking the cemetery stands a sandstone obelisk.

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III. ASSESSMENT OF INTEGRITY



Battle Mountain Sanitarium exhibits a high degree of integrity of location, setting, design, materials, workmanship, feeling and association. That is, the NHL is outstandingly able to convey its historical association and attributes through the presence of its essential physical features. The following description provides a summary of its character-defining features.

As it has since construction, the complex dominates the downtown Hot Springs skyline. Although mature vegetation partially screens the facility from the turn of the century commercial district at its feet, the multi-story Domiciliary continues to be a commanding presence at the top of the bluff. The views and vistas from Battle Mountain Sanitarium testify to the National Home criteria of placing facilities in rural, restful settings. The specific orientation of the Domiciliary and other resources shows a sensitivity to the qualities of the site, providing scenic views of distant hills to the southeast, wooded foothills to the north, and the red and buff-hued bluffs to the west. It was an amenity enjoyed by National Home members (patients), staff and visitors. The placement and design of the wards, with numerous tall windows and full-length porches on one northward-facing sides, also provided access to fresh air and cooling breezes that pass over the bluff top, while the windows bathed the interiors with natural light.

Battle Mountain Sanitarium is remarkably intact as planned and designed by architect Thomas Kimball and landscape architect George Kessler. It is an attractive, well-designed institution that for over 100 years has provided a dignified home and source of medical treatment for disabled veterans. The radial design of the Domiciliary, with its integrated wards, innovative ramps, connecting arcade and inner courtyard, is a primary character defining feature of the NHL. Its original concept reflects a combination of innovative design theory, careful site placement, and quality construction materials.

The visual cohesiveness of the facility is anchored by the predominant use of locally-quarried, pink sandstone, red clay tile roof shingles, and design of many of the buildings in the Mission/Spanish Colonial Revival style. The construction material and incorporation of elements of the Romanesque Revival/Richardsonian Romanesque style also visually connect Battle Mountain to the predominant historic commercial architecture of downtown Hot Springs, which is listed on the National Register of Historic Places. Within the Domiciliary, the consistent presence of heavy timber wood porches visually distinguishes the ward exteriors. Other stylistic characteristics include decorative wood brackets and rafter tails at the roof eaves; multi-light wood windows set within openings trimmed with ashlar quoins; ashlar string courses that create continuous window lintels for first and second floor windows; and semicircular arches above upper floor windows.

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A second level of visual cohesion within the facility is the application of the Colonial Revival and Neoclassical style to the frame residential buildings. They are distinguished by the presence of clapboard or shingle siding, front porches, gabled or hipped roofs, multi-light double hung windows, bay windows, sandstone foundations, and sandstone chimneys. These buildings are located south of the Domiciliary, in a park-like setting of detached residences and apartments that face a central loop road. The road defines a central shared park and playground. Administrative rank within the organization is indicated by home size and location; the largest being the Governor's (now Director's) house, at the highest point of the residential area. This is the only house not immediately facing the park, but rather looks out on views across the valley. Individual homes for other National Home officers are arranged along the central loop road, followed by duplexes at the far end. Across the park are apartments originally built for nursing staff, housing built closest to the 1926 hospital.

The landscape as Kessler designed it is essentially unchanged. While not elaborate, the intact landscape design uses the plateau's topography to emphasize or deemphasize building groups, and to inform building and National Cemetery placement. The Domiciliary dominates the site, while service buildings and staff housing are situated on lower elevations. The National Cemetery commands an elevated and sloping site removed from views of the hospital complex. The road system, sidewalks, plantings and spacing between building groups reflects consideration for presentation of the facility as it would have been experienced by members, visitors and staff. A formal approach is created by a road that climbs the side of the bluff from the valley floor. This allows for a slow reveal of the staff housing, followed by a graceful turn to the top of the bluff and views of the Domiciliary. Travel concludes at the porte-cochere of the main building. Other opportunities to experience the property and to connect with the public were provided in the grand staircase and bandstand.

Nearly all key buildings and the designed landscape are intact. Thirty-eight of forty-nine resources within the district contribute to the period of national significance, and many of the original buildings continue to be used for their original purposes. The focus of the campus, the Domiciliary, continues to provide services and space for veteran patients, dining facilities, and storage. Post-1930s construction is sited away from the historic core, or is sympathetic in design to existing buildings. Several primary buildings, including portions of the original hospital complex and the Governor's home, feature relatively intact interiors. Many buildings retain their wood frame, multi-light windows.

Within the past fifteen years, renovations and additions to historic buildings have respected original materials and designs. For example, interior rehabilitation successfully undertaken in response to modern accessibility requirements reflect a sensitivity to retaining the important character-defining features of the NHL. In the Domiciliary's Ward 4 (currently identified as the Women's dormitory) a new HVAC system was installed, an interior elevator added near the original ramps, and the ramps modified to connect the arcade to the second floor per American with Disabilities Act (ADA) requirements. While new suspended ceilings were dropped in the ward, the ceilings stopped short of the tall ward windows, thereby continuing full daylight illumination into the rooms. The VA made the cost-effective choice to retain these windows, which were in good condition over 100 years after their initial installation—a tribute to the quality of original materials, window design, and staff maintenance. Rehabilitation of Ward 3 occurred

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about the same time, and included installation of a new HVAC system, and creation of office space on the top floor, with volunteer services and patient support space in the ground floor. Across the campus, one of the residential duplexes (Building 29) was sensitively rehabilitated for use by patients transitioning out of the Drug and Alcohol programs. This entailed installation of an exterior access ramp, and modification of a first floor room to meet accessibility needs for a bathroom and bedroom. New openings between front and back rooms on the first floor were finished with new doors and trim designed to match existing (historic) materials. The building now provides seven bedrooms with common spaces on the first floor (kitchen and living room areas).¹

Superior workmanship and construction skills are evident at the facility, particularly reflected in the high quality masonry of the pitch-faced sandstone and the exterior and interior architectural wood ornamentation on many buildings. Such skill in construction of the hospital complex was confirmed by the 2012 "Renovation Impact Review" report by Treanor Architects, prepared for the VA Black Hills Health Care System. The quality of the original materials and workmanship contributed to the overall reported exterior condition as "very good" and "well-maintained."² Given that maintenance and paint staffing at the campus has been reduced by 64% over the last 15 years³, this speaks both to the quality of the design and materials, and to the skill of the VA maintenance crew.

The combined qualities of location, design, materials, workmanship and setting contribute to the NHL's qualities of feeling and association. These intangible attributes are profoundly important in conveying this property's national significance and historic character. Battle Mountain Sanitarium has exceptionally high qualities of feeling and association because of its continuing use and outstanding maintenance. The property's location, relatively unchanged setting, the retention of high quality workmanship, design and materials, strongly contribute to feeling and association--the therapeutic, restorative sense of place that is so much a part of the history of this National Home branch. As the oldest facility in the VA medical system established solely to provide medical care, the property is highly symbolic of the Federal government's development of medical benefits for veterans.

It should be noted that the 2007 assessment of significance and recommendations for NHL designation of four campuses identified a distinction between the importance of exterior versus interior integrity. Many of the buildings, particularly those serving medical needs, had been rehabilitated for adaptation to modern uses:

While many buildings may have retained high exterior integrity, their interiors may contain few original features. Therefore, high interior integrity was not a requirement for these resources to be considered pivotal elements of the historic area. In addition, certain external additions such as stairwells or elevator shafts necessary to adapt the

¹ Save the VA Committee, "Building an Integrated Veterans Support Committee, A Proposal for a National Veteran's Administration Demonstration Project," 25 May 2012, Appendix B, pp. 9-10; conversation with Pat Lyke, former BCHHS Historic Preservation Officer, 12, 11, 2015.

² Treanor Architects and Jones Lang LaSalle, "Renovation Impact Review, Department of Veterans Affairs Black Hill Health Care System, Hot Springs, South Dakota," 22 August 2012, p. 4

³ Save the VA Committee, Appendix F, p. 5.

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buildings to changing needs did not destroy their integrity if they had been well planned and unobtrusive. In terms of landscape, the loss of flower beds or other ornamental plantings, ponds, and similar landscape features was acceptable if the spatial relationships in the landscape had been retained and not filled in or interrupted by modern buildings.⁴

This distinction was incorporated into assessments of significance for the final nominations. In the decades prior to NHL designation, changes to interior spaces at the Battle Mountain Sanitarium included the replacement of solid wood cabinets in the residence buildings (ca. 1980). In the 1950s the two nurses quarters (Buildings 20 and 21) were remodeled into four apartments, and remodeled again in the 1960s or 1970s. The lower floor of Building 20 was remodeled for Daycare in the mid-1990s, then converted into an employee fitness center about fifteen years later.

Important interior character-defining spaces of the Domiciliary (Buildings 1-12) are documented in the 2012 Treanor Architects report. The report divides the spaces into three classes (A, B, and C), representing in descending order spaces that have high significance and high integrity to spaces that have low integrity and low significance. A review of this classification system reveals that Class B and Class C space greatly outnumber Class A space. Class A space is primarily evident in the traditionally publically accessible first floor spaces of Buildings 1, 2, and 11 (entry halls, stairs, rotunda space and auditorium space); and the open porch decks of Buildings 3-8. The first floor open spaces of Buildings 6 and 7 are also allocated Class A status, as is the second floor of Building 7. Service space, office space and rehabilitated spaces in Buildings 1-12 vary from Class B to Class C.

The importance of this assessment of interior integrity is that for the spaces that retain less original fabric, there is greater opportunity for creative rehabilitation solutions that will not destroy or obscure the NHL's important character-defining features.

⁴ Suzane Jullin, "National Home for Disabled Volunteer Soldiers Assessment of Significance And National Historic Landmark Recommendation," 2007, <http://www.nps.gov/nhl/learn/specialstudies.htm>.

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IV. EFFECTS OF THE PROPOSED UNDERTAKING



Assessing the effects of the preferred alternative per Sections 106 and 110(f) of the NHPA, the preferred alternative would have a substantial cumulative adverse effect on the NHL district. It would diminish several aspects of the property's integrity, and allow for the potential for serious, permanent destruction of critical character-defining features and resources. The preferred alternative proceeds directly to mitigation measures to resolve adverse effects associated with campus closure, and does not present consideration of reasonable modifications of the undertaking to avoid or minimize adverse impacts. The suggested mitigation measures are also inadequate to ensure avoidance of adverse effects and the long-term preservation of the resources.

DEIS Preferred Alternative

The DEIS presents a combined preferred Alternative A and G. Under Alternative A, the VA would remove all services from the Battle Mountain Sanitarium, and lease or build a new, 16,711 square-foot Community Based Outpatient Clinic (CBOC) with 100 parking spaces in Hot Springs. This new CBOC would occupy approximately 5 acres of land. The VA would also lease or construct buildings in the Rapid City area, at a single location, to serve as a Multi-Specialty Outpatient Clinic (MSOC) and 100-bed Residential Rehabilitation Treatment Program (RRTP) facility. This would require a facility up to nearly 145,000 square feet, with 620 parking spaces, necessitating up to 17 acres of land. Certain medical services would be provided in the new facilities, while other services would be provided through locally-purchased care. The BHHCS would continue to maintain the campus pending transition to a future use, and monitor the condition of vacant ("shuttered") buildings. Maintenance of the National Cemetery would continue.

Under Supplemental Alternative G, all or nearly all of the NHL facilities would be made available for re-use by others. A range of possible re-uses are suggested that could take place under continued ownership by the VA, or by a new owner. The VA has several authorities related to use, transfer or sale of properties, including permits to another federal, state or local government agency, license to other entities; enhanced use leases; NHPA Section 1111 leases; in-kind swap for land or facilities in another location; transfer to another federal agency, state or local government; and transfer to an American Indian tribe. Reuse could be undertaken by non-profit groups; commercial interests; local, state or other federal entities; or a combination of these groups. The possible reuses suggested in Supplemental Alternative G include:

- Housing for homeless or at-risk Veterans and their families;
- Veteran's education, job training and related housing;
- Rental housing, retail or office space;

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- Tourism and recreation opportunities, such as a vacation resort or museum;
- Campus and facility for higher learning, such as a vocational school, community college, or small university;
- Corporate retreat.

Other suggested reuses described in Supplemental Alternative G would be contingent upon a continued VA presence in the NHL district. One, derived from a suggested reuse submitted by the Veterans National Recover Center and called the "Medical Miracle," would provide medical education, a research facility and treatment services. These services would be located within leased district resources not used and occupied by the VA, in new construction built within the former medical campus, or in facilities located elsewhere in the City of Hot Springs. A second suggested reuse that required a continued VA presence would rehabilitate the NHL district resources to provide housing for single parents and handicapped Veterans in treatment programs (a component of Alternative E). Neither example could be viable with the preferred alternative, given the proposed removal of all VA services from the campus.

Supplemental Alternative G notes that on July 1, 2015, the VA sought expressions of interest (Solicitation VA10115N0183) to measure the level of interest by prospective purchasers, lessees, developers or operators. The results were not included in the DEIS. Based on response to the solicitation, the outcome of the EIS process and other management decisions, the responses to the solicitation might be used to develop formal Requests for Proposals at a future date. If potential developers are sought, the VA would identify goals for development.

DEIS Assessment of Effects

The DEIS identifies a number of impacts resulting from the preferred alternative. The following list of impacts to cultural resources resulting from the preferred alternative is repeated here, taken from the executive summary and the environmental consequences narrative in section 4.0:

- The BHHCS would no longer offer health care services at the campus, which is a change in use of the VA Hot Springs campus. This would diminish the historic character of NHL and affect the setting of the Historic District and the traditional use area.
- Change in use would diminish the traditional feeling and association of the campus with the Veteran community. This could be a permanent impact depending on future reuse of the campus. The potential for effects would depend upon the selected reuse.
- Maintaining the campus could result in temporary shuttering or short-term mothballing of buildings. Mothballing would follow NPS *Preservation Brief 31, Mothballing Historic Buildings*, with further consideration given due to the NHL status.
- Actions taken to maintain or mothball campus buildings pending transition to a future reuse could alter historic features.
- Maintenance would not likely result in substantial alterations or modifications to the NHL.
- Navigating between shuttering, mothballing, and reuse could be a temporary transition from current BHHCS occupancy to new occupancy, depending on interest from others (government, non-profit, and for-profit agencies and organizations) and options for a viable reuse [sic].

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- Reuse would be a permanent effect.
- Reuse of the VA Hot Springs campus could result in the transfer of ownership or change of occupant.
- If long-term preservation of the historic property is not legally ensured, an adverse effect could result; however, mitigation and minimization measures committed to by the BHHCS could resolve such effects. Any entity taking over use or possession that may involve change(s) to the facility would be required to comply with all mitigation, minimization, monitoring and best practices identified in the Record of Decision (ROC) if the BHHCS determines it will implement Supplement Alternative G.
- Exterior and interior renovations, or new construction could alter historic features.
- Alterations, modifications or other activities to support re-use could affect the integrity of the historic properties. The historic setting, feeling and association of the NHL and the traditional use area could be affected.
- (From Alternative C): If [rehabilitation work undertaken to meet accessibility standards] did not follow the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (the *Standards*) they would be adverse effects. Note: This is not stated clearly in the assessment for the preferred alternative, but the same assessment applies.
- Ground disturbance could encounter and remove archaeological and cultural materials (prehistoric and historic). These actions would be adverse if inconsistent with the *Standards*. Mitigation and minimization measures could resolve adverse effects to archeological resources. These actions could have adverse effects if inconsistent with the *Standards*.
- Construction introduces audible, atmospheric and visual elements to the historic setting.
- (From Alternative C): Visual, atmospheric, or audible elements of construction activities and equipment would not likely diminish the integrity of the property, and would be removed after renovation was completed, so an effect would be temporary and not adverse. Note: This is not stated clearly in the assessment for the preferred alternative but the same assessment applies.
- Reuse and continued occupancy of the campus could have beneficial effects. Occupancy of the campus by an entity other than BHHCS would avoid having to shutter or mothball the buildings for an extended period.

The NPS generally concurs with these assessments of potential impacts, although the list is incomplete, makes unsupported assumptions, and requires further elaboration to fully and adequately assess adverse, neutral or beneficial impacts and cumulative effects.

An additional observation regards the use of the term "renovation" within the preferred alternative narrative for actions involving updating, replacing or removing materials. This raises questions as to why the term "rehabilitation" is not used. The *Standards* definition of "rehabilitation" specifically emphasizes retention and repair of historic materials.

Expanded Assessment of Effects—Indirect and Direct Effects

The National Park Service has concerns with the DEIS categorization of certain actions as indirect effects (section 4.3.2.1.). This has bearing on the evaluation of cumulative effects on cultural

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resources (section 4.16), as does an assumption of the viability of Supplemental Alternative G and associated suggested mitigation actions. While the definitions of “direct” and “indirect” effects as presented in the first paragraph of section 4.3.2.1 are correct, the statement that “...indirect effects relate predominantly to important aspects of historic setting, feeling and association where these aspects are integral to conveying the character of historic properties” is potentially misleading.

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 or as an NHL in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Per definitions provided in 40 C.F.R. 15080.8(b), direct effects are caused by the action and occur at the same time and place. Indirect effects are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects to properties of historical, architectural, archeological or cultural importance may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Equating tangible qualities (location, design, setting, materials and workmanship) with “direct” effects, and associating the more intangible qualities (feeling and association) as “indirect” could imply that an action such as a change in use is of lesser concern than physical changes. All changes that have potential to adversely impact those qualities that contribute to the national significance of the property are of equal concern. A change in the use of the NHL that substantially contrasts with the qualities that made the property nationally significant as a place of healing for veterans could directly and adversely affect setting, feeling, and association.

Expanded Assessment of Effects—Cumulative Effects

Regarding cumulative effects, both NEPA and NHPA guidelines direct that incremental impacts from relevant past and present actions be taken into account. At a minimum, a beginning date for assessing impacts might incorporate actions undertaken since initiation of the NHL nomination process in 2005. Per the information provided in the 2012 “Save the VA” proposal, a past action has been the gradual reduction in medical staff and a diminution in services offered, although in the years leading up to and including initiation of this NEPA/NHPA process, Hot Springs saw a greater increase in veterans treated than at campuses at Rapid City or Fort Meade.⁵ Other past actions to take into account could be the removal of the Battle Mountain surgery from a 2010 list of facilities to receive funding to modernize operating room suites and a procedure room,⁶ and the VA’s rehabilitation of Wards 3 and 4, and Duplex 29 to meet new needs. This rehabilitation was undertaken in accordance with the *Standards*.

⁵ Save the VA, Appendix D, pages 2-3, Appendix E, pages 1-2.

⁶ *Ibid.*, Appendix E, page 4.

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Expanded Assessment of Effects—Reasonably Foreseeable Future Actions

By incorporating past and present actions at the NHL, there are a number of reasonably foreseeable future actions that could conceivably take place under the preferred alternative, resulting in cumulative, direct impacts that could permanently and adversely affect all aspects of the NHL's integrity. The following examples described in 36 CFR §800.5 are used in the application of the criteria of adverse effect:

- *Change of the character of a property's use or physical features within the property's setting that contribute to its historic significance:*

Changing the character of a property's use as a veteran's medical care facility would result in significant loss of feeling and association. While the built environment would remain if the VA vacated the campus and removed all medical services and associated activities, the ongoing connection to the property as a place of healing, a place of safety and renewal, and a place of honoring veterans, would be gone. This is a significant adverse impact to the NHL that could not be completely mitigated by reuse that is not connected to veteran care.

Supplemental Alternative G suggests a range of possible reuses, with varying degrees of relation to the historical significance of the NHL. Reuses that focus on assistance to veterans through housing, education or job training would be sympathetic to the goals of the National Home; however, as Battle Mountain Sanitarium was the only National Home designed specifically to provide medical care, feeling and association with national significance would be diminished. Other suggested potential uses --rental housing, retail or office space, vacation resort, museum, educational campus or corporate retreat— are increasingly removed from associations with the National Homes in general, and Battle Mountain Sanitarium, in particular. In these instances, feeling and association would be gone.

In addition, reuse that does not provide similar medical care and support could conceivably require extensive building rehabilitation, new construction, demolition, and changes to the landscape to accommodate new uses, or increases in pedestrian or vehicular traffic. This could impact the NHL's qualities of design, materials, and workmanship. It is therefore not necessarily true that Alternative E has the greatest potential to impact the NHL, as stated in DEIS section 2.7. Auditory changes could also result from these changes to land use, or pedestrian or vehicular traffic. As a result, the feeling and setting of, and association with a medical campus facility would be entirely lost.

- *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.*

There are three issues associated with a potential reuse or sale of the NHL:

- 1) The viability of reuse through leasing or sale;
- 2) Level of VA interest in retaining and leasing the property, should leasing be viable;
- 3) Legally enforceable restrictions and conditions on leased or sold property.

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Regarding the first and second issues, the DEIS provides no assurance of the viability of Supplemental Alternative G, and no assurance that the VA would actively solicit the interest and commitment of future lessees or new owners. The result is that the future use and long-term treatment of the historic resources is unknown. The preferred alternative suggests that qualified or capable new lessees or owners could be identified; yet there is no demonstrated due diligence to verify that such entities exist, or that there is a market demand now or in the near future for real estate to support the suggested possible reuses.

Beyond this, there are no deadlines for ensuring full occupation and reuse of the campus, nor does the preferred alternative consider the consequences should there be no interest in leasing or owning property on campus. This could result in a campus in general, or specific buildings, that remain unoccupied and languishing for decades. Considering the landscape, mature vegetation and plantings could suffer if not maintained. Storm-damaged vegetation may not be addressed, making them susceptible to further damage by disease or pests. This could not only affect the qualities of setting, feeling and association, but could lead to deterioration, and impact the NHL's qualities of design, materials, and workmanship.

The proposed interim treatment to address this is to "mothball" the buildings to temporarily secure them from the weather or vandals. A Facility Condition Assessment would be undertaken by facility staff (schedule not defined), accompanied by staff with historic preservation training, to identify and schedule maintenance needs. A procedure would be developed to monitor and report on the status of resolutions. Such mitigation is inadequate to ensure the long-term preservation of the landmark, and neither mothballing nor stabilization (correcting deficiencies to slow down the deterioration of the building while it is vacant) are long-term treatment approaches established in the Standards.

As noted in the *Technical Preservation Brief 31, Mothballing Historic Buildings*, mothballing is an interim measure, and the criteria for undertaking mothballing is "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..." Given the range of alternate treatments included in the DEIS, other means of productive use are identified. Neither mothballing or stabilization successfully fulfills VA preservation program objectives under Section 110 (a) or Section 110(f) responsibilities for consideration of NHLs.

Assuming reuse or sale is achievable, the preferred alternative proposes the execution of a legally enforceable document to implement preservation plans. This is a commendable suggestion; however, there is a lack of specification both for production of planning documents that would guide future re-use and the recommended treatment of each resource. Related to the DEIS section 5.2.1.1., the *Standards* and the associated *Guidelines* are always advisory. An explicit regulatory tool is not identified, nor is there assurance that long-term preservation and use would take place, either under VA ownership or by a future new owner or owners. Ultimate responsibility for oversight of development and legal enforcement of preservation plans, treatments and deadlines is not specified.

- *Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not*

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consistent with the Secretary's standards for the treatment of historic properties and applicable guidelines:

It must be noted that a general prescription of "rehabilitation" for the entire complex does not at this point merit a conclusion that the NHL would not be adversely affected under an EUL for resources that remain under VA ownership. Without specific preservation treatment prescriptions for individual resources, without design guidelines for new construction (including scale, extent, and location), and without oversight and enforcement responsibilities established, it is conceivable that once a new use is in place, demolition (active or by neglect) or inappropriate alterations could not be prevented.

Without specific preservation treatment prescriptions, design guidelines or oversight and enforcement responsibilities, reuse of the properties under an EUL has the potential to impact important character-defining features on both building interiors and exteriors, as plans are developed for reuse and rehabilitation. New construction could impact the relationship of the buildings to the landscape, intrude upon viewsheds, alter road and sidewalk systems, introduce non-compatible design and generally reduce the outstanding integrity of the campus. Ground disturbance could impact archeological features associated with this site, or associated with earlier occupation and use. New construction could impact the serenity and peacefulness of the campus. New uses could generate additional traffic that could not be easily accommodated by the current road system or parking areas without modification. Increased traffic could also impact the restful nature of the property.

The same potential exists to impact character-defining features should the property be transferred to a new owner, if preservation covenants attached to a deed lack specific preservation treatment, design guidance, or enforcement authority. There is also the potential that preservation covenants may be unappealing to future potential owners, resulting in the modification or removal of covenants in order to secure sale.

Reuse would also necessitate consideration of security and public access. It is conceivable that extensive fencing would be installed to dissuade unapproved access and vandalism during a period of mothballing. If restrictions continue with reuse, this places a new incompatible design change, and one that denies one of the National Home's goals: to connect the public with veterans and the federal government. Future isolation of this public asset denies the public the opportunity to learn about the National Home institution, the innovative design of this medical campus, and the federal government's pioneering efforts to care for its military veterans. Presumably, access to the federal National Cemetery would also be curtailed or restricted, isolating those interred from those who would wish to honor their fallen comrades or family members. While not identified as a nationally significant aspect of the NHL, the sacred space of Battle Mountain is of cultural importance, as identified by nine tribal reservations. Restricting access by American Indians to all or portions of the property as part of a new use would be an additional adverse effect.⁷

⁷ Save the VA report, Appendix F, page 10 cites a resolution by Native American tribes as a sacred place. The resolution was signed by Cheyenne River, Crow Creek, Fort Peck, Lower Brule, Pine Ridge, Rose Bud, Yankton, Santee and Standing Rock Indian reservation representatives.

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V. RECOMMENDED MEASURES TO AVOID, MINIMIZE OR MITIGATE ADVERSE EFFECTS

Because the VA is integrating compliance with Sections 106, 110 (a) and 110(f) of the NHPA within the overall NEPA framework, the DEIS and a final preferred alternative require integration of the outcome of Sections 106 and 110(f) consultation to determine measures to avoid, minimize or mitigate adverse effects that would result from the proposed alternative.

Avoid Adverse Effect

The National Park Service does not question the VA's mission to provide the best possible care to U.S. veterans, or its responsibility to the American tax payer. However, we are not convinced that sensitive rehabilitation of the historic buildings to provide quality care cannot be undertaken cost-effectively. Therefore, we recommend that the preferred alternative be reevaluated to avoid or minimize adverse effects by considering the reuse of all or some of the historic buildings on the medical campus. Given the cumulative adverse effects to the NHL from the preferred alternative, the VA should make an informed decision based on an evaluation of existing and additional data. Some information has been provided by consulting parties as part of the NEPA/NHPA process; obtaining other data may require additional study and assessment. Continued and or expanded use of the historic resources by the VA would offer the greatest opportunity to avoid adversely affecting the facility. This would retain all aspects of the property's integrity by maintaining historic practice in the buildings and landscape designed for such purposes. Features from other alternatives in the DEIS should be reconsidered, taking into account accessibility and reuse successes achieved at other medical facilities in the country. Reuse of the buildings for purposes other than medical treatment should also be considered, including possible VA space needs for administration, education, storage, or other support functions.

Reevaluation must directly acknowledge compliance with Sections 110 (a) and (f) of the NHPA, and address how a preferred alternative reflects the agency's efforts to comply with Congressional mandate to avoid adverse impacts to the maximum extent feasible, and to use historic properties available to them, to the maximum extent feasible. Guidance produced to assist Federal agencies in carrying out their responsibilities under NHPA is available in the *Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act* (1998). Standard 4-j discusses the "higher standard of care" that must be exercised when an agency proposes an undertaking that may directly and adversely affect NHLs, and that an agency "should consider all prudent and feasible alternatives to avoid an adverse effect on the NHL." Standard 4-k addresses instances in which alternatives appear to require undue cost or to compromise the undertaking's goals and objectives, directing an agency to balance those goals and objectives with the intent of Section 110(f). In doing so, the agency should consider the magnitude of the undertaking's harm to the NHL; the public interest in the NHL and in the undertaking as proposed; and the effect a mitigation action would have on meeting the goals and objectives of the undertaking.

There are other important laws and policies which bear on reevaluation. Historic properties are not exempt from compliance with building codes and regulatory requirements, including accessibility,

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fire and life-safety, mitigation of hazardous materials, and seismic upgrades. Guidelines have been produced, however, that are sympathetic to the rehabilitation of historic properties. For example, while changes made to federal buildings must meet the Uniform Federal Accessibility Standards (UFAS) per the Architectural Barriers Act (ABA), special provisions are included in UFAS for historic buildings that would be threatened or destroyed by meeting full accessibility requirements. Under Title II of the Americans with Disabilities Act (ADA), state and local governments must remove accessibility barriers either by shifting services and programs to accessible buildings, or by making alterations to existing buildings. Under Title III of the ADA, owners of "public accommodations" (theaters, restaurants, retail shops, private museums) must make "readily achievable" changes; that is, changes that can be easily accomplished without much expense. Recognizing, however, the national interest in preserving historic properties, Congress established alternative requirements for properties that cannot be made accessible without "threatening or destroying" their significance. The International Building Code (IBC) includes sections on historic buildings that are more compatible with the *Standards*.

Regarding the VA's own "Sustainable Locations Program," (VA Directive 0086) continued use of the property by the VA achieves many of this program's goals, including maximizing the use of existing resources, leveraging investment in existing infrastructure, promoting the preservation of historic resources and other existing buildings, promoting climate change adaptation (in the design and placement of its administrative/hospital complex); locating in a central business district, providing a walkable/bikable location, and providing access to a diverse range of employees and visitors.

To confirm the viability of avoiding adverse impacts through continued VA use, the DEIS should be revised to include comparable levels of design specificity and detailed cost estimates associated with the various alternatives. A topic repeatedly raised throughout the consultation process has regarded the data supporting statements about the ability and cost involved in meeting current code requirements; that the NHL designation makes rehabilitation too costly and difficult to undertake; and that the historic buildings represent a danger to the safety of veterans. The DEIS section 1.2.2.1.4 cites an unsupported statement in the 2009 VA document, *Innovative 21st Century Building Environments for VA Health Care Delivery*, that "...older buildings are recognized as vulnerable to disasters and inaccessible to patients..." That document does not acknowledge the long-standing success of rehabilitating historic buildings to meet life safety codes, and accessibility requirements. The National Trust has identified examples of successfully rehabilitated medical facilities such as the Henry Ford Health System in Detroit, Michigan, and the VA's Main Hospital in the Northern Arizona VA Health Care System.⁸

The conclusion of the 2012 report by Treanor Architects supports rehabilitation, and its cost-effectiveness. Recognizing that the assessment of Buildings 1 through 12 was a "one-person/one-day historic assessment," it nonetheless suggests that the age of the Battle Mountain Sanitarium facilities does not preclude the ability of the VA to meet the changing needs of health care. The report concluded that the property was in overall good condition, and with creative solutions, could be rehabilitated to meet modern code and accessibility standards, in conformance with the

⁸ National Trust for Historic Preservation, *Honoring Our Nation's Veterans: Saving Their Places of Health Care and Healing*, (Washington, D.C.: National Trust for Historic Preservation, 2013) 6.

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Standards for rehabilitation. For example, the report noted that the historic building's exteriors "have all performed well," and that:

...the condition of all 12 buildings rates very high and very few repair or maintenance items are considered to be on a critical path... In our opinion, as long as the VA continues with the past level of routine maintenance and forecasted repair projects for the components such as the wood porches, the building exteriors will continue to be sound and weathertight for years to come.

Building interiors had more varied condition, although "historic building materials such as interior sandstone walls, plaster walls and ceilings, woodwork and trim, and wood doors and windows have all performed well." Interior spaces have been remodeled to upgrade HVAC, meet electrical and life safety needs; some spaces have been subdivided for office and housing needs, and modern finishes and features installed.

The intent of the field visit by Treanor Architects was to adjust previous renovation [rehabilitation] estimates to more accurately reflect the current conditions and to forecast future preservation and/or rehabilitation work. Drawing on previous experience with other VA facilities with similar scopes of work and similar quality of finishes, Treanor Architects agreed with information and assumptions provided by the VA. The report calculated that rehabilitation was more cost effective than new construction, even when adjusting for planning purposes, and accounting for the *Standards* guidelines for the treatment of historic properties. The 2012 cost per square foot for new Domiciliary buildings amounted to \$203, or 16% more than the \$175 expense for "total" renovation [rehabilitation] the existing buildings; 78% more than "medium" renovation [rehabilitation], at \$114, and 238% more than "light" renovation [rehabilitation], at \$60. [Note: Definitions for these terms was not provided.] Construction of new Outpatient Clinic Buildings was calculated to be \$281, or 4% more than total rehabilitation cost per square foot, at \$270; 61% more than medium rehabilitation, at \$175; and 117% more than light rehabilitation, or \$93. The benchmark for rehabilitation was previous work undertaken on the first floor of Ward 4 (the Women's dormitory).⁹

The report further noted that additional costs to address accessibility standards might affect the cost per square foot, and that VISN 23 cost guide information may not be adequate for planning purposes without an agreed upon accessibility solution. No historic preservation premiums were anticipated, given the high-quality and durable materials of the Domiciliary buildings.

The DEIS should address the differences between the Treanor Architects report calculations, the cost per square foot as presented in the DEIS Table 1-3, and the cost of rehabilitation of the Women's dormitory (Ward 4). The preferred alternative presents rehabilitation costs notably higher than new construction; however, the details of rehabilitation treatment are not provided, nor their relation to work already undertaken for the Women's dormitory. It is not readily apparent from available information that methods appropriate to historic preservation were utilized to establish costs. It is also unknown what the Facility Condition Assessment scores have been for the past decade, or how deferred maintenance might factor into the cost analysis summarized in the DEIS.

⁹ Treanor Architects, et. al., p. 10.

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Given the contentious nature of this consultation process, and before proceeding with a final EIS, a show of transparency by the VA in due diligence would greatly facilitate the planning process, and inform development of a final preferred alternative. Data showing cost breakdowns by building systems and components would be beneficial, as would detail on cost estimates should defining the type of work needed, the type of deficiency addressed, and its priority level. Prioritization would include those that range from critical to minor, particularly those that are necessary to continue the function of the resource. The Facility Condition Assessment scores for the past decade should be described, any deferred maintenance identified, and any failures to meet facility inspections because of deficiencies highlighted. Also important to define would be whether or not rehabilitation costs reflect design concepts for reuse to achieve the "VA Mental Health Facilities Design Goals" as defined in column 1 of Table 1-5 (DEIS 1.2.2.1.3); and whether ABA Chapter 2, F223.3.2 was considered as part of the planning process.

As part of compiling the above data, addressing information provided by the Save the VA Committee (SVA) reuse proposal would be important, including operational costs; demography and number of patients at Hot Springs versus those at Rapid City and Fort Meade; and local medical service capabilities. These relate to justification for the need of services in Hot Springs, and costs for operations. Regarding facility costs presented in the DEIS section 1.2.2.1.4, there is conflicting information in support of calculating the cost per square foot to maintain medical facility-related space at Fort Meade. Eliminating buildings that are leased, vacant or rented (but which are nevertheless maintained by the VA), the SVA contends that overall maintenance costs at Hot Springs have been \$36.8 million less to maintain than newer buildings at Fort Meade. Identifying approximately 463,000 square feet at Fort Meade compared to 425,000 square feet at Hot Springs, Fort Meade received \$5.76 million for maintenance, while Hot Springs received \$3.84 million.

Other information provided by the SVA addressed demographics presented in DEIS, and capabilities of local medical services. The SVA challenged VA numbers on Native American veterans on reservations, and identifies discrepancies between local and national numbers regarding the number of urban and rural veterans. The ability for local medical services to provide necessary services to veterans, particularly those with special mental health needs was also questioned, and a 2010 report on Indian Health Services (noted in the SVA testimony during 2014 Field Hearings) raised concerns about the capabilities of that agency to meet current or increased demands.

On a similar topic, additional data that could be included regards the capabilities of small rural hospitals and Indian Health Services to regularly undergo the type and level of inspections required for VA facilities; or their abilities to meet training requirements for veteran care. Another item could be references to guidelines provided by medical professionals regarding the most beneficial setting and location for treatment of veterans with Post Traumatic Stress Disorder.

In order to ensure inclusion of all pertinent data, the DEIS should include life cycle costs for both rehabilitation and for new construction, including energy conservation measures. It is appreciated that DEIS section 4.2.0 notes VA compliance with Executive Order 13693, an analysis of irreversible and irretrievable commitment of resources, via a pending update on its strategic

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sustainability performance plan. This will, in part, identify approaches for reducing energy use and cost. The problem with this intent is that the provisions are to be applied during implementation of the selected alternative. Rather, considerations for sustainability should be included as part of the evaluation of historic building reuse or new construction, and contribute to the choice of a preferred alternative. A number of studies, including research undertaken by the National Trust's Preservation Green Lab, have confirmed the environmental savings of rehabilitation over new construction and demolition. The Department of Defense acknowledges, too, that the rehabilitation of pre-World War II masonry buildings is more cost effective than new construction, and can result in greater overall energy reductions.¹⁰

Other important costs are value of current real estate; value of new land for development; presence of infrastructure (utilities, roads, etc.)/cost of installing new infrastructure; cost of current medical equipment; cost of new equipment at new facilities, if existing equipment cannot be reused; cost of repurposing new building for lease; the cost of a new building lease over lifetime of use; and annual cost of maintaining a leased Hot Springs Campus in good condition. Estimated costs should also include financial responsibilities born by the VA for staffing, marketing and managing the Landmark in preparation for and managing leases, or for ownership transfer. This is in addition to staffing and operational costs for interim building maintenance.

In order to resolve conflicting rehabilitation cost estimates, the VA should consider submitting their data and specific rehabilitation plans for review by an independent third party. The third party would be acceptable to all parties involved in the Section 106 process, and meet the *Secretary of the Interior's Standards* professional requirements.

Minimize Adverse Effect

Should the VA determine that continued or expanded services at the NHL campus are not feasible, minimizing adverse impacts to the historic property would entail retaining a level of VA presence onsite. Retaining some VA services at the historic facility while leasing out other resources would ensure a stronger potential for the successful preservation and viability of the site. Reuse as a facility that continues to focus on medical care or service to veterans, in facilities designed for such a purpose and with a continued VA presence, would minimize adverse impacts to the integrity of the landmark. Were a non-VA medical facility to reuse the campus, the integrity criteria of feeling and association would remain, but at a diminished level.

Features from other alternatives should be taken into account regarding reuse options. Proposed reuses briefly described but dismissed in section 2.4 should be reevaluated to determine whether or not concepts could be developed, and what authorities or actions would be necessary to achieve these options. Suggestions included management of the property by an elected board of veterans, developing new and modern facilities, and providing overnight accommodations to veterans.

¹⁰Cherilyn Widell, "Study Confirms Modernization of Pre-World War II Masonry Buildings is Cost Effective vice New Construction," *Cultural Resources Update*, 9 no. 2, January/February 2013 edition, Department of Defense, Cultural Resource Program, pp. 1-3.

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It is expected that the VA does not have extensive experience in marketing and managing leases, or in overseeing the reuse and redevelopment of historic properties. The VA could establish an advisory committee, national in scope, to draw on the expertise of entities with demonstrated experience working with similarly large and complex properties. The committee should include representatives of the consulting parties, to ensure the NHL's important historic, commercial and social role in the community and region are addressed. One example is the Fort Snelling Upper Post Joint Powers Board, a guiding entity that directs planning and redevelopment of the Fort Snelling NHL. Assisting the state of Minnesota, owner of the property, Board members consist of partners with a substantial interest in the future of the property, and who are assigned roles and responsibilities.

Reuse should be demonstrably achievable before a final alternative is approved. Confirmation should be obtained through a feasibility study and solicitations of interest to determine market interest and potential, use-appropriate lessees. A marketing plan might be required, with a commitment by the VA to actively recruit lessees within an established timeline.

If reuse is viable, the VA should obtain assurances that lessees would commit to working within preservation requirements and to meet deadlines for treatment and occupation. Consequences should be defined for failure to meet deadlines or to provide adequate preservation treatment. Reuse should be appropriate to the facility, entailing active participation by the VA prior to, during the execution of, and while managing leases. In order to avoid as much as possible adversely impacting the NHL, ideally the VA should not vacate the property until new lessees have been identified, and leases signed. If lease agreements fail, the VA should consider returning medical facilities to the campus.

A reuse option should be accompanied by a condition assessment of each historic resource prepared by a preservation professional that meets the *Secretary of the Interior's Standards* qualifications. This would establish baseline conditions, define necessary stabilization treatment, and provide recommended rehabilitation options, with associated costs. Data used to inform condition assessments may be drawn from the same actions recommended previously for avoiding adverse effects. Design guidelines for buildings and the cultural landscape should likewise be developed by a preservation professional, in consultation with the State Historic Preservation Office and the NPS, to guide reuse and rehabilitation following the *Standards*. Staffing and financial commitment by VA would be required to undertake this work, and to monitor and enforce preservation treatment of leased resources.

Given the potential for long-term, recurring activities at the NHL under a leased re-use scenario, concluding the NEPA/NHPA consultation with a Programmatic Agreement (PA) seems merited, to document the various responsibilities and actions to be undertaken. As part of compliance with the terms of the PA, the VA should provide annual reports to the consulting parties.

Mitigate Adverse Effect

Reuse of the property that entails the complete removal of VA services from the NHL and possible sale of the NHL to another entity should be considered only if avoidance or minimization is not

Commenter G19: National Park Service

feasible. As stated above, reuse should be demonstrably achievable before a final alternative is chosen. Confirmation should be obtained through a feasibility study and solicitations of interest to determine market interest. The establishment of an advisory committee, similar to that described for the lease scenario, might assist the VA in determining market interest. A marketing plan may be required, with a commitment by the VA to actively solicit new owners within an established timeline. In order to avoid as much as possible adversely impacting the NHL, ideally the VA should not vacate the property until new owners have been identified.

Prior to undertaking marketing and transferring ownership, condition assessments of each historic resource, prepared by a preservation professional that meets the *Secretary of the Interior*' *Standards* qualifications, should be undertaken. This would establish baseline conditions, define necessary stabilization treatment, provide recommended rehabilitation options, with associated costs. Design guidelines for buildings and the cultural landscape should likewise be developed by a preservation professional, in consultation with the State Historic Preservation Office and the NPS, to guide reuse and rehabilitation, following the *Standards*.

As stated with the reuse through lease scenario, the VA should obtain assurances that new owners would commit to working within preservation requirements and meet deadlines for treatment and occupation. Specific preservation covenants should be attached to the deed, with the identification of an entity legally and fiscally able to enforce the covenants. Preservation covenants should include provision for design review and approval by an assigned entity. Design review should address new construction, rehabilitation, and treatment of the cultural landscape.

As with the lease scenario, as a means of minimizing adverse effects, the VA should consider other alternatives noted in the DEIS, for concepts that merit further investigation, including those that might require modifications to VA authority. Establishing a national-scope advisory board or committee could benefit the VA by providing broader knowledge and expertise in marketing, planning, review and management. An example of reuse involving an advisory group in the transfer of a Federal property is Fort Sheridan, Illinois. A joint planning commission was created with representatives from the three surrounding communities and the county to create a plan that closed the NHL and opened it up for redevelopment. A local redevelopment authority solicited proposals from developers for the fort's redevelopment. They then chose a master developer. The extent of new development and lot density was established by the Army prior to sale, and the Army undertook a materials conservation assessment on each building. A more robust example is San Francisco's Presidio. Congress established the Presidio Trust to manage large portions of the Presidio following the departure of the military. The Trust's mission is to preserve and enhance the natural, cultural, scenic and recreational resources of the Presidio for public use in perpetuity and to achieve long-term financial sustainability.

Should the VA transfer ownership via the Federal Historic Surplus Property program, such assessment and treatment information is required as part of the application process for those entities interested in obtaining Federal historic surplus property through a no-cost transfer. The interested entity must propose a preservation and management treatment that is in keeping with the *Standards*, that reflects an understanding of the condition of the properties, and that includes cost assessments for treatment. Collecting such information beforehand by the VA would facilitate the application process.

Commenter G19: National Park Service

Given the potential for long-term, recurring activities at the NHL leading up to sale of the property and ongoing monitoring needs, concluding the NEPA/NHPA consultation with a PA seems merited, to document the various responsibilities and actions to be undertaken. As part of compliance with the terms of the PA, the VA should provide annual reports to the consulting parties.

Public Access Issue

An aspect little addressed in the DEIS, but relevant to a reevaluation is the potential for the public and the city to continue to participate in passive recreation at the campus. Public access has been an important aspect of Battle Mountain's history as it relates to an element of comprehensive rehabilitation for veteran members. Access to Battle Mountain may also be of importance to American Indians, given the identification of the cultural significance of the site. Any new use or lease agreement should take this into account, and offer opportunities to continue to invite the public to the site. This would include interpreting the nationally significant history of the site. New uses should respect the history of the site, and consider opportunities for occupants or visitors to enjoy serenity and renewal. Barring such access confronts the broader objectives of federal preservation programs as required in Section 110(a).

Commenter G20: SD State Historic Preservation Office

From: Olson, Paige [REDACTED]
Sent: Thursday, April 14, 2016 9:51 AM
To: [REDACTED]

Cc: Katy Coyle; Chris Modovsky
Subject: RE: Draft mitigation measures

Hi Kelly,

Is this document meant to summarize consultation efforts that have occurred since the DEIS was published?

Thanks,

Paige Olson
Review and Compliance Coordinator
South Dakota State Historical Society
900 Governors Drive
Pierre, SD 57501
[REDACTED]

G20-1

G20-1: VA responded to this email on April 14, 2015. The draft measures to resolve adverse effects are not a summary of the consultation effort, but a product developed in consultation with historic properties consulting parties.

Commenter G21: SD State Historic Preservation Office

Commenter G21: SD State Historic Preservation Office

From: Spencer, Ted [REDACTED]
Sent: Thursday, March 17, 2016 11:15 AM
To: [REDACTED]

Cc: Kelly S Wittie; Chris Modovsky; steve.crstpres@outlook.com
Subject: [SPAM]Inputs from Cheyenne River THPO
Attachments: Hot Springs VA Facility (4.13 KB)

Katy and other Consulting Parties,

Attached is a comment I would like included in formal consultation party inputs from the THPO at Cheyenne River Sioux Tribe regarding the potential VA closure at the Hot Springs campus and impacts to Traditional Cultural Parties (TCPs). Thank you.

Ted

TED M. SPENCER
Director – Historic Preservation Office
South Dakota State Historical Society
900 Governors Drive
Pierre SD 57501-2217



[Click here to visit our website.](#)



G21-21: VA accepted the comment from the THPO of the Cheyenne River Sioux Tribe. It is included in the administrative record and available in Appendix C, NEPA/NHPA Substitution Process.

G21-1

Commenter G21: SD State Historic Preservation Office

See G21-1.

From: Steve Vance <[REDACTED]>
Sent: Wednesday, March 16, 2016 6:07 PM
To: Spencer, Ted
Subject: Hot Springs VA Facility

Ted,

I agree with many comments that the Veterans Facility in Hot Springs maintains potential for continued use. It becomes problematic when opposition seeks the least costly avenue in preservation and spends huge amounts for demolition or expansion.

I am very positive there are Native cultural sites (TCPs) within close proximity of the VA Facility, not just the Inipi (Sweat Lodge).

Natives have been denied access to the Sacred He Sapa (Black Mountains), and left little opportunity to maintain continued use of significant areas, such as the Hot Springs area. There should be an opportunity for Tribes to conduct a cultural survey of the surrounding area prior to any determination that TCPs do not exist.

I disagree with the statement that there are "no cultural sites or concerns from Tribes". This is one of those projects where Tribes see the direction this is going before their comments are received.

I apologize for the late response but again, this seems to have already been decided prior to consulting with Tribes.

I hope you can submit my comment of concern.

Respectfully,

Steve Vance, THPO
Cheyenne River Sioux Tribe
Cultural Preservation Office
P.O. Box 590 98 S. Willow St.
Eagle Butte, SD 57625-0590
[REDACTED]

Commenter G22: SD State Historic Preservation Office

From: Olson, Paige [REDACTED]
Sent: Friday, March 18, 2016 2:28 PM
To: [REDACTED]

Cc: Kelly S Wittie; Chris Modovsky
Subject: RE: Ongoing consultation

Hi Katy,

I have a couple of questions.

Did the VA ever address the FY 2015 Omnibus Appropriation Bill and its implications for the VA's compliance with NEPA and Section 106?

What progress has been made to determine if the Hot Springs facility can be repurposed within the VA?

Thanks,

Paige

Paige Olson
Review and Compliance Coordinator
South Dakota State Historical Society
900 Governors Drive
Pierre, SD 57501
[REDACTED]

G22-1: VA answered this email on March 24, 2016. The language of the 2015 Appropriations Bill required VA to submit a report to both Houses of Congress prior to authorizing additional funds for the realignment of the VA BHHCS. VA did not require additional funds in the specified period.

G22-2: VA cannot offer the VA Hot Springs campus to other entities, even those entities inside VA, prior to making a decision about the proposed reconfiguration of the VA BHHCS. Disposition of unused portions of the campus or the campus as a whole is described in Section 5.2.

G22-1

G22-2

Commenter G23: National Park Service

From: Sanford, Dena
Sent: Wednesday, March 23, 2016 12:03 PM
To:

Subject: [SPAM]Fwd: Inputs from Cheyenne River THPO
Attachments: Untitled attachment 00371.eml (176 bytes)

Katy-

For clarification, how many tribes has the VA consulted, and has the VA undertaken face-to-face meetings with all of those tribes?

Thank you,

-Dena

DENA SANFORD, ARCHITECTURAL HISTORIAN
HISTORY & NATIONAL REGISTER PROGRAMS
NATIONAL PARK SERVICE MIDWEST REGIONAL OFFICE
c/o AGATE FOSSIL BEDS NATIONAL MONUMENT
301 RIVER ROAD
HARRISON, NE 69346
30

G23-1: VA BHHCS responded to this email on March 24, 2016.

A full description of VA's tribal consultation efforts is included in Section 6.3.

G23-1

Commenter G24: National Park Service

From: Sanford, Dena [REDACTED]
Sent: Thursday, March 24, 2016 4:56 PM
To: Katy Coyle
Cc: [REDACTED]

Subject: [SPAM]Re: Inputs from Cheyenne River THPO

Thank you, Katy-

Given their resolutions of 2012 (forwarded by Ted Spencer last week), I imagine that the Rosebud, Standing Rock and Cheyenne River Sioux Tribes should also be considered consulting parties. They did not receive emails you mention, or invited to the consulting party meetings? Also, did the VA offer to pay the cost of travel for tribal representatives in order to facilitate attendance at the Pine Ridge meeting or other consulting party meetings?

-Dena

DENA SANFORD, ARCHITECTURAL HISTORIAN
HISTORY & NATIONAL REGISTER PROGRAMS
NATIONAL PARK SERVICE MIDWEST REGIONAL OFFICE
c/o AGATE FOSSIL BEDS NATIONAL MONUMENT
301 RIVER ROAD
HARRISON, NE 69346
[REDACTED]

G24-1: VA accepted the comments into the project administrative record.

G24-2: No tribal members requested travel funds in writing, via email, or via the project website to participate in historic properties consultation meetings or specific tribal consultation meetings.

G24-1
G24-2

Commenter G25: SD State Historic Preservation Office

From: Olson, Paige [REDACTED]
Sent: Thursday, March 24, 2016 9:09 AM
To: [REDACTED]

Cc: Kelly S Wittie; Chris Modovsky
Subject: RE: Ongoing consultation

Hi Katy,

Did the VA specifically not expend any funds on the realignment during this time period to avoid submitting this report to both Houses of Congress? Perhaps someone from the VA could answer this question.

Thanks for the clarification.

Paige

Paige Olson
Review and Compliance Coordinator
South Dakota State Historical Society
900 Governors Drive
Pierre, SD 57501
[REDACTED]

G25-1: Director Horsman of the VA BHHCS answered this email on March 25, 2016. VA BHHCS had already allocated sufficient funds for the necessary study and analyses and did not require additional funds.

G25-1

Committer G26: Advisory Council on Historic Protection



April 25, 2016

Ms. Stella Fiotes
Executive Director
Office of Construction and Facilities Management
Department of Veterans Affairs
425 I Street, NW, 6W102
Washington, DC 20001

Ref: *Proposed Reconfiguration of VA Black Hills Health Care System
Hot Springs, South Dakota*

Dear Ms. Fiotes:

The Advisory Council on Historic Preservation (ACHP) appreciated the opportunity to attend the February consulting party workshop held in Hot Springs, South Dakota regarding the Department of Veterans Affairs' (VA) proposed Black Hills Health Care System (BHHCS) reconfiguration. We applaud the efforts of VA and its contractors to expeditiously schedule this follow-up meeting in order to continue the productive consultation from the January meeting. In addition to these recent meetings, we have also received follow-up correspondence from Acting Deputy Under Secretary for Health for Operations and Management, Janet Murphy, and Director of BHHCS, Sandra Horsman, responding to recommendations the ACHP has put forward over the past months.

The continued active involvement of VA staff from the BHHCS and the Midwest Health Care Network, and your presence as a senior policy official from Washington, has allowed for a more thorough and meaningful discussion of the proposed undertaking, the resolution of adverse effects, and the development of VA's Environmental Impact Statement (EIS). Based on the information provided during the meeting and the recent correspondence from VA and consulting parties, the ACHP offers the following comments and recommendations on the consultation process going forward.

National Park Service (NPS) Report

The NPS is uniquely positioned to advise VA on the significance of the Battle Mountain Sanitarium, National Historic Landmark (NHL), and appropriate steps to assess and resolve adverse effects to it from the proposed undertaking. While the ACHP did not request a formal report from the NPS subject to our authority to do so under Section 213 of the National Historic Preservation Act, 54 U.S.C. § 304110, we believe their report of February 12, 2016 provides much of the information that is typically detailed in such reports. Accordingly, we urge VA to carefully review and respond to the comments and concerns highlighted in this report, with particular attention to the NPS' discussion on cumulative effects and foreseeable future actions. NPS emphasizes the importance of documenting and addressing these effects, with their potential to permanently and adversely affect all aspects of the NHL's integrity.

ADVISORY COUNCIL ON HISTORIC PRESERVATION
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Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

G26-1: VA utilized the *Battle Mountain National Historic Landmark Assessment of Significance, Assessment of Likely Adverse Effects, Recommended Measures to Avoid, Minimize, or Mitigate Adverse Effects* prepared by the NPS and dated February 12, 2016, to inform live consultation with historic properties consulting parties on February 17, 2016, and utilized the document in development of draft and revised measures to avoid adverse effects.

G26-1

Commenter G26: Advisory Council on Historic Protection

<p><u>Alternatives and Modifications</u></p> <p>We encourage VA to complete the process of responding to consulting party comments and questions on the feasibility of modifying alternatives that would support and expand the reuse of the existing VAMC. Over the past two meetings, consulting parties have proposed modifications that would allow for the reuse of portions of the NHL. As a result, VA has revised Alternative A to include the possibility of reusing Building 12 for the proposed Community Based Outpatient Clinic (CBOC). The ACHP encourages VA to continue to review and refine the existing alternatives and to detail where adjustments were made to the EIS to address consulting party comments on modification to the proposed alternatives, and similarly being clear about those proposed modifications that are not being considered. VA receptiveness, consideration, and careful evaluation of all prudent and feasible alternatives will be important in demonstrating that VA has met its responsibility to minimize harm to the NHL to the maximum extent possible, pursuant to 36 CFR § 800.10(a).</p> <p>Furthermore, we recommend VA more clearly delineate the two proposed options for Alternative A. As written, it is difficult to differentiate between the two regarding the proposed CBOC, so it is difficult to understand how VA might select between them. This is an important issue since one of the options allows for the reuse of a portion of the VAMC, an option recognized by consulting parties as a means to avoid/minimize some of the adverse effect of VA vacating the entire facility. As presented, the magnitude of the adverse effect and, in turn, the resolution required in Alternative A varies, depending upon which option VA selects. We suggest VA provide unique identifiers for both options under Alternative A (e.g. A¹ and A²) and indicate clearly which of these is the preferred alternative.</p> <p><u>Supplemental Alternative G</u></p> <p>We appreciate the additional clarification and discussion given to Supplemental Alternative G at the February meeting and in Director Horsman's recent correspondence to the ACHP. We support VA's acknowledgment of the direct adverse effects of this alternative through the potential change of use at the VAMC, and encourage the continued efforts to develop a comprehensive and programmatic reuse/management plan that would minimize adverse effects and ensure the long-term preservation of the property under a new user. In addition, VA should also address the potential adverse effect associated with Alternative G if the proposed reuse of the NHL is unsuccessful. The ACHP and other consulting parties noted the potential of such an outcome for Alternative G and encouraged VA to consider it as a reasonably foreseeable effect. We therefore urge VA to address the potential challenges and risks associated with Alternative G, including the development of a plan for resolving adverse effects in the event that no reuse could be found.</p> <p><u>Funding</u></p> <p>A prevailing concern voiced by consulting parties has been the VA's ability to secure adequate funds for those mitigation/minimization efforts pertaining to mothballing and long-term maintenance of the NHL campus, should Alternatives A-D be selected. The ACHP recognizes the difficulty federal agencies have in funding the preservation and maintenance of historic properties that are no longer directly supporting the agency's mission; however, the success of VA's resolution of adverse effects that may result from mothballing of the NHL is highly depended upon its ability to ensure adequate funding and support related mitigation and minimization items detailed in the EIS and Record of Decision (ROD).</p> <p>The ACHP remains concerned that current maintenance budgets may be inadequate to address the unique cost of mothballing so many facilities and encourages VA to consider making further commitments here to seek dedicated funding should an alternative requiring mothballing be selected. We have previously provided examples of language from existing agreement documents that VA might consider using in its compliance documents and encourage VA to consider these examples as it refines the mitigation funding</p>	<p>G26-2 In total, the Final EIS describes, analyzes, and considers 12 possible courses of action: six alternatives, one that includes two variations, plus a supplemental alternative that can be implemented alongside four of the alternatives, including both variations of the Alternative A. Both Alternative A2, the preferred alternative, and Alternative E, the Save the VA proposal, were developed by historic property consulting parties. A full description of the alternatives is located in Chapter 2.</p> <p>G26-3: VA is aware that finding an adaptive reuse of unoccupied buildings through Alternative G will be a challenging process. VA has committed to developing a comprehensive marketing strategy; please see Section 5.2 for more detail.</p> <p>G26-3 If portions of the campus will not be occupied for a period of three months or longer, VA has committed to undertake steps to ensure a comprehensive plan for long-term preservation. More information about the long-term preservation plan is available in Section 5.2. VA has committed to preserving these buildings for at least five years and may update and renew the plan for an additional five years. If after five years (if the plan is not renewed), or after ten years (if renewed), VA will enter into consultation pursuant to Section 106 of the NHPA and its implementing regulations (36 CFR §800).</p> <p>G26-4 G26-4: VA BHHCS plans to request funds through the SCIP process to fund physical plant stabilizations and select other measures. If the projects are not funded through SCIP, or if the rules guiding SCIP are modified, funding shortfalls will be met with funds directly from VISN 23.</p>
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Commenter G26: Advisory Council on Historic Protection

language included in the EIS. In addition, the ACHP stands ready to support VA's legal counsel in developing specific language that might better meet the agency's needs.

We urge VA to pursue, to the maximum extent feasible, any funding strategies available through its existing strategic planning process, includes its non-recurring maintenance and construction programs. VA's documentation of its resolution of the adverse effects associated with the mothballing and long-term maintenance of the NHL should be supported by a realistic, defined, and sequential funding framework. Moreover, a strong characterization of the funding approaches VA intends to seek will allow the ACHP and other parties to position themselves in a manner to support VA's efforts to attain those funds.

Federally Recognized Indian Tribes

We encourage VA to continue efforts to consult federally recognized tribes regarding this undertaking and its potential effects on historic properties. Continuing efforts to consult tribes by VA should be clear that VA is seeking their views not only on veterans' health care issues but also on the undertaking's effects to historic properties at the VAMC to which tribes might attach religious and cultural significance.

Timing & Next Steps

We recommend VA continue to inform consulting parties of its anticipated timelines as it revises and compiles the necessary documents and materials needed for an updated Appendix C. As stated in our letter from February 10, 2016, VA's extension of the existing public comment period provides an appropriate opportunity for continuing consultation and, once VA has completed all the necessary revisions, will also allowing for the opportunity for consulting parties, if applicable, to raise objection under 36 CFR § 800.8(c)(2)(ii). In order for this approach to continue successfully, the ACHP recommends VA proactively inform consulting parties and the public of any pending extensions to the comment period and clearly indicate when the formal 30-day period will begin. These steps will help ensure VA facilitates a smooth transition to the next steps in the process.

We appreciate your consideration of our comments and recommendations on these issues, and look forward to assisting VA in this consultation. If you or your staff have any questions or require further clarification, please contact me directly at 202-517-0206 or rnelson@achp.gov at any time.

Sincerely,



Reid J. Nelson
Director
Office of Federal Agency Programs

G26-5

G26-6

G26-5: VA invited 41 Native American Tribes to participate in the consultation process. VA also hosted a dedicated Tribal meeting in November 2014. For more information about VA's Tribal engagement, see Section 6.3.

G26-6: VA informed all historic properties consulting parties of steps in the compliance process through email on April 13, 2016. A copy of this email is included in Appendix C, NEPA/NHPA Substitution Process. VA also provided access to a digital copy of a revised Appendix C on May 17, 2016, to facilitate review of the revised draft measures to resolve adverse effects.

Commenter G27: Fall River County Historical Society

From: Peggy Sanders <[REDACTED]>
Sent: Friday, April 1, 2016 6:06 PM
To: Katy Coyle
Cc: [REDACTED]

Subject: Re: Ongoing consultation

Hi All,

What year did Ft. Meade construct the new surgical tower?

Is it possible to give a cost for that renovation and construction?

Thank you,

Peggy Sanders

Fall River County Historical Society (SD)

G27-1: VA responded to this email on April 4, 2016. VA initiated construction of the VA Fort Meade campus surgical tower in 2014. The project is nearing completion. The total project cost, including design, was \$8.9 million.

G27-1

Commenter G28: Advisory Council on Historic Preservation

From: Chris Daniel [REDACTED]
Sent: Friday, April 15, 2016 9:44 AM
To: [REDACTED]

Cc: Katy Coyle; Chris Modovsky; Tom McCulloch
Subject: RE: Draft mitigation measures

Kelly,

Thank you for providing the distribution summary below. I think it would be helpful to expand the table, as you mentioned, to include the recent Consulting Party questions and VA responses. Additionally, I might suggest including a table similar to this in VA's update to Appendix C would assist readers in navigating the recent consultation efforts and their supporting documentation. Thanks again.

Best,

Christopher Daniel
Program Analyst, Liaison for Department of Veterans Affairs

Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 20001-2637

From: Kelly Wittie [REDACTED]
Sent: Thursday, April 14, 2016 4:33 PM
To: [REDACTED]

Cc: Katy Coyle; Christine Modovsky
Subject: RE: Draft mitigation measures

G28-1

G28-1: VA expanded the table and distributed a copy to all historic properties consulting parties on April 18, 2016. A table of contents for Appendix C was provided to all Consulting Parties in May 2016 to facilitate review of the revised draft measures to resolve adverse effects.

Commenter G28: Advisory Council on Historic Preservation

Good afternoon Paige,

Thank you for your question and for taking the time to speak with me this morning. The draft measures to resolve adverse effects that were distributed yesterday are the measures that will be addressed and analyzed in the EIS. The so-called "crosswalk document," the summary of the consultation to date, was distributed March 15, 2016. VA is in the process of revising and compiling the revised Appendix C. Appendix C will contain a full account of the administrative record more familiar in Section 106.

As you and I discussed this morning, VA has distributed several pieces of information since January. The table below summarizes the distribution of reports, letters, and transcripts. This table does not include questions from Consulting Parties or VA responses. I can amend the table to include the questions/responses if requested. You will notice a discrepancy in the dates of the letters and the dates of distribution: VA sent hard copies of the letters and distributed the letters via email upon confirmation of receipt.

Thank you again for your question and all your contributions to this process. Please feel free to contact me if you have any more questions.

KSW

December 21, 2015	ACHP sent a letter to Janet Murphy, VA Acting Deputy Under Secretary, requesting informing about the ongoing consultation efforts. The letter provided guidance regarding upcoming meetings. (See April 6, 2016, entry below.)
January 21, 2016	Historic Properties Consultation Meeting
January 22, 2016	VA distributed the January 21, 2016, consultation meeting presentation.
February 17, 2016	Historic Properties Consultation Meeting
February 17, 2016	VA distributed the transcript of the January 21, 2016, consultation meeting.
February 19, 2016	VA distributed the February 17, 2016, consultation meeting presentation.
March 1, 2016	VA distributed several reports in response to Consulting Party request at the February 17, 2016, meeting. - The Treanor Historical Property Report - VISN 23 CFO Operating Expense Analysis of the Save the VA Committee Alternative - VISN 23 CFO Operational Cost Analysis - VHA Facility Complexity Data Sheet - Jones Lang LaSalle Capital Cost Analysis of the Save the VA Committee Alternative - Jones Lang LaSalle Capital Cost Analysis of VA Facilities
March 15, 2016	VA BHHCS issued a summary of the consultation to date, the so-called "crosswalk" letter. The letter was addressed to the ACHP, but answered many of the questions from

Commenter G28: Advisory Council on Historic Preservation

	other Consulting Parties about the historic properties consultation process to date. (Letter dated March 9, 2016.)
April 5, 2016	VA distributed the transcript of the February 17, 2016, historic properties consultation meeting.
April 6, 2016	VA Acting Deputy Under Secretary Janet Murphy responded to the December 21, 2015, letter from Reid Nelson of the ACHP. (Letter dated March 2016.)
April 14, 2016	VA distributed draft measures to resolve potential adverse effects to the Consulting Parties for review.
April 28, 2016	VA has requested Consulting Party comments on the draft measures to resolve adverse effects by COE.
Following receipt of comments	VA will take comments into consideration and distribute final measures to resolve adverse effects.

Commenter G29: Hot Springs Historic Preservation Commission

From: [REDACTED]
Sent: Wednesday, April 20, 2016 10:29 AM
To: Kelly Wittie
Cc: [REDACTED]

Subject: RE: Draft mitigation measures

G29-1

G29-1: VA developed a series of draft measures to resolve potential adverse effects to historic properties in consultation with the historic properties consulting parties. On April 13, 2016, VA circulated these measures for consulting party comment. These comments were taken into account when revising the draft measures. The draft and revised measures, and all consulting party comments on the measures, are included in Appendix C, NEPA/NHPA Substitution Process.

Kelly,

The following list are comments and concerns of this mitigation measures draft.

(1) Since the Hot Springs Historic Preservation Commission is made up of volunteers, and meet once a month, we also would request more time to review this document. Our next scheduled meeting is May 4, 2016.

(2) The VA seems to be trying to shift their Agency responsibility of Historic Preservation to local CLG, and State HPO. This needs to be reviewed.

(3) The VA is also confusing what local CLG/H-P Commission, and Fall River Historical Society functions are. The funding help (\$10,000.00) might be directed towards the Fall River Historical Society.?

(4) In the mid 1990's acting Sec. Anthony Principi (later Sec. of VA 2001 to 2005) asked Nation wide for the VA Medical Centers to help save the history of Veterans Healthcare. Debra Thompson Associate Director of the Hot Springs VA, with Central Office, established one of the few VA established and VACO authorized Museums. The VA Battle Mountain Museum does not seem to be addressed in any of these mitigation measures? What is the VA plan for the VA established museum? (assuming that with E and F it stays)?

(5) During the last meeting with consulting parties, there was a request made for the VA to provide current and past lease agreements, and MOA's that authorize use of VA property and VA buildings to other agencies, or private enterprises. The VA did provide guidelines for shared space.?

Being a former employee, and having seen the past, and present lease agreements with the South Dakota National Guard.

The VA needs to share these documents to be fully transparent to the consulting parties. So, please provide the 75 year lease agreements (both VA agreement, and returned South Dakota National Guard agreement). On file with contracting office. The same documents allowing the National Guard to also construct their new building on VA property. These documents will show that these buildings are "Not Shared Space".

In 2012 the VA FOIA response provided a lease agreement (3 year) with the Fort Meade Calvary Museum (private enterprise).

The response stated that from 1964 to 2012 the only documents on record were the enclosed (3 year lease) from 1997 to 2000.

And that the VA BHHCS was in the process of entering into another agreement in 2012. Since the VA also responded to an

Commenter G29: Hot Springs Historic Preservation Commission

additional FOIA response stating that after the year 2000 and before the year 2012 there were 2 VA funded projects for building 55 (Fort Meade Calvary Museum), we assume that there has to be an agreement in place, too allow the funding of these VA funded projects? (since the Ft. Meade Calvary Museum has occupied a VA building since 1964). Please provide the current lease/MOA agreement with the Ft. Meade Cavalry Museum??

Without allowing the consulting parties to review these lease agreements, how can the consulting parties determine what is or is not possible for alternate uses of the Landmark buildings. If other agencies, or private enterprises are allowed exclusive use and "not Shared use" , we would assume the practice would be allowed at both campuses. ?? With or without leases or MOA's??

Again, the VA shares only the documents the VA wants to, "Not the real Truth" Please provide the lease agreements in place that allows "exclusive and sole use" of these buildings by the leasing parties. Then, and only then can the consulting parties consider all alternate uses of the Landmark buildings.

(6) The VA needs to consider a position for VA BHHCS (both campuses) for Historic Preservation Officer, currently that position is a collateral duty position, along with VA Battle Mountain Museum committee members are all volunteers, collateral duties. This position could coordinate some of these mitigation measures, and work with the additional (temp.) position proposed for the Main Street project coordinator.??

To fully understand what is or is not possible alternate uses, the VA needs to provide the requested documents.

Sorry for being so long winded, but, the only way to determine the possibilities for re-use of buildings, is to fully understand all possibilities, including the current practices of both campuses.

On behalf of the Hot Springs Historic Preservation Commission,
Thank you for considering the above comments, and concerns.
Pat Lyke

Commenter G30: Advisory Council on Historic Protection

From: Chris Daniel [REDACTED]
Sent: Friday, April 22, 2016 10:08 AM
To: [REDACTED]
Cc: Katy Coyle; Chris Modovsky; Tom McCulloch; Luke Epperson; Douglas Pulak
Subject: RE: Draft mitigation measures

Kelly,

Thank you for expanding the earlier table to include also responses to Consulting Party questions and VA responses. The below table represents an extensive catalogue of the work and materials compiled as part of the recent consultation efforts.

As VA collects comments and revises the draft mitigation measures, will that revised document and the below collective body of consultation materials, documents, and records be incorporated into the revised Appendix C with the intention of that document in its entirety being provided to consulting parties and the public for review and comment under the extend public comment period? In our February 10, 2016 letter, we recommended that VA could then utilize the document, along with consideration of any received comments, in developing the final EIS and ROD.

As the current public comment deadline is approaching soon, can clarification be provided on how VA plans to proceed with the next steps in facilitating comments on the draft mitigation measures and the overall revised Appendix C? As you mentioned in the original email, VA does not see the release of the draft measures the end of the public comment period or the beginning of the objection period. Can additional information and clarification be provided to help all parties better understand the timeline moving forward?

The ACHP will be providing our comments on the draft mitigation measures next week (most likely via email). Furthermore, we also have an additional correspondence planned for release early next week that will address to other consultation related items.

Sincerely,

Christopher Daniel
Program Analyst, Liaison for Department of Veterans Affairs

Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 20001-2637
[REDACTED]

G30-1: VA responded to this email on April 26, 2016. This transmission included upcoming steps in the consultation process, including information related to the objection period. A copy of this email is included in Appendix C, NEPA/NHPA Substitution Process.

G30-2: VA built an administrative record for the historic properties consultation in Appendix C. This document was revised and distributed to all historic properties consulting parties concurrent with distribution of the measures to resolve adverse effects in order to facilitate consulting party review. Additionally, VA created a digital record all communications with historic properties consulting parties, referenced documents, and formal consultation letters and made it available to all historic properties consulting parties.

G30-1
G30-2

Commenter G31: Advisory Council on Historic Protection

This is a copy of Commenter G26.



Preserving America's Heritage

April 25, 2016

Ms. Stella Fiotes
Executive Director
Office of Construction and Facilities Management
Department of Veterans Affairs
425 I Street, NW, 6W102
Washington, DC 20001

Ref: *Proposed Reconfiguration of VA Black Hills Health Care System
Hot Springs, South Dakota*

Dear Ms. Fiotes:

The Advisory Council on Historic Preservation (ACHP) appreciated the opportunity to attend the February consulting party workshop held in Hot Springs, South Dakota regarding the Department of Veterans Affairs' (VA) proposed Black Hills Health Care System (BHHCS) reconfiguration. We applaud the efforts of VA and its contractors to expeditiously schedule this follow-up meeting in order to continue the productive consultation from the January meeting. In addition to these recent meetings, we have also received follow-up correspondence from Acting Deputy Under Secretary for Health for Operations and Management, Janet Murphy, and Director of BHHCS, Sandra Horsman, responding to recommendations the ACHP has put forward over the past months.

The continued active involvement of VA staff from the BHHCS and the Midwest Health Care Network, and your presence as a senior policy official from Washington, has allowed for a more thorough and meaningful discussion of the proposed undertaking, the resolution of adverse effects, and the development of VA's Environmental Impact Statement (EIS). Based on the information provided during the meeting and the recent correspondence from VA and consulting parties, the ACHP offers the following comments and recommendations on the consultation process going forward.

National Park Service (NPS) Report

The NPS is uniquely positioned to advise VA on the significance of the Battle Mountain Sanitarium, National Historic Landmark (NHL), and appropriate steps to assess and resolve adverse effects to it from the proposed undertaking. While the ACHP did not request a formal report from the NPS subject to our authority to do so under Section 213 of the National Historic Preservation Act, 54 U.S.C. § 304110, we believe their report of February 12, 2016 provides much of the information that is typically detailed in such reports. Accordingly, we urge VA to carefully review and respond to the comments and concerns highlighted in this report, with particular attention to the NPS' discussion on cumulative effects and foreseeable future actions. NPS emphasizes the importance of documenting and addressing these effects, with their potential to permanently and adversely affect all aspects of the NHL's integrity.

ADVISORY COUNCIL ON HISTORIC PRESERVATION
401 F Street NW, Suite 308 • Washington, DC 20001-2637
Phone: 202-517-0200 • Fax: 202-517-6381 • achp@achp.gov • www.achp.gov

Commenter G31: Advisory Council on Historic Protection

Alternatives and Modifications

We encourage VA to complete the process of responding to consulting party comments and questions on the feasibility of modifying alternatives that would support and expand the reuse of the existing VAMC. Over the past two meetings, consulting parties have proposed modifications that would allow for the reuse of portions of the NHL. As a result, VA has revised Alternative A to include the possibility of reusing Building 12 for the proposed Community Based Outpatient Clinic (CBOC). The ACHP encourages VA to continue to review and refine the existing alternatives and to detail where adjustments were made to the EIS to address consulting party comments on modification to the proposed alternatives, and similarly being clear about those proposed modifications that are not being considered. VA receptiveness, consideration, and careful evaluation of all prudent and feasible alternatives will be important in demonstrating that VA has met its responsibility to minimize harm to the NHL to the maximum extent possible, pursuant to 36 CFR § 800.10(a).

Furthermore, we recommend VA more clearly delineate the two proposed options for Alternative A. As written, it is difficult to differentiate between the two regarding the proposed CBOC, so it is difficult to understand how VA might select between them. This is an important issue since one of the options allows for the reuse of a portion of the VAMC, an option recognized by consulting parties as a means to avoid/minimize some of the adverse effect of VA vacating the entire facility. As presented, the magnitude of the adverse effect and, in turn, the resolution required in Alternative A varies, depending upon which option VA selects. We suggest VA provide unique identifiers for both options under Alternative A (e.g. A¹ and A²) and indicate clearly which of these is the preferred alternative.

Supplemental Alternative G

We appreciate the additional clarification and discussion given to Supplemental Alternative G at the February meeting and in Director Horsman's recent correspondence to the ACHP. We support VA's acknowledgment of the direct adverse effects of this alternative through the potential change of use at the VAMC, and encourage the continued efforts to develop a comprehensive and programmatic reuse/management plan that would minimize adverse effects and ensure the long-term preservation of the property under a new user. In addition, VA should also address the potential adverse effect associated with Alternative G if the proposed reuse of the NHL is unsuccessful. The ACHP and other consulting parties noted the potential of such an outcome for Alternative G and encouraged VA to consider it as a reasonably foreseeable effect. We therefore urge VA to address the potential challenges and risks associated with Alternative G, including the development of a plan for resolving adverse effects in the event that no reuse could be found.

Funding

A prevailing concern voiced by consulting parties has been the VA's ability to secure adequate funds for those mitigation/minimization efforts pertaining to mothballing and long-term maintenance of the NHL campus, should Alternatives A-D be selected. The ACHP recognizes the difficulty federal agencies have in funding the preservation and maintenance of historic properties that are no longer directly supporting the agency's mission; however, the success of VA's resolution of adverse effects that may result from mothballing of the NHL is highly depended upon its ability to ensure adequate funding and support related mitigation and minimization items detailed in the EIS and Record of Decision (ROD).

The ACHP remains concerned that current maintenance budgets may be inadequate to address the unique cost of mothballing so many facilities and encourages VA to consider making further commitments here to seek dedicated funding should an alternative requiring mothballing be selected. We have previously provided examples of language from existing agreement documents that VA might consider using in its compliance documents and encourage VA to consider these examples as it refines the mitigation funding

Commenter G31: Advisory Council on Historic Protection

language included in the EIS. In addition, the ACHP stands ready to support VA's legal counsel in developing specific language that might better meet the agency's needs.

We urge VA to pursue, to the maximum extent feasible, any funding strategies available through its existing strategic planning process, includes its non-recurring maintenance and construction programs. VA's documentation of its resolution of the adverse effects associated with the mothballing and long-term maintenance of the NHL should be supported by a realistic, defined, and sequential funding framework. Moreover, a strong characterization of the funding approaches VA intends to seek will allow the ACHP and other parties to position themselves in a manner to support VA's efforts to attain those funds.

Federally Recognized Indian Tribes

We encourage VA to continue efforts to consult federally recognized tribes regarding this undertaking and its potential effects on historic properties. Continuing efforts to consult tribes by VA should be clear that VA is seeking their views not only on veterans' health care issues but also on the undertaking's effects to historic properties at the VAMC to which tribes might attach religious and cultural significance.

Timing & Next Steps

We recommend VA continue to inform consulting parties of its anticipated timelines as it revises and compiles the necessary documents and materials needed for an updated Appendix C. As stated in our letter from February 10, 2016, VA's extension of the existing public comment period provides an appropriate opportunity for continuing consultation and, once VA has completed all the necessary revisions, will also allow for the opportunity for consulting parties, if applicable, to raise objection under 36 CFR § 800.8(c)(2)(ii). In order for this approach to continue successfully, the ACHP recommends VA proactively inform consulting parties and the public of any pending extensions to the comment period and clearly indicate when the formal 30-day period will begin. These steps will help ensure VA facilitates a smooth transition to the next steps in the process.

We appreciate your consideration of our comments and recommendations on these issues, and look forward to assisting VA in this consultation. If you or your staff have any questions or require further clarification, please contact me directly at 202-517-0206 or melson@achp.gov at any time.

Sincerely,



Reid J. Nelson
Director
Office of Federal Agency Programs

Commenter G32: SD State Historic Preservation Commission



April 27, 2016

Ms. Sandra L. Horsman
VA Black Hills Health Care System
113 Comanche Road
Fort Meade, SD 57741

Dear Ms. Horsman:

The South Dakota Office of the State Historic Preservation Officer (SHPO) has reviewed the draft document entitled "Measures to Resolve Adverse Effects to Historic Properties Related to Alternative for the proposed Reconfiguration of the VA Black Hills Health Care System". Based on our review of the document, we offer the following comments.

Administration

- We recommend that the VA provide annual reports to all consulting parties concerning the implementation of measures to resolve adverse effects to historic properties until all measures have been enacted. Is there another avenue from consulting parties to obtain this information after seven years?

Dispute Resolution

- We recommend using the standard Dispute Resolution language developed by the Advisory Council on Historic Preservation.

Amendments

- As with any agreement developed as part of the Section 106 process, the SHPO would like to be included in the amendment process. The amendment process should include information such as time frames for notification and review periods, and an explanation of "formal notification".

All Alternatives

- We recommend that the VA's proposed "project manager" meet the SOI's Professional Qualification Standards for Historic Architecture.

900 GOVERNORS DR • PIERRE • SD 57501 • P {605-773-3458} F {605-773-6041} • HISTORY.SD.GOV
DEPARTMENT OF EDUCATION {DGE.SD.GOV}

G32-1

G32-1: VA revised the draft measures to resolve adverse effects following receipt of comments from consulting parties and released revised measures on May 17, 2016. The revised measures and VA's cover letter responding to consulting party comment is included in Appendix C, NEPA/NHPA Substitution Process. VA responded to the SD SHPO in a letter dated July 20, 2016. A copy of this letter is included in Appendix C.

Commenter G32: SD State Historic Preservation Commission

- We recommend that the VA develop a separate plan for the inadvertent discovery of cultural material and human remains.
- South Dakota Codified Law (SDCL) 1-19A-11.1 is triggered by the issuance of a permit by the State or any political subdivision of the state. An unanticipated discovery does not trigger SDCL 1-19A-11.1.

Measures to Avoid or Minimize Adverse Effects, including Potential Future Effects

- We recommend the VA maintain the entire Hot Springs campus, not just the historic buildings.
- The use of arbitrary time frames such as “at least 3 months” and “at least 5 years” is nebulous. Time frames should be established based on milestones met by the VA. We recommend the VA continue to occupy the Hot Springs Campus until an alternate use is found. Otherwise, the VA should commit to occupying the campus until the proposed mothballing plan is complete and the marketing strategy is implemented, depending on the chosen Alternative(s).
- The experiences of other federal agencies with preserving historic buildings in an unoccupied state are pertinent to the current discussion of measures to avoid or minimize adverse effects. We recommend this information be provided prior to the distribution of the final mitigation measures.
- The description of the marketing strategy is vague. What process has the VA used so far to determine if there is interest in the Hot Springs campus? Is there an order in which the VA must proceed through the proposed list of redevelopment partners? What type of input would the VA seek from the SHPO and when? What will the VA do with the campus if a development partner is not found?
- Please include information on GSA’s disposal process.

Alternative E and F: Measures to Avoid or Minimize Adverse Effects:

- It is unclear why the Grand Staircase, Building 1 – Entry, and Building 1 – Directors Office are specifically listed as locations where the VA shall follow the SOP’s Standards for the Treatment of Historic Properties. The VA should seek to develop a Programmatic Agreement to fulfill its ongoing and federally mandated responsibilities with Section 106 of the National Historic Preservation Act (NHPA) for the entire Hot Springs campus.
- Please clarify that the VA intends to consult under Section 106 of NHPA as a separate matter for the demolition of the Hot Springs campus.

Commenter G32: SD State Historic Preservation Commission

Measures to Mitigate Adverse Effects

- The Preserve America program has been defunded. It is unclear if the Preserve America designation would benefit the City of Hot Springs.
- We recommend the VA hire a qualified historian to oversee the collection of oral histories including their transcription. A copy of the digital oral histories and transcripts should be provided to a local Hot Springs organization and the South Dakota State Archives.
- The description of the proposed book project needs to contain detailed information such as how much money will be allotted for the book project, will the book be prepared by an experienced writer, what is the anticipated timeline for publication, will the book be sold or given away, etc.
- The description of the photographic display does not contain enough information to fully understand the type of display that is being proposed. Please provide more detail.
- We recommend the VA provide \$15,000 to the Hot Springs Historic Preservation Commission to hire a consultant to survey and update the Hot Springs Historic District National Register nomination. The consultant must meet the SOI Standard Qualifications for Architectural History and be will to work the SHPO staff to ensure the information fulfills the National Register documentation requirements.
- We recommend the VA fund the documentation of all historic buildings on the Hot Springs campus using Historic American Buildings Survey (HABS) Level I Standards. We also recommend the VA fund the documentation of the Hot Springs campus using the Historic American Landscapes Survey (HALS) Level I standards. The comprehensive documentation of the historic properties should be preserved and made available to the public.
- We recommend the VA fund the Main Street Program at \$75,000 per year for five years and remove all reference to the South Dakota SHPO.
- It is our recommendation that the timeline of major milestone with deadlines for implementing each mitigation measure be included in the ROD.

Finally, we would like to reiterate our concerns with the substitution process. The consultation process and flow of information from the VA has been disjointed. The confusion over the substitution process has overshadowed the importance of taking into consideration the historic campus.

Commenter G32: SD State Historic Preservation Commission

Should you require any additional information please feel free to contact myself or Paige Olson at Paige.Olson@state.sd.us or (605) 773-6004.

Sincerely,



Jay D. Vogt

Director, South Dakota State Historical Society
State Historic Preservation Officer

cc: Chris Daniel and Reid Nelson, Advisory Council on Historic Preservation
Cindy Donnell, City of Hot Springs
Amy Cole, Jenny Buddenborg and Elizabeth Merritt, National Trust for Historic Preservation
Dena Sanford, Vidal Davila and Tom Farrell, National Park Service
Katy Coyle and Kelly Wittie, R. Christopher Goodwin and Associates, Inc.
Pat Russell, Bob Nelson and Amanda Campbell, Save the VA Committee
Kathleen Schamel, Department of Veterans Affairs, Federal Preservation Officer
Doug Pulak, Department of Veterans Affairs, Deputy Federal Preservation Officer

Commenter G33: Advisory Council on Historic Protection

From: Chris Daniel - [REDACTED]
Sent: Thursday, April 28, 2016 11:22 AM
To: [REDACTED]

Cc: Katy Coyle; Chris Modovsky; Tom McCulloch
Subject: RE: Draft mitigation measures
Attachments: ACHP General Comments on Draft Measures to Resolve Adverse Effects (2016-04-28).docx; Measures to Resolve Adverse Effects (ACHP comments 2016-04-28).docx; sd.va.bhhcs.consolidation consultation follow-up february.con.25apr16.pdf

Kelly,

Please find attached the draft effects resolution document with our comments included directly to the document in mark-up mode. I have also attached a separate word document with some more general comments to the overall document and a copy of our April 25, 2016 letter, which also addresses several specific components of the document and next steps.

Sincerely,

Christopher Daniel
Program Analyst, Liaison for Department of Veterans Affairs

Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington DC 20001-2637

[REDACTED]

G33-1: VA developed a series of draft measures to resolve potential adverse effects to historic properties in consultation with the historic properties consulting parties. On April 13, 2016, VA circulated these measures for consulting party comment. These comments were taken into account when revising the draft measures. The draft and revised measures, and all consulting party comments on the measures, are included in Appendix C, NEPA/NHPA Substitution Process.

G33-1

Commenter G33: Advisory Council on Historic Protection

April 28, 2016

BHHCS Draft Measures to Resolve Adverse Effects

ACHP General Comments (detailed comments included directly on draft document in mark-up format)

1. Proposed Usage – Will the mitigation document be incorporated initially into the Appendix C of the draft EIS and then into the main body of the final EIS when published? After which, will the Administrative Items, all alternative items, and the selected alternative items be used in the Record of Decision (ROD)? Recommend prefacing this document with a framework for how it will be applied to future NEPA documents in the EIS process so that reviewers and the public have a better understanding of its intent.
2. ACHP Recommendations April Letter – Document should take into account and revise as appropriate in response the ACHP's recent April 25, 2016 letter.
3. Duplicate Sections – Redline comments on the draft mitigation plan should be consider applying to all duplicative sections/text for all Alternatives unless specified.
4. Overall Formatting – ACHP recommends formatting the document with additional sub-headings for specific mitigations/measures/administrative steps and using a numbered/lettered bulleting system that will allow for easier navigation and future adaption of text for integration into the ROD.
5. Alternative G – Can VA clarify scenarios in which it an Alternative that required VA vacating the campus where Supplement Alternative G would not be utilized? How would the properties be handled otherwise.
6. Treatment of Reused Properties - Under Alternatives A (CBOC Building 12) & C, VA will continue to maintain a presence on the campus and will reuse existing historic facilities for new services. The general requirements for all alternatives provide some information/guidance on the treatment of historic properties, but Alternatives A & C do not address the rehabilitation activities that would take place for these buildings to meet new mission requirements. Page 45 of the draft EIS describes the variety of existing buildings that would be reused as part Alternative C and those needed for the new Alternative A (Building 12) CBOC. Recommend the minimization and avoidance language for each of these alternatives be revised to address the reuse of appropriate historic buildings.

Commenter G33: Advisory Council on Historic Protection

Will the mitigation document be incorporated initially into the Appendix C of the draft EIS and then into the main body of the final EIS when published? After which, will the Administrative items, items applying to all alternatives, and selected alternative items be used for the Record of Decision (ROD)?

Recommend prefacing/introducing this document/section with a framework for how it will be applied to proceeding NEPA documents so that reviewers and the public have a better understanding of the process.

Sub-heading [under Administration]-Reporting/Monitoring

Recommend this item [related to publication of ROD] is located at the end or beginning of the administrative section.

Recommend adding sub-headings similar to this one ["Dispute Resolution"] through-out the document. This will assist in adapting the document for the final EIS and ROD.

Should Rehabilitation be considered as well [as Preservation] specifically for Alternatives A, C, and E.

Does this [project manager serving as contact for consulting parties] include any reuse and marketing actions under the Alternatives as well?

While many timelines for mitigation items will be finalized after the ROD is issued, we recommend providing a deadline for assigning and identifying this individual in the ROD. Recommend adding a statement that includes informing C/Ps of the assignment.

Human Remains Sub-Heading [under All Alternatives]

Could this language be combined since it is the same for both state or private? [How to respond to discovery of human remains.]

The comments at left were extracted from a 44-page "track changes" markup of the original document. References to specific context are provided in brackets within the comments.

Commenter G33: Advisory Council on Historic Protection

Sub-heading for unanticipated discoveries [under All Alternatives]

Recommend defining what maintain means in this context (i.e. What type of activities will occur?). Is this the same routine operational maintenance that would occur if the facility actively providing services?

Suggest adding that large scale mothballing project experience [for historic architect designing plan] is preferred over just individual buildings.

Mothballing Funding - Recommend VA provide additional detail on methods to seek funding for mothballing and maintenance requirements for Hot Spring Campus. (See additional comments in ACHIP April 25, 2016 letter)

The plan will continue for a minimum of five years but what happens if the mothballing has to exceed five years? Is there a contingency to renew discussions if mothballing goes beyond five years?

Suggest sub-headings and lettered/numbered bulleting for each major mitigation project to allow for easier reading, reference, and navigation in the later documents.

Have any of the other CP be asked to participate in developing the plan? Also recommend rephrasing to focus on VA responsibilities in coordination with other parties. Suggest rephrasing this item [regarding digital oral histories] to place active role on VA. [edits suggested]

Were other CPs considered for review/comment of the book?

Was there consideration given to making an e-version of the book? This would allow for continued distribution after hardcopies totals are exceeded.

Commenter G33: Advisory Council on Historic Protection

Recommend considering technology obsolescence concerning mobile applications. When substantial updates occur to existing mobile operating platforms, "apps" such the proposed may become inoperative. Recommend considering the opportunity for the design and coding of such an app to be provided to other parties for future updates beyond VA's original release.

Recommend moving this item [develop a milestone schedule] to the top of the overall mitigation section for each alternative as the requirement applies to all items.

Recommend adding that timeline will be provided to all CP once developed.

If the items below are supposed to represent a sequential process for redevelopment of some or all of the property, I recommend making the sequence and steps more well defined and delineated so that it's easy to know where VA is in the process. The document mentions the creation of a redevelopment plan at the early stages of this process. When and how will this be shared with CPs? How soon can a timeline/framework for this process be implemented once VA issues the ROD?

Recommend specifically that numbered/letter bulleting be used for this section to defined the sequence of steps occurring in the redevelopment process to make it easier to track where VA is in the process.

Will this future process [to identify possible redevelopment partners] be shared with CP? Is so when?

The current document does not provide detail on how these avenues [for re-use] will be sought.

Will this document [the redevelopment process] be shared with the CPs? Suggest the development of a reuse timeline once the ROD is signed. Perhaps developed in coordination with CPs through the project team?

Recommend the IPT [integrated project team] utilize input/support/comments from SHPO, NPS, and other consulting parties in alternative analysis.

Commenter G33: Advisory Council on Historic Protection

Are these [disposal preservation] conditions conditions that VA will be requiring the following a decision to seek a disposal of the property?

Other than the first two items [in Alternative A2] applying to all alternatives this section does not provide detail on any specific avoidance, minimization, and mitigation efforts required for the reuse and rehabilitation of existing VA historic properties that would be required per this Alternative (also applies to Alt C). Alternative E has requirements for exterior work and design review.

If VA is actively using buildings on the campus how will this alter any re-use and marketing approaches?

Could this lease [of greenhouse] be renewed or continue because of a VA presence on the campus?

Because Building 12 is being reused in this Alternative could the display be in the CBOC?

Do these requirements [following SOI standards] need to be included in Alt C as well because Building 1 would be reused as part of the RRTP?

Was there consideration on applying this process [a Design Review Committee] to Alternative A (Building 12 CBOC) & Alternative C as well?

Commenter G34: National Park Service

From: Sanford, Dena [REDACTED]
Sent: Thursday, April 28, 2016 6:16 PM
To: Kelly Wittie
Cc: [REDACTED]
Subject: NPS Comments on Draft Measures to Resolve Adverse Effects to Historic Properties

OFFICIAL CORRESPONDENCE SENT VIA ELECTRONIC MAIL
National Park Service
Midwest Regional Office HNRP: KS, MI, ND, NE, SD
c/o Agate Fossil Beds National Monument
301 River Road
Harrison, NE 69346

NO HARD COPY TO FOLLOW

April 28, 2016

8.A.4 (H3417 MWR-CR/HNRP)

Ms. Kelly Wittie, Senior Project Manager
R. Christopher Goodwin & Associates, Inc.
Corporate Headquarters
309 Jefferson Highway, Suite A
New Orleans, LA 70121

Re: Draft Measures to Resolve Adverse Effects to Historic Properties Related to Alternatives for the Proposed Reconfiguration of the VA Black Hills Health Care System

Dear Ms. Wittie:

Thank you for submitting the draft document, "Draft Measures to Resolve Adverse Effects to Historic Properties Related to Alternatives for the Proposed Reconfiguration of the VA Black Hills Health Care System," for National Park Service (NPS) review. The proposed work addresses mitigation efforts for impacts to the Battle Mountain Sanitarium National Historic Landmark (NHL) that would result from the various proposed alternatives for reconfiguration of the Black Hills Health Care System (BHHCs). The NPS has concerns about the NHPA/NEPA process at this point, as this draft document may not yet reflect a final preferred alternative. It is unclear how this draft document, which would be included with the Record of Decision, may be modified per the requirements of the NEPA process. Because the public comment period has been extended to May 5, 2016, the next steps

G34-1: VA developed a series of draft measures to resolve potential adverse effects to historic properties in consultation with the historic properties consulting parties. On April 13, 2016, VA circulated these measures for consulting party comment. These comments were taken into account when revising the draft measures. The draft and revised measures, and all consulting party comments on the measures, are included in Appendix C, NEPA/NHPA Substitution Process.

G34-1

Commenter G34: National Park Service

in the NEPA process require the VA to review public and consulting party comments, and then refine the draft EIS analysis as needed. Such steps are to allow the VA to refine alternatives and data as necessary, as noted in the "NEPA and NHPA, A Handbook for Integrating NEPA and Section 106," page 27. Indeed, as part of the consultation process, the VA has already proposed one change to Alternative A. Following receipt and consideration of all public and consulting party comments, the VA may yet make additional changes to the draft EIS. This could therefore affect the proposed actions described in this "Draft Measures to Resolve Adverse Effects..." When a final preferred alternative has been identified, the NPS requires the opportunity to comment on the alternative and the ultimate effects.

Regarding the content of the "Draft Measures to Resolve Adverse Effects..." the proposed resolution of adverse effects is inadequate to protect the NHL, as specified in Section 100(f) of the National Historic Preservation Act, as amended, and as codified in 54 U.S.C. 306107. This draft suffers from a number of deficiencies, primary among them is the failure to identify Battle Mountain Sanitarium as an NHL, and the failure to directly acknowledge 54 U.S.C. 306107 or 36 CFR 800.10. This draft does not acknowledge the VA's responsibilities "to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm" to the NHL. This would include the need to meet more than the minimum actions of "mothballing" as described in *Technical Preservation Brief 31*. It lacks specificity of detail on data collection, roles and responsibilities, and funding. Missing from the proposed measures are actions the VA would undertake to minimize the effects of construction that would be undertaken on-site, such as would be associated with Alternatives C,E, F and G. There are also statements that require definitions, or revisions to provide clarity.

1) "Mothballing" a National Historic Landmark:

Under certain alternatives, including the draft preferred alternative, the length of time the Battle Mountain Sanitarium NHL might remain unoccupied is unknown. *Technical Preservation Brief 31* is intended as an interim measure until an historic property is reused. The NPS is concerned that a number of years may pass before new lessees or new owners could be found, and that would completely reoccupy the NHL campus. Therefore, a robust interim program for the ongoing maintenance of unoccupied buildings and landscape is merited, with assurances that building interiors will be maintained in good order. Beyond this, the document does not address necessary maintenance of the landscape.

The document proposes that a maintenance plan will be subsequently developed in consultation with the South Dakota State Historic Preservation Office and the National Park Service, and take into account comments from those agencies. Developing a maintenance plan subsequent to a Record of Decision (ROD) is understandable; however, because of the requirement for increased attention to the care of the NHL, this "Measures to Resolve Adverse Effects..." plan should include some minimum requirements that will be included in the maintenance plan. These would include but not be limited to a monitoring schedule (which should be more than once per year) and an allowable time for VA response to emergency repairs.

The final bullet on all alternatives states that a timeline of major milestones would be developed within a month of issuing a ROD. Given the importance of the property, and the concerns raised throughout the development of a draft EIS, the NPS suggests that specific timeline be included as part of the final mitigation measures.

2) Data Collection:

Commenter G34: National Park Service

The Secretary of the Interior's Standards for Preservation Planning guides that "...to make responsible decisions about existing properties, existing information must be used to the maximum extent and new information must be acquired as needed." Because Battle Mountain is an NHL, in order to ensure that interim maintenance actions do not allow for deterioration of materials, baseline condition information is needed. The intent should be to avoid deterioration, rather than to minimize deterioration. Such baseline information would meet the concept of "minimizing" adverse effects, rather than "mitigating" adverse effects. It would apply to historic resources whether or not the VA leaves or remains on-campus.

The baseline information would be critical for monitoring the treatment and use of the property by the VA, by future lessees (including potential lessees of the greenhouse), and as necessary marketing data to future lessees or new owners. The NPS understands that Historic American Buildings Survey (HABS) documentation has been undertaken on some but not all of the NHL contributing resources, and that the level of documentation varies among buildings. Documentation of all resources to HABS level 1 standards should be collected for all contributing resources identified (less the Cemetery) in the 2011 NHL nomination, and Historic American Landscape Survey (HALS) documentation, level 1, for the landscape. Level 1 documentation includes photographs, a written narrative, and measured drawings. Information from this documentation should be cross-referenced with VA maintenance records and condition assessments and resolved where appropriate. The HABS/HALS documentation would then contribute to the preparation of Condition Assessment Reports for buildings, structures and the landscape, as recommended as a preliminary step in *Technical Preservation Brief 31*. Be aware that HABS/HALS documentation does not necessarily undertake the same level of architectural and engineering investigations as do Condition Assessment Reports.

The VA should commit to production of Design Guidelines for the campus, which would be based on the *Secretary of the Interior's Standards on the Treatment of Historic Properties*. As with producing HABS/HALS documentation and Condition Assessment Reports, these guidelines would be necessary references for future lessees or new owners undertaking maintenance or new construction. Design Guidelines would assist the VA for alternatives where the agency remains on campus, as with Alternatives C, E and F. Design Guidelines would also facilitate calculations of costs generated by lessees or new owners as they consider use of the historic campus. This would be particularly useful for those who would apply for loans or grants.

There are a number of tasks identified as mitigating adverse effects which have questionable meaning for directly mitigating adverse effects to the NHL. Many of these proposed mitigation efforts have not been discussed as part of the consultation process, so it is not clear whether or not such actions have been requested. These include applying for a Preserve America designation; creating a photographic display in a public area; and resurveying the Hot Springs Historic District. It is unclear why the Historic District may require surveying, given that a National Register nomination for the Hot Springs Historic District was prepared by Dr. Suzanne Julin in 2005, and the NHL document provides specific detail on the Battle Mountain campus. It is also unclear why there would be a limit on submittal of photographs of the Hot Springs campus for inclusion in an amended National Register nomination, or why the BHHCS staff must be contacted for surveying property in the Hot Springs Historic District, which extends beyond the Battle Mountain Sanitarium NHL. While the NPS does not object to these tasks in concept, the VA should bear in mind that additional mitigation actions would be undertaken in addition to necessary efforts such as completing HABS/HALS documentation and preparing Condition Assessment Reports and Design Guidelines.

This topic raises the question as to what the VA proposes to do with the current museum and associated collection on-campus. Such treatment should be addressed both in the draft EIS and in proposed treatment to avoid, minimize or mitigate adverse effects.

Commenter G34: National Park Service

3) Roles and Responsibilities:

Statements such as those provided in bullet 7, page 2; bullet 3, page 7; and dash 1 on page 8 are vague regarding appropriate education and experience for person or people responsible for overseeing contracts, monitoring tasks, development of a marketing strategy, managing an integrated project team for evaluating alternative VA uses. It is also vague regarding to whom such individuals would report. Bullet 7 on page 2 does not clarify that the dedicated project manager should be familiar with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and have expertise in cultural resources management. This person should be assigned full time, on-site, to the task of overseeing and implementing appropriate mitigation measures, and should report to the VA Federal Preservation Officer. The person or persons responsible for developing and implementing a market strategy should have the appropriate education and business expertise in property management and marketing at a national level. Such people or persons should be assigned full time to developing a marketing strategy, and successfully implementing the marketing strategy within a specific time period. The person or position to whom this person or persons should report is not identified. The criterion for selecting an integrated project team, as identified in dash 1, page 8, is not identified, nor what is meant by "appropriate levels across the VA enterprise." The allocation of time and effort is not defined. The person or position to whom this integrated team would immediately report is also not identified, although it appears that the final recipient of the information is the Secretary of Veterans Affairs (SECVA). It is not clear if the SECVA is the final decision-making authority on the appropriateness of possible alternative VA uses.

4) Funding:

The NPS understands that allocation of funding for maintenance work on historic buildings and the landscape depends upon annual submission of funding requests to Congress, and that the VA cannot promise that funding will be available each or any year. However, we do note that the VA proposes to commit funds for certain actions such as surveying the Hot Springs Historic District, producing a book and a mobile app, and funding a staff position for a South Dakota Main Street program. As such funds are apparently available for these tasks, the same funding sources should be used for the collection of baseline data, production of HABS/HALS documents, Condition Assessment Reports and Design Guidelines, as noted in comment item #2.

5) Minimizing Effects from On-site Construction:

While temporary, on-site construction that may result from Alternatives C, E, F and G may require the VA to ensure that such actions are minimized. If construction is undertaken, a staging plan would be needed. The Staging plan would identify potential adverse effects, such as access routes impacted by construction vehicles, the number and type of vehicles that could move through the site, placement of vehicles and equipment so as to avoid damaging or otherwise impacting contributing buildings, structures, objects or landscape features, or archeological resources.

6) Definition of Terms and Unclear Statements:

There are some terms that lack clear definition, and include "unanticipated effects," "federal family." What are unanticipated effects? Accidental damage or destruction of a contributing building or landscape feature at the NHL? Will the consulting parties be immediately notified?

There are statements relative to Alternative E that are confusing and potentially misleading. Regarding application of the *Secretary of the Interior's Standards*, these guidelines

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should apply to both exterior and interior spaces that contain important character-defining features. The identification of such features would be documented in HABS/HALS documentation, and production of Condition Assessment Reports. In addition, references about the appearance of new construction should more closely follow the text as provided in the *Secretary of the Interior's Standards*. New construction should be as reversible as possible, and be sympathetic to but not duplicate, historic structures. Materials should be compatible with the setting and environment, and be subservient to the historic buildings, be located on secondary or tertiary elevations, to the maximum extent possible. New construction attached to historic buildings should be done as minimally as possible, with the least amount of damage or alteration to the historic fabric as possible, while providing function occupancies meeting programmatic requirements. Such detail should be included in Design Guidelines, as identified above.

If you have any questions, please do not hesitate to contact me via electronic mail at dena_sanford@nps.gov or telephone me at 308-436-9797.

Sincerely,

/s/

Dena Sanford, Architectural Historian
National Historic Landmark Coordinator, South Dakota

Commenter G35: National Park Service

From: Sanford, Dena [REDACTED]
Sent: Friday, April 29, 2016 2:02 PM
To: Katy Coyle
Cc: [REDACTED]

Subject: Re: Draft mitigation measures

Katy-

This combined NHPA/NEPA process continues to puzzle me. Could you clarify the statement, "VA then will distribute the final mitigation measures. This distribution will trigger (1) the final 30 days of the public comment period, and (2) the start of the Consulting Party objection period."

Does this mean that there's yet another extension of the May 5th deadline for public comments on the DEIS, or that there will be another comment period on the DEIS? Or is the public comment period for the mitigation measures, per NHPA? How does that relate to the VA's NEPA process of considering public and consulting party comments as part of finalizing the EIS, and if the VA makes changes to alternatives based on those comments, how in turn does that relate to making any necessary changes to the mitigation measures?

Thank you,

-Dena

DENA SANFORD, ARCHITECTURAL HISTORIAN
HISTORY & NATIONAL REGISTER PROGRAMS
NATIONAL PARK SERVICE MIDWEST REGIONAL OFFICE
c/o AGATHA FOSSIL BEDS NATIONAL MONUMENT
301 RIVER ROAD
HARRISON, NE 69346
[REDACTED]

G35-1: VA responded to this email on May 3, 2016. The public comment period on the draft EIS was extended to June 20, 2016. The close of the public comment period also marked the close of the consulting party objection period.

G35-1

Commenter G36: National Park Service



United States Department of the Interior

National Park Service
 Midwest Region
 601 Riverfront Drive
 Omaha Nebraska 68102-4226

8.A.4(H3417 MWR/CR-NRHP)

May 3, 2016

Ms. Sandra L. Horsman, Director
 Department of Veterans Affairs
 Black Hills Health Care System
 113 Comanche Road
 Fort Meade, South Dakota 57741

Dear Director Horsman:

The National Park Service (NPS) appreciates the opportunity to review and comment on the October 2015 Draft Environmental Impact Statement (DEIS) regarding the Department of Veterans Affairs (VA) proposal to reconfigure the Black Hills Health Care System (BHHCs). The Hot Springs, South Dakota, VA Medical Center was designated the Battle Mountain Sanitarium National Historic Landmark (NHL) in 2011, and we are concerned for its future preservation in the BHHCs reconfiguration. We appreciate the multiple opportunities to consult on this project such as at the February 17, 2016 meeting. This letter restates and augments past comments and our concerns with the preferred Alternative A, and Alternatives B and D which entail the removal of all VA services from the Hot Springs VA Medical Center campus, and its possible reuse through lease or sale.

On behalf of the Secretary of the Interior, the NPS administers the NHL program, and is responsible for both monitoring NHLs and facilitating the retention of the qualities and characteristics that led to their designation as places of exceptional national significance. The Advisory Council on Historic Preservation regulations, set forth in 36 CFR 800.10, explain the consultation responsibilities of the NPS under the National Historic Preservation Act, as amended, (54 U.S.C. 306108/306110) (NHPA).

The NPS has a number of concerns with the DEIS. These include the adequacy of information contained in the document; the rejection of alternatives that include the continued or reuse of the historic campus by the VA; the assessments of effects of the various alternatives; and proposed adverse effect mitigation measures. Alternatives A, B and D, and Supplemental Alternative G have the potential to substantially and adversely affect the Battle Mountain Sanitarium NHL. Our concerns are addressed in detail in the enclosed "Battle Mountain Sanitarium National Historic Landmark Assessment of Significance, Assessment of Likely Adverse Effects Recommended Measures to Avoid, Minimize, or Mitigate Adverse Effects February 12, 2016." We request that the report be included as part of our official comments on the DEIS.

Among the various laws and policies guiding VA planning are the NHPA (54 U.S.C. 306110), and VA Directive 0066, entitled "Sustainable Locations Program." They direct the VA, among other things, to maximize the use of existing federal space, to leverage investment in existing infrastructure, to promote the preservation of historic resources, to the maximum extent feasible use historic buildings available to them, and to the maximum extent possible minimize direct and adverse harm to NHLs affected by the planning process. In order to comply with law and policy, the NPS suggests that the VA direct the required higher standard of care to the Battle Mountain Sanitarium NHL as part of your reconfiguration proposal.

G36-1: VA has included in the "Battle Mountain Sanitarium Assessment of Significance, Assessment of Likely Adverse Effects Recommended Measures to Avoid, Minimize, or Mitigate Adverse Effects" document dated February 12, 2016 in the administrative record and included it in Appendix C, NEPA/NHPA Substitution Process. The measures suggested to avoid, minimize, and/or mitigate adverse effects were utilized to develop the proposed measures to resolve adverse effects.

G36-2: VA also recognizes the vital, higher standard Congress provided in Section 110(f) of the NHPA (54 U.S.C. 306107). This procedural standard requires that VA "shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm" to a National Historic Landmark (NHL), like the Battle Mountain Sanitarium. It does not impose a substantive requirement that a federal agency minimize harm to the NHL to the maximum extent possible. VA's measures to resolve adverse effects, including measures to avoid or minimize potential effects of each alternative, is included in Section 5.2.

G36-1

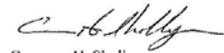
G36-2

Commenter G36: National Park Service	
<p>The NPS believes that sensitive rehabilitation of all or part of the NHL campus for VA use could be cost-effectively undertaken in order to meet the purpose of the BHHCS reconfiguration. Such rehabilitation could provide accessible, quality and safe health care for Veterans, including American Indian Veterans, in close proximity to Hot Springs. Because the cost estimates in the DEIS contain summary information, we do not understand how specific rehabilitation actions were calculated or how deferred maintenance might factor into the cost analysis. It appears that calculations for energy conservation measures were not included in life-cycle costs for all alternatives. Consideration of sustainability should be included as part of the calculations for both historic building reuse and new construction, and contribute to the choice of a preferred alternative. This would be in keeping with Executive Order 13423, "Strengthening Federal Environmental, Energy and Transportation Management," and Executive Order 13693, "Planning for Federal Sustainability in the New Decade." As has been documented by the Department of Defense, rehabilitation of pre-World War II masonry buildings is more cost effective than new construction, and can result in greater overall energy reductions.</p> <p>We appreciate the VA's proposed modification to Alternative A, which was presented during the consultation process. The modification to consider the reuse of Building 12 as a Community Based Outpatient Clinic (CBOC) reflects consideration of consulting party concerns. The NPS urges the VA to consider additional modifications to the alternatives to reuse historic resources on campus. The summary assessment of alternatives on page xxvii states that continued use of the historic campus does not meet the purpose and need for the action as expressed in Alternatives C, E, and F. This summary is unclear, based on the subsequent evaluation of the affected environment. There is no reason that rehabilitation could not be undertaken to meet the needs of Single Parent Veterans, female veterans, or the "Recovery Model of Care," and follow VA Mental Health Facilities Design Guidelines, VA Outpatient Clinic Design Guidelines, and the VA Site Development Design Manual.</p> <p>During the consultation process, the NPS had objected to the exclusion of Fort Meade from further consideration in the DEIS. We therefore appreciate the VA's subsequent agreement to include Fort Meade in the area of potential effect, as noted during the February 17, 2016, meeting. Fort Meade should also be included in the DEIS, and the status of proposed actions at that facility addressed, as described in information provided to the public from 2011 through mid-2015. This information included the proposed renovation and new construction of certain facilities.</p> <p>In addition, the NPS recognizes the significance of the NHL to American Indian Tribes. Four tribal councils (Standing Rock Sioux, Rosebud Sioux, Oglala Sioux, and Cheyenne River Sioux), the Black Hills Treaty Council, and the National American Indian Veterans organization issued resolutions in 2012 objecting to the proposed closure of the Hot Springs campus. We encourage the VA to continue consultation with Tribal Historic Preservation Officers associated with the NHL.</p> <p>The NPS is concerned with the VA National Environment Policy Act process, and the ability of the public and consulting parties to comment on a final preferred alternative and final proposed mitigation actions. The consultation process to date suggests that significant changes will be made to the alternatives, and to the content of the DEIS. It is conceivable that proposed mitigation measures would also require change, based on changes to one or more alternatives. Production of a revised DEIS seems merited, including provision for a second public comment period to allow the public and consulting parties the opportunity to review, comment and potentially object to a final preferred alternative and the ultimate effects of that alternative. In this way, the VA would meet the intent of 36 CFR §800.8(c)(2), regarding the environmental review process. The revised DEIS should include correspondence submitted by the public and consulting parties, as part of the administrative record. Information on budget expenses should also be updated to the present fiscal year.</p>	<p>G36-3: see group response in Table E-2. VA has determined the existing facility can be effectively renovated.</p> <p>G36-3 G36-4: VA identified no additional alternatives to analyze in the document, however, VA has changed the preferred alternative from Alternative A as described in the Draft EIS to the new hybrid Alternative (A-2) identified during the consultation process. It has been evaluated in the Final EIS.</p> <p>G36-4 G36-5: See response in Section E.3.2 relating to alternatives ability to meet purpose and need.</p> <p>G36-5 G36-6: In response to historic property consulting party comment, VA expanded the area of potential effect to include the VA Fort Meade campus. VA agreed to this request in January 2016 so it is not reflected in the draft EIS, which was issued in October 2015. It is included in Section 3.3 of the final EIS. At present, VA does not anticipate altering the physical plant of the VA Fort Meade campus in response to any of the proposed alternatives. The campus, however, is an active medical center and may require modification. at a later date to better provide health care to Veterans. As in the past, VA will consult with the SD SHPO about proposed changes to determine if the changes rise to the level of adverse effect.</p> <p>G36-6 G36-7: VA included the comments listed and comments from other Native American Tribes in the administrative record and took these comments into account when drafting the EIS and the measures to resolve adverse effects. A summary of VA's outreach to Native American Tribes is included in Section 6.3.</p> <p>G36-7 G36-8: See group response in Table E-2 relating to NEPA compliance. VA does not believe that the revisions to the draft EIS warrant issuance of a supplemental EIS prior to releasing the final EIS.</p>

Commenter G36: National Park Service

Thank you for your consideration of these comments. If you have questions, please contact NPS Architectural Historian Dena Sanford at (308) 436-9797 or dena_sanford@nps.gov.

Sincerely,



Cameron H. Sholly
Regional Director

Enclosure

cc: w/o enclosure:

Ms. Kathleen Schamel, VA Federal Preservation Officer, Office of Construction and Facilities Management (00CFM1), 810 Vermont Ave NW, Washington D.C. 20420

Mr. Doug Pulak, VA Deputy Federal Preservation Officer, Office of Construction and Facilities Management (00CFM1), 810 Vermont Ave NW, Washington D.C. 20420

Ms. Stella Fiotes, Executive Director, Office of Construction and Facilities Management, Department of Veterans Affairs, 425 I Street, NW 6W102, Washington, D.C. 20001

Mr. Jay Vogt, South Dakota State Historic Preservation Officer, South Dakota State Historical Society, 900 Governors Drive, Pierre, South Dakota 57501

Mr. Christopher Daniel, Advisory Council on Historic Preservation, 401 F Street NW, Suite 308, Washington, D.C. 20001-2637

Mr. Jeffrey Durbin, 106 Compliance Manager, National Park Service, WASO, 1201 Eye Street, NW 7th Floor, Washington, D.C. 20005

Mr. Vidal Davila, Superintendent, Wind Cave National Park, 26611 U.S. Highway 385, Hot Springs, South Dakota 57747-9430

Mayor Cindy Donnell, City of Hot Springs, 303 North River, Hot Springs, South Dakota 57747

Ms. Peggy Sanders, Board Member, Fall River County Historical Society/Pioneer Historical Museum, 14331 East Oral Road, Oral, South Dakota 57766

Mr. Mike Ortner, Chairman, Fall River County Commissioner Office, P.O. Box 629, Hot Springs, South Dakota 57747

Mr. Pat Russell, Save the VA Chair, P.O. Box 851, Hot Springs, South Dakota 57747

Mr. Pat Lyke, Hot Springs Historic Preservation Commission, City of Hot Spring, 303 North River, Hot Springs, South Dakota 57747

Commenter G36: National Park Service

The attachment to this comment was previously provided by NPS, and is included in its entirety in commenter submission G19.

Mr. Donald L. Ackerman Sr., The Veterans Representative, 217128 Wonderland Rd., Hot Springs South Dakota 57747

Ms. Jennifer Buddenborg, National Trust for Historic Preservation, Denver Field Office, 1420 Ogden Street, Suite 203, Denver, Colorado 80218

Mr. Ken Orrock, Department Vice Commander, District 1 and 2, American Legion of South Dakota, 141 1st Ave., SE, P.O. Box 67, Watertown, South Dakota 57201

Mr. Floyd Azure, Chairman, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, P.O. Box 1027, Poplar, Montana 59255

Mr. Darrell Youpee, Tribal Historic Preservation Officer, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, P.O. Box 1027, Poplar, Montana 59255

Ms. Amber C. Toppah, Chairwoman, Kiowa Tribe of Oklahoma, 100 Kiowa Way, P.O. Box 369, Carnegie, Oklahoma 73015

Mr. Curtis Munoz, Environmental Director, Kiowa Tribe of Oklahoma, 100 Kiowa Way, P.O. Box 369, Carnegie, Oklahoma 73015

Mr. Dean Goggles, Chairman, Arapaho Tribe of the Wind River Reservation, P.O. Box 396, Fort Washakie, Wyoming 82514

Ms. Yufna Soldier Wolf, Tribal Historic Preservation Officer, Arapaho Tribe of the Wind River Reservation, P.O. Box 67, St. Stevens, Wyoming 82524

Mr. John Yellow Bird Steele, President, Oglala Sioux Tribe, P.O. Box 2070, Pine Ridge, South Dakota 57770

Mr. Dennis Yellow Thunder, Tribal Historic Preservation Officer, Oglala Sioux Tribe, P.O. Box 129, Kyle, South Dakota 57752

Mr. Robert Flying Hawk, Chairman, Box 1153/ 800 Main Avenue SW, Yankton Sioux Tribe, Wagner, South Dakota 57380

Mr. Perry Little, Tribal Historic Preservation Officer, Box 1153/ 800 Main Avenue SW, Yankton Sioux Tribe, Wagner, South Dakota 57380

Mr. Steve Vance, THPO, Cheyenne River Sioux Tribe, Cultural Preservation Office, P.O. Box 590, 98 S. Willow St., Eagle Butte, South Dakota 57625-0590

Ms. Katy Coyle, R. Christopher Goodwin & Associates, Inc., 309 Jefferson Highway, Suite A, New Orleans, Louisiana 70121

Commenter G37: SD State Historic Preservation Office

From: Olson, Paige [REDACTED]
Sent: Friday, May 06, 2016 4:27 PM
To: 'Katy Coyle' <[REDACTED]>
Cc: Spencer, Ted [REDACTED]
Subject: RE: Questions re VA BHHCS Draft Mitigation Measure comments

Hi Katy,

Couple more comments and questions.

1. For a separate inadvertent discoveries plan, we think that, since this isn't a PA or an MOA, there isn't a way for a ROD to have an attachment or an appendix.
2. We have requests out to a number of SHPOs, and I know that Chris D is asking around as well, but I think gathering other mothballing final or annual reports will not be a short process; that's why we made it a part of the mothballing plan, which will take quite a while to create. If we do succeed in gathering that information, we'll pass it along.
3. So, it's acceptable for VA to fund SHPO for the Main Street program for 5 years, but then remove anything after that? We can do that.

Thanks,

Paige Olson
Review and Compliance Coordinator
South Dakota State Historical Society
900 Governors Drive
Pierre, SD 57501
[REDACTED]

G37-1: A Record of Decision may include appendices as necessary. VA will follow federal and state law regarding the treatment of historic properties and/or human remains not previously identified as part of this analysis. See Section 5.2 for more information.

G37-1

G37-2: ACHP provided examples of mothballing projects in order to inform the development of the long-term preservation plan as did other federal agencies. VA will include these materials in the documents used to develop the long-term preservation plan. See Section 5.2 for more information.

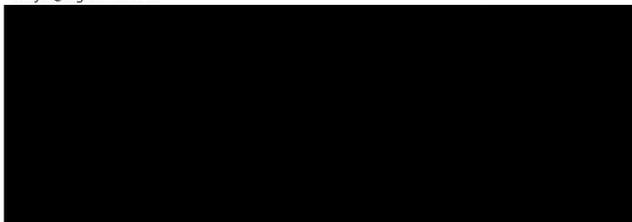
G37-2

G37-3

G37-3: VA included the Main Street program as a measure to mitigate adverse effects for some, though not all, of the alternatives under analysis. See Section 5.2.

Commenter G39: National Park Service

From: Sanford, Dena
Sent: Thursday, June 16, 2016 5:31 PM
To: kcoyle@rcgoodwin.com
Cc:



Subject: RE VA Measures to Mitigate Adverse Effects to Historic Properties in the EIS

OFFICIAL CORRESPONDENCE SENT VIA ELECTRONIC MAIL
National Park Service
Midwest Regional Office NRHP: KS, MI, ND, NE, SD
c/o Agate Fossil Beds National Monument
301 River Road
Harrison, NE 69346

NO HARD COPY TO FOLLOW

June 16, 2016

8.A.4(H3417 MWR/CR-NRHP)

Ms. Katy Coyle
Assistant Vice President
R. Christopher Goodwin & Associates, Inc.
309 Jefferson Highway, Suite A
New Orleans, LA 70121

Re: Draft VA Measures to Mitigate Adverse Effects to Historic Properties in the EIS

Dear Ms. Coyle:

Thank you for distributing proposed mitigation measures to resolve adverse effects associated with each of the proposed undertakings as described in the Draft Environmental Impact Statement (EIS) dated October 2015. Per your electronic mail cover letter of May 18th, the proposed mitigation measures are considered "substantively complete," and would be integrated into the analysis in the final EIS. While there are generally some positive items, the proposed mitigation measures do not ensure the long-term preservation of the NHL, and do not indicate actions that, to the maximum extent possible, minimize harm to a National Historic Landmark (NHL), per Section 100(f) of the National Historic Preservation Act (54 U.S.C. 306107). Under separate cover the National Park Service (NPS) will be submitting by the June 20th deadline an objection to the VA regarding the the "NEPA Substitution" process, and we raise our concern that the DEIS does not recognize as viable

G39-1: VA developed a series of draft measures to resolve potential adverse effects to historic properties in consultation with the historic properties consulting parties. On April 13, 2016, VA circulated these measures for consulting party comment. These comments were taken into account when revising the draft measures. The draft and revised measures, and all consulting party comments on the measures, are included in Appendix C, NEPA/NHPA Substitution Process.

G39-1

Commenter G39: National Park Service

(DEIS, page xxvii), alternatives that entail rehabilitation and continued use of the current facility by the VA.

In addition, and as we have suggested previously, proposed activities to confirm the potential for reuse by others are appropriate to preliminary scoping efforts to determine the viability of such reuse. These efforts would be critical to determining whether or not the VA or other agencies have unmet needs which might be accommodated by the historic campus facilities, or if a market demand for such space might exist. These information-gathering efforts would not require that the VA offer the facilities for reuse, or require a commitment by parties to acquire the property.

A review of best preservation practices for the management and use of historic resources, particularly NHLs, seems merited. For a historic district that shares a common history, appearance and special meaning, and which require committee review of project work, such review is facilitated by design guidelines based on the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. Design guidelines are an important first step towards developing preservation plans or new design, and help establish a common understanding among all involved parties of preservation design principles and standards. They are key support material for applying consistent design review. Design guidelines educate property owners and tenants about historic properties, their particular and distinctive characteristics, and how to maintain them. They provide a consistent range of methods to address design, repair, rehabilitation and rehabilitation issues. Design guidelines also establish a consistent reference for good maintenance practices, and appropriate ways to design new, compatible building infill and site layouts. The creation of design guidelines requires participation of knowledgeable and committed individuals, such as preservationists, area residents, policy setting officials, and code inspectors. Consensus on appropriate design guidelines allows for the subsequent administration of consistent and objective design review.

Another important source of information upon which best preservation practices and decisions are based are condition assessments. Condition assessments inform decisions on preservation treatment and the development of preservation plans. They are a holistic approach to understanding how historic resources were constructed, used and maintained, and the various mechanisms that affect their structural and material condition. As a precursor to restoration, rehabilitation or preservation work, condition assessments identify materials and features and evaluate their condition. Condition assessments provide baseline information against which future conditions can be measured, and can facilitate the prompt identification and resolution of problems before they become major treatment challenges.

The responsible management and use of historic properties of the caliber of Battle Mountain Sanitarium NHL require the oversight of professionals who meet the *Secretary of the Interior's Historic Preservation Professional Qualification Standards*. The Standards outline the minimum education and experience that provide assurance an individual will be able to perform competently on the job and be respected within the larger historic preservation community. The 1983 *Professional Qualification Standards* that were published as part of the greater *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* are the current guidelines for

Commenter G39: National Park Service

the disciplines of History, Archeology, Historic Architecture, Architecture, and Architectural History. The additional disciplines of Engineering, Historical Landscape Architecture, Historic Preservation and Historic Preservation Planning, as described in the 1997 qualification standards published in the *Federal Register* can be used as a baseline for that position, but are not legally binding on State Historic Preservation Offices (SHPOs), for example, when an applicant wants to prepare a grant.

Demonstration of best preservation practices are required for other government agencies interested in obtaining excess historic Federal surplus property (property listed on the National Register of Historic Places) through the Historic Surplus Property or the Federal Lands to Parks programs. The disposal process for both of these programs is the responsibility of the General Services Administration. The programs require that interested government agencies first successfully develop viable preservation, maintenance, funding and use programs, and that proposed preservation and maintenance actions meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties*. These are necessary to perpetuate the preservation of the historic properties. The NPS, in consultation with the applicable SHPO, reviews and approves such plans only if they meet the *Secretary of the Interior's Standards* and the requirements of the disposal program

Finally, and for clarification, Dr. Suzanne Julin, Public Historian, prepared a draft Hot Springs Historic District National Register of Historic Places nomination a number of years ago, to amend the earlier, 1974 document.

Sincerely,

Dena Sanford
Architectural Historian

Commenter G40: National Park Service



United States Department of the Interior

National Park Service
Midwest Region
601 Riverfront Drive
Omaha Nebraska 68102-4226

8.A.4. (H3417 MWR/CR-NRHP)

Ms. Sandra L. Horsman, Director
Department of Veterans Affairs
Black Hills Health Care System
113 Comanche Road
Fort Meade, SD 57741

Dear Director Horsman:

In our May 3, 2016, letter commenting on the draft Environmental Impact Statement (DEIS) regarding the Department of Veterans Affairs (VA) proposal to reconfigure the Black Hills Health Care System (BHCHCS), the National Park Service (NPS) expressed concern for the VA National Environmental Policy Act (NEPA) process. With this letter we submit our formal objection to the VA process for Section 106 consultation as pursued by the VA under the "NEPA Substitution" procedures set forth by the Advisory Council on Historic Preservation in 36 C.F.R. § 800.8(c). The NPS objects to the insufficient consideration given "to avoid minimize or mitigate any adverse effects" to the Battle Mountain Sanitarium National Historic Landmark (NHL) in Hot Springs, South Dakota. The NPS is responsible for monitoring NHLs and facilitating the retention of the qualities and characteristics that led to their designation. The NPS consultation responsibilities are established in the National Historic Preservation Act, as amended (54 U.S.C. 306108/306110) (NHPA).

The recent consultation on minimization and mitigation actions for the various alternatives provides considerable thought on the potential impacts to the NHL, and we appreciate these ideas. The NPS believes, however, that the proposed mitigation actions are as yet insufficient to meet the VA's requirements under Section 110(f) of the NHPA (54 U.S.C. 306107), to minimize harm to NHLs to the maximum extent possible. Specific comments on these mitigation actions have been submitted electronically to the VA's Section 106 contractor under separate cover dated June 16, 2016.

The proposed minimization and mitigation actions raise the greater concern that the DEIS does not recognize as viable (DEIS, page xxvii), alternatives that entail rehabilitation and continued use of the current facility. As we have stated previously in our comments of May 3, we question the veracity of the assessment that rehabilitation would be cost-prohibitive, could not meet accessibility requirements, or could not meet other VA requirements for care. By such an assessment, the VA has rejected alternatives that would meet the legal and regulatory responsibility of the VA to avoid and minimize harm, and mitigate adverse effects as provided in NHPA/36 CFR § 800. This assessment has not been substantiated and has been challenged by information submitted by consulting parties throughout the course of the consultation process. The VA has effectively, economically, and sensitively reused other historic facilities to meet veterans' needs, and veterans take pride in such places. Examples of this reuse include the Dayton Department of Veterans Affairs Medical Center, which is also the Central Branch National Home for Disabled Volunteer Soldiers (NHDVS) NHL; the Dwight D. Eisenhower Medical Center (Western Branch NHDVS NHL); and the Clement J. Zablocki Medical Center (Northwestern Branch NHDVS NHL). Necessary rehabilitation or new construction following the Secretary of the Interior's Standards has been successfully undertaken at these and other medical campuses, some of which have

G40-1: See Table E-2 of Appendix E relating to the objection process.

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Commenter G40: National Park Service

been identified by the National Trust for Historic Preservation in their 2013 report, *Honoring Our Nation's Veterans: Saving Their Places of Health Care and Healing*.

The NPS recommends that the VA meaningfully comply with 36 C.F.R. § 800.6(a), to develop and evaluate alternatives or modifications to the undertaking through creation of a supplemental EIS or alternatively recommends a separation between the Section 106 and NEPA processes. We believe that this would enable the VA to discuss a viable alternative with consulting parties and the public that provides a greater rehabilitation component for the NHL with a reduced scope of new facilities.

Thank you for your consideration. If you have questions, please contact Architectural Historian Dena Sanford at (308) 436-9797 or via email at dena_sanford@nps.gov.

Sincerely,



for
Cameron H. Sholly
Regional Director

cc:

Ms. Kathleen Schamel, VA Federal Preservation Officer, Office of Construction and Facilities Management (00CFM1), 810 Vermont Ave NW, Washington DC 20420

Mr. Doug Pulak, VA Deputy Federal Preservation Officer, Office of Construction and Facilities Management (00CFM1), 810 Vermont Ave NW, Washington DC 20420

Ms. Stella Fiotes, Executive Director, Office of Construction and Facilities Management, Department of Veterans Affairs, 425 I Street, NW 6W102, Washington, DC 20001

Katy Coyle, R. Christopher Goodwin & Associates, Inc., 309 Jefferson Highway, Suite A, New Orleans, LA 70121

Mr. Jay Vogt, South Dakota State Historic Preservation Officer, South Dakota State Historical Society, 900 Governors Drive, Pierre, SD 57501

Mr. Christopher Daniel, Advisory Council on Historic Preservation, 401 F Street NW, Suite 308, Washington, DC 20001-2637

Mr. Jeffrey Durbin, 106 Compliance Manager, National Park Service, WASO, 1201 Eye Street, NW 7th Floor, Washington, DC 20005

Superintendent Vidal Davila, Wind Cave National Park, 26611 U.S. Highway 385, Hot Springs, SD 57747-9430

Mayor Cindy Donnell, City of Hot Springs, 303 North River, Hot Springs, SD 57747

Peggy Sanders, Board Member, Fall River County Historical Society/Pioneer Historical Museum, 14331 East Oral Road, Oral, SD 57766

Commenter G40: National Park Service

Mike Ortner, Chairman, Fall River County Commissioner Office, P.O. Box 629, Hot Springs, SD 57747

Mr. Pat Russell, Save the VA Chair, P.O. Box 851, Hot Springs, SD 57747

Mr. Pat Lyke, Hot Springs Historic Preservation Commission, City of Hot Spring, 303 North River, Hot Springs, SD 57747

Mr. Donald L. Ackerman Sr., The Veterans Representative, 217128 Wonderland Rd., Hot Springs SD 57747

Ms. Jennifer Buddenborg, National Trust for Historic Preservation, Denver Field Office, 1420 Ogden Street, Suite 203, Denver, CO 80218

Mr. Ken Orrock, Department Vice Commander, District 1 and 2, American Legion of South Dakota, 141 1st Ave., SE, P.O. Box 67, Watertown, SD 57201

Mr. Floyd Azure, Chairman, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, P.O. Box 1027, Poplar, MT 59255

Mr. Darrell Youpee, Tribal Historic Preservation Officer, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, P.O. Box 1027, Poplar, MT 59255

Ms. Amber C. Toppah, Chairwoman, Kiowa Tribe of Oklahoma, 100 Kiowa Way, P.O. Box 369, Carnegie, OK 73015

Mr. Curtis Munoz, Environmental Director, Kiowa Tribe of Oklahoma, 100 Kiowa Way, P.O. Box 369, Carnegie, OK 73015

Mr. Dean Goggles, Chairman, Arapaho Tribe of the Wind River Reservation, P.O. Box 396, Fort Washakie, WY 82514

Yufna Soldier Wolf, Tribal Historic Preservation Officer, Arapaho Tribe of the Wind River Reservation, P.O. Box 67, St. Stevens, WY 82524

Mr. John Yellow Bird Steele, President, Oglala Sioux Tribe, P.O. Box 2070, Pine Ridge, SD 57770

Mr. Dennis Yellow Thunder, Tribal Historic Preservation Officer, Oglala Sioux Tribe, P.O. Box 129, Kyle, SD 57752

Mr. Robert Flying Hawk, Chairman, Box 1153/ 800 Main Avenue SW, Yankton Sioux Tribe, Wagner, SD 57380

Mr. Perry Little, Tribal Historic Preservation Officer, Box 1153/ 800 Main Avenue SW, Yankton Sioux Tribe, Wagner, SD 57380

Mr. Steve Vance, THPO, Cheyenne River Sioux Tribe, Cultural Preservation Office, P.O. Box 590, 98 S. Willow St., Eagle Butte, SD 57625-0590

Commenter G41: Hot Springs Historic Preservation Commission

G41-1: See Table E-2 of Appendix E relating to the objection process.

From: [Redacted]
Sent: Monday, June 20, 2016 5:46 PM
To: [Redacted]
Cc: [Redacted]
Subject: Re: Hot Springs Historic Preservation Commission Formal Objection to VA's NEPA/NHPA Section 106 Substitution process at Battle Mountain Sanitarium NHL
Attachments: HSHPC_CLG 106 Objection.pdf

> Dear Director Horsman,
>
> Attached is a copy of the Hot Springs Historic Preservation
> Commission formal objection to the Department of Veterans Affairs
> Section 106 substitution process pursuant to 36 C.F.R. § 800.8(c) at
> the Battle Mountain Sanitarium National Historic Landmark in Hot
> Springs, South Dakota.
>
> Sincerely,
>
> Pat Lyke, HSHPC/CLG
>

G41-1

Commenter G41: Hot Springs Historic Preservation Commission

Ms. Sandra Horsman, Director
Black Hills Health Care System
Department of Veterans Affairs
113 Comanche Road
Fort Meade, SD 57741

June 20, 2016

RE: Formal Objection to Department of Veterans Affairs Inadequate Compliance with Section 106 of the National Historic Preservation Act Pursuant to 36 C.F.R. § 800.8(c)(2)(ii).

Dear Ms. Horsman:

The Hot Springs Historic Preservation Commission (HSHPC/CLG) is filing the following objections to the Section 106 consultation for BMS NHL in Hot Springs SD, which has been carried out by the DVA pursuant to the "NEPA Substitution" procedures under 36 C.F.R. 800.8(c).

The HSHPC has also been involved in advocacy to protect BMS since 2011 and as early as 1974. The HSHPC got involved as soon as the VA announced plans to close the Landmark facility without any compliance with the requirements of (NEPA) or (NHPA).

Since December 2011 the HSHPC/CLG has attended and participated in every NHPA section 106 meeting, and attended every NEPA public meeting, and also have repeatedly voiced our opposition to the various approaches that VA has used to purportedly comply with the NHPA and "failure" to consider seriously "any alternative" that would continue to use existing historic resources in Hot Springs to continue to serve Veterans.

The HSHPC/CLG agrees with and adopts the following objections filed by the NTHP with additional objections for the VA's pre-decisional Actions listed under section C. of this letter.

From the beginning of this consultation, all parties, including the Advisory Council on Historic Preservation (ACHP), the State Historic Preservation Officer (SHPO), the National Trust, and other consulting parties, disagreed with the VA's plan to pursue "NEPA Substitution" under 36 C.F.R. § 800.8(c). As expected, the VA has confirmed its lack of experience in this arena and carried out a process fraught with miscues, short on information, and utterly lacking in meaningful consultation.

We also point out that attempting to employ the substitution process has resulted in major timing problems causing the NEPA and NHPA processes to be completely out of synch, a problem exacerbated by long delays between consultation meetings, and the VA's failure to communicate key information in a timely manner. Since the October 2015 issuance of the Draft Environmental Impact Statement (DEIS), on which the VA relies as evidence for how it has completed its consultation, additional Section 106 consultation meetings have been held, resulting in the VA verbally agreeing to modify some language in the DEIS. Beyond these verbal statements, however, and in the absence of any Section 106 agreement document, it is unclear whether these changes will result in the VA issuing a Supplemental Draft EIS that will reflect new information, or how else the VA plans to document what has occurred during the consultation that happened after the issuance of the DEIS more than seven months ago.

Commenter G41: Hot Springs Historic Preservation Commission

Due to our ongoing, unresolved concerns with this process, HSHPC/CLG is filing this objection.

I. The Objection Process

a. The Section 106 regulations provide that "NEPA substitution" is allowed if the agency official notifies the SHPO/THPO and Council that it intends to do so and the following five standards are met during the preparation of the EA or Draft EIS:

i. "Identify consulting parties either pursuant to § 800.3(f) or through the NEPA scoping process with results consistent with § 800.3(f);

ii. Identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of § 800.4 through § 800.5, provided that the scope and timing of these steps may be phased to reflect the agency official's consideration of project alternatives in the NEPA process and the effort is commensurate with the assessment of other environmental factors;

iii. Consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes . . . that might attach religious and cultural significance to affected historic properties, other consulting parties, and the Council, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents;

iv. Involve the public in accordance with the agency's published NEPA procedures; and

v. Develop in consultation with identified consulting parties' alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or EIS." 36 C.F.R. § 800.8(c)(1).

b. The regulations further provide that, "[p]rior to or within the time allowed for public comment on the document, a SHPO/THPO, an Indian tribe . . . , another consulting party or the Council may object to the agency official that preparation of the EA, DEIS or EIS has not met the standards set forth in paragraph (c)(1) . . . or that the substantive resolution of the effects on historic properties proposed in an EA, DEIS or EIS is inadequate." 36 C.F.R. § 800.8(c)(2)(ii).

II. Through its use of "NEPA" substitution, the VA failed to satisfy the requirements set forth in 36 C.F.R. § 800.8(c)(1)-(2).

a. The VA did not satisfactorily "[i]dentify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of § 800.4 through § 800.5." 36 C.F.R. § 800.8(c)(1)(i).

Information contained in the DEIS about the identification of historic properties is lacking. We do not believe there has been adequate consultation about how the VA is assessing the eligibility of additional historic properties within the Area of Potential Effects (APE) (as originally proposed or later verbally revised) that are not already listed or determined eligible for the National Register of Historic Places

Commenter G41: Hot Springs Historic Preservation Commission

For example, the Michael J. Fitzmaurice State Veterans Home is within the APE but apparently only one building has been evaluated and determined eligible. (DEIS at 84.) We know there are other properties more than 50 years old on that campus. What is the VA's plan to identify other historic properties within the APE?

Similar clarification is needed about the potential eligibility of the Battle Mountain Land Form, which was discussed during consultation, but we do not believe its eligibility has been resolved. (DEIS at 94.) How has the VA Office of Tribal Government Relations been communicating with tribes during the consultation, especially regarding the need to identify potentially eligible sites that might not yet have been identified as significant?

We also know that the SHPO has raised other questions about data related to historic property identification and possible data gaps between what was presented in the DEIS and what may be available in the SHPO database. This matter apparently remains unresolved, and demonstrates another gap in identification efforts.

In general, we agree with the types of effects listed in the DEIS, but we do not feel the list includes all potential effects. For example, the DEIS states that physical modifications could cause adverse effects, but the closure of the campus itself (which will invariably lead to neglect causing deterioration, as described in 36 C.F.R. § 800.5(a)(2)(vi)) is not included on that list. (DEIS at 222.) This point is further highlighted on page 224 when the VA again declines to address the adverse effects of campus closure, claiming "VA BHHCS would continue to maintain the campus pending transition to a new use." (DEIS at 224.) We know of no example where this has happened successfully, and in fact there are numerous examples to the contrary. This statement also assumes that a "new use" will be forthcoming. At the Leavenworth VA campus (also an NHL), reuse did not begin until 10 years after the buildings had been abandoned. At the Milwaukee Soldiers' Home (also an NHL), Old Main has been closed since 1988 and the VA is only now beginning its search for a party to lease and reuse the building, 28 years after it was closed. The VA most certainly has not maintained those campuses, which undermines the credibility of its promises to do so here. We do not take the VA at its word that its management of a vacant campus will have no adverse effect on the historic properties within the campus.

Furthermore, the summary chart of effects on cultural resources and historic properties does not consider effects within the overall APE, even as drawn narrowly by the VA prior to the consultation meeting of January 21, 2016. For example, there is no discussion about effects on the downtown historic district or on the possible TCP. The VA also fails to disclose or clarify the meaning of "Off Campus Effects," which are broadly characterized as "ground disturbance" or "construction," without any further explanation. (DEIS at xxix.)

In sum, many issues related to the identification of historic properties and the assessment of effects are plainly unresolved in the DEIS, contrary to the mandate in the Section 106 regulations.

- b. The VA did not "[c]onsult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes . . . that might attach religious and cultural significance to affected historic properties, other consulting parties, and the Council, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents." 36 C.F.R. § 800.8(c)(1)(iii).**

Commenter G41: Hot Springs Historic Preservation Commission

We disagree with the description in the DEIS regarding the status of Section 106 consultation. Specifically, we disagree that the VA proceeded far enough with Section 106 consultation to describe in the DEIS that “[c]onsultation and identification and resolution of adverse effects to historic properties are documented throughout this EIS.” (DEIS at iii.) Prior to the release of the DEIS, the VA held three consultation meetings (October 18-19, 2014, February 20, 2015, and April 27, 2015) after the agency had elected to pursue NEPA substitution and published the Notice of Intent to initiate the reconfiguration proposal. The timeframe and/or manner of these meetings were not useful in informing “scoping, environmental analysis and the preparation of NEPA documents,” as required by the Section 106 regulations, 36 C.F.R. § 800.8(c)(1)(iii). For example, scoping could not have been informed by consultation because no consultation meetings were held during the scoping period of May 16-August 16, 2014. The “consultations” that occurred later were laden with mismanagement, including non-functional conference calls, inconvenient meeting schedules, and facilitators who prevented consulting parties from discussing concerns about even the most preliminary matters, such as the definition of the APE. Since no real discussion or consultation occurred during the three meetings cited above, we cannot see how any “outcomes” of consultation could have made it into the environmental analysis or the DEIS. Other than identifying consulting parties, we did not reach any outcomes during those three meetings that resulted in the completion of any of the four steps in the Section 106 consultation process.

Furthermore, it would be a stretch even to characterize the initial meetings as “consultation,” as described in the regulations and referenced above. It bears repeating that the regulations 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.” 36 C.F.R. § 800.16(f).

c. The VA did not “[d]evelop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS.” 36 C.F.R. § 800.8(c)(1)(v).

We dispute the VA’s claim that, “[i]n consultation with SHPO, ACHP, NPS and other consulting parties, the VA developed mitigation measures to resolve adverse effects to historic properties.” (DEIS at 25.) As of the date when the DEIS was released, we had not even come to an agreement about the definition of the APE, let alone reaching the final step of Section 106 compliance by resolving adverse effects. Moreover, we certainly did not reach agreement that mitigation measures were to be adopted to resolve adverse effects when we had not even agreed upon what those adverse effects would be prior to the issuance of the DEIS.

We also disagree with statement that the VA had an “assessment methodology [that] also provided a basic approach to determining measures to resolve those adverse effects that are common across alternatives.” (DEIS at 220.) During the three consultation meetings held after scoping but prior to the release of the DEIS, we never even reached this step of the Section 106 process. Therefore, it was not possible for the DEIS to include alternatives and proposed measures to avoid, minimize or mitigate effects developed via consultation—and in fact it does not include that information—in contravention of the regulation cited above. We certainly never reached any such agreement as the DEIS suggests, and while the VA unilaterally produced preliminary language to talk about this step (DEIS at 353, Table 5-1), that does not mean it was the result of consultation, as required by the regulations, which instruct that agencies “shall involve the consulting parties . . . in findings and determinations made during the Section 106 process.” 36 C.F.R. § 800.2(a)(4).

Commenter G41: Hot Springs Historic Preservation Commission

The HPHPC/CLG also objects to the following:

1. The VA did not include the Ft. Meade Historic Preservation District (FMHPD) within the (APE), and now, has concluded that it should be included. By including the FMHPD within the APE, shows that the VA did not comply with its own HP guidelines, stating that before ground is broken, within the historic property section 106 needs to be completed. The VA is under the false impression that a programmatic agreement with SHPO allows the VA to complete projects without compliance with DOI standards. The VA is not in compliance with NHPA since breaking ground and constructing the Surgery Tower within the boundaries of the FMHPD prior to completing the Section 106 process. The FM Surgery Tower is listed as some of the first steps of the BHHCS reconfiguration. By proceeding with the first steps, of this re-configuration, without completing the section 106 process, shows that the VA has "no intent" to comply with NHPA. THIS ACTION CHANGED THE FUNCTION OF THE LANMARK PROPERTY! THE FIRST ADVERSE AFFECT! Surgery was moved from Hot Springs to Fort Meade.
 2. The VA had its contractor (JLL) complete a cost benefit analysis to compare alternatives being proposed. If you look at the dates of the completion of the JLL CBA, they are dated April and May of 2012. The deadline to submit alternate solutions, or alternatives was June 30 2012. If the VA intended to weigh equally any other proposed alternatives, why would the VA have this CBA completed prior to the deadline for all alternatives being submitted?
 3. JLL did submit a CBA for the Save the VA proposal, after the deadline, but did not even slightly consider or discuss any other alternatives submitted, with any of the consulting parties. Other submitted alternatives need to be considered, and or discussed by consulting parties. The VA simply dismissed other alternatives to simplify the process, and does not comply with section 106 guidelines. When other alternatives were brought up, the VA's contractor, stated that they would be placed in the (parking lot) to be discussed later, but were never allowed to be talked about with consulting parties. Not in compliance with NEPA/NHPA. (all parking lot issues need to be resolved) before proceeding.
 4. In the Spring of 2012, during a conference call with VISN23, VACO, and VA BHHCS upper management, about how to proceed to meet NEPA and NHPA laws, the upper management staff for VACO Construction and Facility Management/HPO, made the following statement. "If we run into difficulties, we will do the same thing we did at the New Orleans project, we will have our Clinical staff simply state that clinically, we can no longer use these buildings". By taking this stand, the VA at that time was "not in compliance with NEPA/NHPA. These are pre-decisional Actions!
- d. Finally, "the substantive resolution of the effects on historic properties proposed in [the DEIS] is inadequate." 36 C.F.R. § 800.8(c)(2)(ii).**

While bearing in mind that no consultation on resolution of adverse effects took place prior to the publication of the DEIS, the list of mechanisms that VA includes in its self-generated table (DEIS at 353-356, Table 5-1) is not sufficient to resolve adverse effects. This list is basically the same list for all alternatives, though we know that those effects could be different for each alternative. The proposed list in essence restates obligations that the VA already has, and does not reach the issue of ways to avoid, minimize or mitigate effects. Merely following existing policies like the Secretary's Standards and VA directives, conducting required surveys, following NPS recommendations, monitoring and being sure that there is a required future consultation process, are not suitable mechanisms for resolving adverse effects. Some mitigation ideas in

Commenter G41: Hot Springs Historic Preservation Commission

the table that are more meritorious, but lack creativity or specific application/implementation are: develop a historic preservation plan, provide historic preservation training to and/or employ facilities staff/manager with historic preservation qualifications, and use of easements.

The resolution of adverse effects list included in the DEIS suggests that the VA completely misunderstands this step, as alluded to during the April 27, 2015 teleconference, when the facilitator said the VA is only willing to do things that are "required."¹ There would be no point in consultation if all that needed to be done was what was already "required."

Furthermore, the consultation that took place after the publication of the DEIS did not result in the VA substantively addressing numerous comments and concerns from all consulting parties—including the Council, the SHPO, the National Park Service and the National Trust—that the VA failed to meaningfully "develop and evaluate alternatives or modifications to the undertaking," as required in § 800.6(a). The VA's sole verbal offers to consider the reuse of one historic building on the campus is inadequate, in light of the gravity and magnitude of the potential adverse effects, and the DEIS contains no other proposals for the resolution of those adverse effects that we believe have any substantive merit.

III. Conclusion

We contend that the VA's use of "NEPA Substitution" in this case is a model for how this process should not work, and highlights the challenges facing an agency unskilled in NEPA and NHPA compliance. We do not see what the VA has gained by attempting to use the substitution process, but we certainly see what consulting parties have lost – efficiency, transparency, meaningful consultation and the ability to use Section 106 review to resolve

In order to resolve the HSHPC/CLG objections, the VA is required to "refer the matter to the Council" for its review and opinion. We appreciate the opportunity to participate as the process of this referral moves forward, pursuant to 36 C.F.R. § 800.8(c)(2)-(3).

Pat Lyke, Hot Springs Historic Preservation Commission/CLG

¹ The VA stated in the "notes" from April 27, 2015 that adverse effects would "be avoided, minimized, and mitigated by the VA following existing federal regulations, directives, policies, standards or guidelines." (DEIS at C-87.) adverse effects and incorporate agency commitments into a binding agreement that would help to preserve this National Historic Landmark campus.

Commenter G42: National Park Service

G42-1: VA accepted the supplemental comments from the NPS into the administrative record and took them into account when revising the EIS.

From: Sanford, Dena [REDACTED]
Sent: Monday, June 20, 2016 11:50 AM
To: Sandra.Horsman@va.gov
Cc: [REDACTED]

Subject: Supplemental NPS Comments, Draft VA Measures to Mitigate Adverse Effects to Historic Properties in the EIS
Attachments: NPS Comments inserted in Revised draft measures to resolve adverse effects 051716.pdf; NPS Comments on Measures to Avoid in Word document.pdf

OFFICIAL CORRESPONDENCE SENT VIA ELECTRONIC MAIL
National Park Service
Midwest Regional Office NRHP: KS, MI, ND, NE, SD
c/o Agate Fossil Beds National Monument
301 River Road
Harrison, NE 69346

HARD COPY TO FOLLOW

June 20, 2016

8.A.4(H3417 MWR/CR-NRHP)

Ms. Sandra Horsman, Director
Department of Veterans Affairs
Black Hills Health Care System
113 Comanche Road
Fort Meade, SD 57741

Re: Supplemental NPS Comments, Draft VA Measures to Mitigate Adverse Effects to Historic Properties in the EIS

Dear Ms. Horsman:

In light of the June 16, 2016, National Park Service (NPS) letter submitted to the VA formally objecting to the Section 106 substitution process, the NPS is submitting supplemental comments on the draft mitigation measures for the Battle Mountain Sanitarium NHL Record of Decision. Preliminary observations were provided electronically to you on June 16. There are 30 comments inserted directly into the enclosed document using Adobe Reader. The comments have also been copied into a Word document, for cross reference. These comments are submitted in anticipation that they will be addressed after the Advisory Council on Historic Preservation (ACHP) has reviewed the objection and issued an opinion (36 C.F.R. Section 800.8.(c)(2)(ii). Please ensure

G42-1

Commenter G42: National Park Service

that our June 16, 2016 formal objection, our June 16 comments on the draft mitigation measures, and this correspondence are forwarded to the ACHP, as well.

Proposed mitigation measures presented to consulting parties via electronic mail on May 18 were described as substantially complete, and "decided upon" by the VA. The proposed mitigation letter was accompanied by a document, "VA letter to consulting parties - revised measures" that explains the rationale for inclusion or exclusion of comments provided by consulting parties. The NPS appreciates the additional detail on certain proposed actions, and the inclusion of some suggestions; however, we are concerned that the process by which the mitigation measures were developed and "decided upon" does not reflect meaningful consultation between the VA and the consulting parties, with the opportunity as a group to "seek, discuss and consider the views of the other participants, and where feasible, seek agreement" (36 C.F.R. Section 800.8(c)(1)(v), and 800.16(f)). We are concerned that consulting parties as a group have not had the opportunity to address the rationale by which the VA chose to include or reject suggestions.

We are concerned that specific suggestions provided by this office, such as the inclusion of design guidelines, condition assessment reports, have not been clearly identified in the draft mitigation measures, contrary to what is stated in the "VA letter to consulting parties". The draft mitigation measures do not include important specificity on certain actions that might aid in minimizing adverse effects, and in fact leave open to interpretation the content and effectiveness of such actions. The NPS is also disturbed that the draft mitigation measures do not identify the property as the Battle Mountain Sanitarium NHL, or acknowledge the directive that the VA must, to the maximum extent possible, undertake planning and actions as may be necessary to minimize harm to the NHL (54 U.S.C. Section 306107; 36 C.F.R. Section 800.10(a)).

Thank you for your consideration.

Sincerely,

/s/

Dena Sanford
 Architectural Historian

Enclosures (2)

cc w/enclosure (2):

Ms. Kathleen Schamel, VA Federal Preservation Officer, Office of Construction and Facilities Management (00CFM1), 810 Vermont Ave NW, Washington DC 20420

Mr. Doug Pulak, VA Deputy Federal Preservation Officer, Office of Construction and Facilities Management (00CFM1), 810 Vermont Ave NW, Washington DC 20420

Ms. Stella Fiotes, Executive Director, Office of Construction and Facilities Management, Department of Veterans Affairs, 425 I Street, NW 6W102, Washington, DC 20001

Katy Coyle, R. Christopher Goodwin & Associates, Inc., 309 Jefferson Highway, Suite A, New Orleans, LA 70121

G42-2

G42-2: VA developed a series of draft measures to resolve potential adverse effects to historic properties in consultation with the historic properties consulting parties. On April 13, 2016, VA circulated these measures for consulting party comment. These comments were taken into account when revising the draft measures. The draft and revised measures, and all consulting party comments on the measures, are included in Appendix C, NEPA/NHPA Substitution Process.

G42-3

G42-3: Whenever possible, VA has included specific details about the implementation of the measures to resolve adverse effects. Other measures, such as the long-term preservation plan, are broader in scope to allow for more specific guidance once an alternative has been selected.

VA recognizes the vital, higher standard Congress provided in Section 110(f) of the NHPA (54 U.S.C. 306107). This procedural standard requires that VA "shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm" to a National Historic Landmark (NHL), like the Battle Mountain Sanitarium. It does not impose a substantive requirement that a federal agency minimize harm to the NHL to the maximum extent possible. VA's measures to resolve adverse effects, including measures to avoid or minimize potential effects of each alternative, is included in Section 5.2.

Commenter G42: National Park Service

Mr. Jay Vogt, South Dakota State Historic Preservation Officer, South Dakota State Historical Society,
900 Governors Drive, Pierre, SD 57501

Mr. Christopher Daniel, Advisory Council on Historic Preservation, 401 F Street NW, Suite 308,
Washington, DC 20001-2637

Mr. Jeffrey Durbin, 106 Compliance Manager, National Park Service, WASO, 1201 Eye Street, NW 7th
Floor, Washington, DC 20005

Superintendent Vidal Davila, Wind Cave National Park, 26611 U.S. Highway 385, Hot Springs,
SD 57747-9430

Mayor Cindy Donnell, City of Hot Springs, 303 North River, Hot Springs, SD 57747

Peggy Sanders, Board Member, Fall River County Historical Society/Pioneer Historical Museum,
14331 East Oral Road, Oral, SD 57766

Mike Ortner, Chairman, Fall River County Commissioner Office, P.O. Box 629, Hot Springs, SD 57747

Mr. Pat Russell, Save the VA Chair, P.O. Box 851, Hot Springs, SD 57747

Mr. Pat Lyke, Hot Springs Historic Preservation Commission, City of Hot Spring, 303 North River,
Hot Springs, SD 57747

Mr. Donald L. Ackerman Sr., The Veterans Representative, 217128 Wonderland Rd., Hot Springs SD
57747

Ms. Jennifer Buddenborg, National Trust for Historic Preservation, Denver Field Office, 1420 Ogden
Street, Suite 203, Denver, CO 80218

Mr. Ken Orrock, Department Vice Commander, District 1 and 2, American Legion of South Dakota,
141 1st Ave., SE, P.O. Box 67, Watertown, SD 57201

Mr. Darrell Youpee, Tribal Historic Preservation Officer, Assiniboine and Sioux Tribes of the Fort
Peck Indian Reservation, P.O. Box 1027, Poplar, MT 59255

Ms. Amie Tah-bone, NAGPRA Representative, Kiowa Tribe of Oklahoma, 100 Kiowa Way, P.O. Box
369, Carnegie, OK 73015

Yufna Soldier Wolf, Tribal Historic Preservation Officer, Arapaho Tribe of the Wind River
Reservation, P.O. Box 67, St. Stevens, WY 82524

Mr. John Yellow Bird Steele, President, Oglala Sioux Tribe, P.O. Box 2070, Pine Ridge, SD 57770

Mr. Dennis Yellow Thunder, Tribal Historic Preservation Officer, Oglala Sioux Tribe, P.O. Box 129,
Kyle, SD 57752

Mr. Perry Little, Tribal Historic Preservation Officer, Box 1153/ 800 Main Avenue SW, Yankton Sioux
Tribe, Wagner, SD 57380

Commenter G42: National Park Service

NPS Comments

June 20, 2016

RE: Measures to Resolve Adverse Effects to Historic Properties Related to Alternatives for the Proposed Reconfiguration of the VA Black Hills Health Care System Administration, on May 17, 2016

1. Page 1

NPS Comments on "Measures to Resolve..."

This document could be reduced to remove redundancies with subsequent alternatives that have identical text. Subsequent alternatives would be distinguished by narrative unique to that alternative.

NPS comments apply to identical comments found throughout this document.

Our concerns about the VA's full compliance with 36 C.F.R. Part 800.8(c)(1)(v), "...to develop in consultation with identified consulting parties, alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS," indicates that these measures may not yet be final.

2. Page 1 Title Block

This document should acknowledge and identify at the outset that the Hot Springs medical campus is the Battle Mountain Sanitarium National Historic Landmark, and as such, the Department of Veterans Affairs is obligated to comply with Section 110(f), to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to the landmark. (54 U.S.C. Section 306107).

3. Page 1, Bullet 4

Developing a timeline of major milestones would be appropriate before issuing an ROD; this should be done in consultation with all parties.

4. Page 2, Bullet 2

"... formally notify all consulting parties."

5. Page 2, Bullet 4

Clarification: The NPS has not requested that the VA utilize the 1993 Standards. Rather, this office clarified to the VA contractors that "The 1983 Professional Qualification Standards that were published as part of the greater Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation are the current guidelines for the disciplines of History, Archeology, Historic Architecture, Architecture, and Architectural History. The additional disciplines of Engineering, Historical Landscape Architecture, Historic Preservation and Historic Preservation Planning, as described in the 1997 qualification standards published in the Federal Register can be used as a baseline for that position, but are not legally binding on State Historic Preservation Offices (SHPOs), for example, when an applicant wants to prepare a grant." Underline added for emphasis.

6. Page 2, Bullet 4

Make a universal edit: The Secretary of the Interior's Standards for the Treatment of Historic Properties.

7. Page 2, Bullet 4

The effectiveness of a Design Review Committee relies on well-developed design review guidelines, and the degree of authority given to the Committee. Establishing design guidelines is not a specified action in this document, nor the level of authority of the Committee. Design guidelines provide a consistent range

Commenter G42: National Park Service

of methods to address design, repair, rehabilitation and rehabilitation issues. They establish a consistent reference for good maintenance practices, and appropriate ways to design new, compatible building infill and site layouts. The creation of design guidelines requires participation of knowledgeable and committed individuals, such as preservationists, area residents, policy setting officials, and code inspectors. Consensus on appropriate design guidelines allows for the subsequent, consistent and objective administration of design review.

Design guidelines should be developed by the VA in consultation with, and with the consensus of the consulting parties. For a historic district that shares a common history, appearance and special meaning, and which require committee review of project work, such review is facilitated by design guidelines based on the Secretary of the Interior's Standards for the Treatment of Historic Properties.

8. Page 2, Last Bullet

Best preservation practices for the responsible management and use of historic properties the caliber of Battle Mountain Sanitarium NHLL should require the oversight of professionals who meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards. This would apply to the dedicated project manager, in addition to contractors. The Standards outline the minimum education and experience that provide assurance an individual will be able to perform competently on the job and be respected within the larger historic preservation community. See also 54 U.S.C. 306131(a)(B): "...agency personnel or contractors responsible for historic property meet qualification standards established by the Office of Personnel Management, in consultation with the Secretary and appropriate professional societies..."

9. Page 3, Dash 2

Given the length of time for the Federal hiring process, such an individual might not be "on board" for nearly a year after the ROD. A more immediate time period for hiring an individual seems needed.

10. Page 4, Bullet 2

Thank you for the use of the term "preservation" in this bullet; however, subsequent narrative continues to indicate that such a plan will focus on mothballing techniques. As noted previously, a clearly specified task to perform condition assessments, prior to producing preservation plans, would be an important source of information upon which best preservation practices and decisions are based. Condition assessments inform decisions on preservation treatment and the development of preservation plans. They are a holistic approach to understanding how historic resources were constructed, used and maintained, and the various mechanisms that affect their structural and material condition. As a precursor to restoration, rehabilitation or preservation work, condition assessments identify materials and features and evaluate their condition. Condition assessments provide baseline information against which future conditions can be measured, and can facilitate the prompt identification and resolution of problems before they become major treatment challenges.

11. Page 4, Dash 2

As mentioned previously, "mothballing" is a temporary measure, "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..." (Bulletin 31). Mothballing assumes that such temporary protection accompanies an intended action to plan for the property's future or to raise money for a preservation, rehabilitation or restoration project. This alternative presents a disconnect, as it does not provide for such future preservation actions, and instead establishes a five year period to develop and then follow a "comprehensive plan," after which time the VA may choose cancel the comprehensive plan and initiate new consultation to avoid, minimize or mitigate adverse effects.

Commenter G42: National Park Service

12. Page 4, Dash 3

A preservation plan should address building exteriors, as well. A minimum inspection schedule for monitoring (such as once per month) and maintenance should be an element of the plan, and should be established here. The span of time between hiring a contractor and accepting a finished product could take months, and during that time, the building should be monitored, and maintained as necessary.

13. Page 4, Dash 5

It is unclear what this action is supposed to do, relative to maintaining the integrity of the NHL. Collecting such information would be very beneficial to determining the challenges and effectiveness of maintaining unoccupied historic buildings, and ultimately, the viability of this alternative.

14. Page 5, Dot 1

This span of time seems insufficient, given the intent to develop a comprehensive preservation plan, which may take, at a minimum, a year to produce.

15. Page 5, Bullet 1

A plan to archive VA historic records, in addition to treatment of objects, is needed.

16. Page 5, Bullet 4

We understand from comments provided by other consulting parties that the Preserve America program is unfunded.

17. Page 6, Bullet 3

Where would this display be located? How will it be accessed? Will it be permanent, or mobile?

18. Page 7, Bullet 2

The extent of this re-surveying effort is unclear. A draft National Register nomination for the Hot Springs Historic District has been prepared by Dr. Suzanne Julin. If this is an action desired by a consulting party, the extent of tasks needed to finalize the nomination should be made clear.

19. Page 7, Bullet 4

"... shall fully document all buildings, structures and objects following Level I Historic American Buildings (HABS) survey standards.

The appropriate archive for HABS/HAER and HALS documentation of nationally significant resources is the Library of Congress. See NHPA Section 110(b) and 54 U.S.C. 302.07(2).

20. Page 8, Bullet 1

The name of this program is "Historic American Landscape Survey". The extent to which research has been undertaken to identify data available support a Level I survey is not substantiated. The standard documentation level for nationally significant properties is Level I.

21. Page 10, Bullet 1, Dash 1

Actions necessary to confirm the potential for reuse by others are appropriate to preliminary scoping efforts to determine the viability of such reuse. These efforts would be critical to determining whether or not the VA or other agencies have unmet needs which might be accommodated by the historic campus facilities, or if a market demand for such space might exist. These information-gathering efforts would not require that the VA offer the facilities for reuse, or require a commitment by parties to acquire the property.

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22. Page 10, Bullet 1, Dash 1

"... seek input from the consulting parties..."

23. Page 10, Last Dash

There are a number of programs available to the GSA as part of disposing of surplus Federal property. Disposal may be to another Federal agency; to another government agency or instrumentality via one of ten special provisions; through negotiated sale or through public sale. Two special provision programs (Historic Surplus Property and Park and Recreation) specifically address historic properties. Agencies must apply for such properties through an application process that establishes a preservation and maintenance plan (following SOI Standards), reuse plan, financial plan and management plan. This application is reviewed by the NPS in consultation with the appropriate SHPO. Transfer is dependent upon NPS recommendations, based on an assessment of the applicant's compliance with the SOI Standards and the terms of the program provisions. Ultimately, if GSA is unable to transfer a property via a special provision, they may proceed to negotiated sale or public sale with restrictions. If GSA is unable to sell a property with restrictions, such restrictions might be removed.

24. Page 15, Title Block

The potential to consider reuse of Building 12 is appreciated; however, what additional support or infrastructure use might be required to operate Building 12, and would this also require use of other existing buildings or facilities on campus, or new construction?

25. Page 15, Bullet 2

See previous comments regarding the effectiveness of a Design Review Committee, and the need for design guidelines.

26. Page 15, Last Dash

Please clarify how this is distinct from agency requirements per Section 110(a) of the NHPA to survey and identify historic resources, and to consult with the SHPO/THPO.

27. Page 37, Title Block

Alternative C includes the reuse of a number of historic buildings. Therefore this text should expressly identify that measures to avoid adverse effects are their continuing use and/or rehabilitation (following SOI Standards).

28. Page 59, Title Block

Alternative E includes the continued use of all historic resources within the NHL. Therefore this text should expressly identify that measures to avoid adverse effects are their continued use and/or rehabilitation (following the SOI Standards).

29. Page 59, Bullet 3

The interior and exterior of all historic buildings should follow the SOI Standards, as should treatment of the landscape.

30. Page 61, Title Block

Alternative F includes the continued use of historic resources within the NHL. Therefore this text should expressly identify that measures to avoid adverse effects are their continued use and/or rehabilitation (following the SOI Standards).

Commenter G43: SD State Historic Preservation Office

From: Olson, Paige [REDACTED]
Sent: Friday, June 17, 2016 11:21 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: VA Measures to Mitigate Adverse Effects to Historic Properties
Importance: High

Ms. Horsman,

Please see the attached comments concerns the revised document entitled "Measures to Resolve Adverse Effects to Historic Properties Related to Alternatives for the Proposed Reconfiguration of the VA Black Hills Health Care System Administration". The original letter is in the mail.

Thank you,

Paige Olson

Review and Compliance Coordinator

South Dakota State Historical Society

900 Governors Drive

Pierre, SD 57501
[REDACTED]

G43-1

G43-1: VA developed a series of draft measures to resolve potential adverse effects to historic properties in consultation with the historic properties consulting parties. On April 13, 2016, VA circulated these measures for consulting party comment. These comments were taken into account when revising the draft measures. The draft and revised measures, and all consulting party comments on the measures, are included in Appendix C. VA responded directly to the SD SHPO in a letter dated July 20, 2016. A copy of this letter is included in Appendix C, NEPA/NHPA Substitution Process.

Commenter G43: SD State Historic Preservation Office



June 17, 2016

Ms. Sandra L. Horsman
VA Black Hills Health Care System
113 Comanche Road
Fort Meade, SD 57741

Dear Ms. Horsman:

The South Dakota Office of the State Historic Preservation Officer (SHPO) has reviewed the draft document dated 05/17/2016 and entitled "Measures to Resolve Adverse Effects to Historic Properties Related to Alternatives for the Proposed Reconfiguration of the VA Black Hills Health Care System Administration". Based on our review of the document, we offer the following comments.

Page 1, fourth bullet: We recommend removing the "...or for at least ten years." The VA should continue to provide written updates until all of the ROD measures have been enacted.

"Modification of Measure to Resolve Adverse Effects"

- Page 2, Since the Hot Springs facility is located in South Dakota and is one of only fifteen National Historic Landmarks in our state, the South Dakota State Historic Preservation Office (SD SHPO) requests to be a signatory to any amendments made to the mitigation measures.

"All Alternatives"

- Page 2, first bullet: Please include "and interior", so the first sentence reads "...taking into account the suggested approaches to exterior and interior rehabilitation ..."
- Page 3, second bullet: Will the VA be doing any work before the new project manager is hired? Explain who will be tasked with the responsibilities during the interim and how will work be completed?

"Unexpected Discoveries"

Commenter G43: SD State Historic Preservation Office

- Page 3: Greater detail should be added to this section such as who will be responsible for contacting local law enforcement and when? How will the remains be secured and protected from vandalism? If cultural remains are discovered, what is the timeline for contacting a qualified archaeologist to assess the find? How will the cultural site be secured from vandalism? How will the VA convey the requirements of this section to contractors without having established procedures?

- Page 4: SDCL 1-19A-11.1 is not designed to be triggered during an inadvertent discovery situation.

“Alternative A (CBOC offsite), Measures to Avoid or Minimize Adverse Effects, Including Potential Future Effects”

- Page 5: Where will the VA seek annual funding for recurring maintenance and repairs of the buildings while in an unoccupied state?

“Measures to Mitigate Adverse Effects”

- Page 5: What is the timeline for the development of the programmatic agreement?
- Page 5: As mentioned in our last letter, the Preserve America Program has been unfunded. We recommend removing this mitigation measure from all of the alternatives.
- Page 6: Replace Hot Springs Preservation Commission with Hot Springs Historic Preservation Commission. This change should be made throughout the entire document.
- Page 6: How will the oral histories be transcribed if the local schools are not interested in participating? We recommend the VA hire a professional to document and transcribe the oral histories.
- Page 6: What are the applicable laws and regulations the VA must work with in order to fulfill this mitigation measure? Is it possible that these laws and regulations will prevent this from being a viable mitigation measure?
- Page 6: Since the VA is a federal agency, any profits realized by the sale of the book should benefit historic properties in Hot Springs. The ability to reproduce the book should be given to Hot Springs Historic Preservation Commission.
- Page 6: Given that the photographic display is a mitigation measure, more detail should be added.

Commenter G43: SD State Historic Preservation Office

- Page 7: Replace “SOI-qualified historic preservation consultant” with SOI-qualified Architectural Historian.
- Page 7: A draft copy of the updated Hot Springs Historic District nomination should be submitted to the SD SHPO for review and comment. The SOI-qualified Architectural Historian should be responsible for photographs to ensure they meet the necessary National Park Service standards.
- Page 8: Change Historic American Landmark Survey to Historic American Landscape Survey.

“Alternative A (CBOC offsite) with Alternative G Measures to Avoid or minimize Adverse effects, including Potential Future Effects”

- Page 10: the VA should seek input from the ACHP and National Trust, in addition to the SD SHPO and NPS, when developing and implementing a marketing strategy to identify redevelopment partners.
- Page 11: The Dedicated Project Manager should also work with the South Dakota State Archives and Museum to find suitable display locations for VA-owned material currently in the Battle Mountain Sanitarium Museum.

“Alternative A (CBOC in Building 12), Measures to Avoid or Minimize Adverse Effects, Including Potential Future Effects”

- Page 15: Does the Design Review Committee have 21 calendar or work days to review draft schematic designs and provide comments?
- Page 15: Will the VA and its partners take into consideration the comments provided by the Design Review Committee or just proceed with the design and begin construction? Will the Design Review Committee have any recourse should the design that is implemented not meet the SOI standards?

Page 19: “Measures to Mitigate Adverse Effects”, this section should include the same measures as found on page 13/14, including:

- The measures to support the SD SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program; and
- VA shall conduct a survey that uses the protocols of the Level I Historic American Buildings Survey (HABS) of all buildings in the Battle Mountain National Historic Landmark District that have not been recorded to HABS Standards; and

Commenter G43: SD State Historic Preservation Office

- VA shall conduct a survey that uses the protocols of a Historic American Landscapes Survey (HALS) Level II survey.

“Alternative A (CBOC in Building 12) with Alternative G, Measures to Avoid or Minimize Adverse Effects, Including Potential Future Effects”

Page 23: “Measures to Mitigate Adverse Effects”, as mentioned above this section should include the same mitigation measures as found on page 13/14 and include:

- The measures to support the SD SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program; and
- VA shall conduct a survey that uses the protocols of the Level I Historic American Buildings Survey (HABS) of all buildings in the Battle Mountain National Historic Landmark District that have not been recorded to HABS Standards; and
- VA shall conduct a survey that uses the protocols of a Historic American Landscapes Survey (HALS) Level II survey.

“Alternative C, Measures to Avoid or Minimize Adverse Effects, Including Potential Future Effects”

Page 39: “Measures to Mitigate Adverse Effects”, this section should include the same measures as found on page 13/14, including:

- The measures to support the SD SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program; and
- VA shall conduct a survey that uses the protocols of the Level I Historic American Buildings Survey (HABS) of all buildings in the Battle Mountain National Historic Landmark District that have not been recorded to HABS Standards; and
- VA shall conduct a survey that uses the protocols of a Historic American Landscapes Survey (HALS) Level II survey.

“Alternative C with Alternative G, Measures to Avoid or Minimize Adverse Effects, Including Potential Future Effects”

Page 45: “Measures to Mitigate Adverse Effects”, this section should include the same measures as found on page 13/14, including:

- The measures to support the SD SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program; and

Commenter G43: SD State Historic Preservation Office

- VA shall conduct a survey that uses the protocols of the Level I Historic American Buildings Survey (HABS) of all buildings in the Battle Mountain National Historic Landmark District that have not been recorded to HABS Standards; and
- VA shall conduct a survey that uses the protocols of a Historic American Landscapes Survey (HALS) Level II survey.

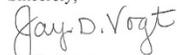
“Alternative E, Measures to Avoid or Minimize Adverse Effects, including Potential Future Effects”

- Page 59: The use of the SOI’s Standards for Treatment of Historic Properties should not be limited to Building 1 – Entry (stairs, round room open to dome) and Building 1 – Directors Office (Rooms 100B, 107B). The SOI’s Standards should apply to all spaces, interior and exterior, of all buildings at Battle Mountain Sanitarium.

Finally, given the repetitive nature of the document and alternatives, our comments apply to each of the alternatives that contain the same language.

Should you require any additional information please feel free to contact myself or Paige Olson at Paige.Olson@state.sd.us or (605) 773-6004.

Sincerely,



Jay D. Vogt

Director, South Dakota State Historical Society
State Historic Preservation Officer

cc: Chris Daniel and Reid Nelson, Advisory Council on Historic Preservation
Cindy Donnell, City of Hot Springs
Amy Cole, Jenny Buddenborg and Elizabeth Merritt, National Trust for Historic Preservation
Dena Sanford, Vidal Davila and Tom Farrell, National Park Service
Katy Coyle and Kelly Wittie, R. Christopher Goodwin and Associates, Inc.
Pat Russell, Bob Nelson and Amanda Campbell, Save the VA Committee
Kathleen Schamel, Department of Veterans Affairs, Federal Preservation Officer
Doug Pulak, Department of Veterans Affairs, Deputy Federal Preservation Officer