Appendix C

NEPA / NHPA Substitution Process
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List of Documents in Appendix C

1-Checklist for Substitution, NEPA and NHPA Handbook for Integrating NEPA and Section 106
2-Letter from VA to stakeholders: Initiation of Consultation, Notice of Intent to produce EIS, Notice of Substitution – 5/13/14
3-Letter from VA to tribal leaders: Initiation of Consultation with Native American Tribes, with mailing list – 8/8/14
4-Letter from VA: Initiation of Consultation with NE SHPO – 9/24/14
5-Letter from VA: Initiation of Consultation with WY SHPO – 9/24/14
6-Letter from VA to South Dakota SHPO: Definition of the Area of Potential Effect – 10/8/14
7-Letter from VA to stakeholders: Proposed VA Black Hills Health Care System Services Reconfiguration – Section 106 Consultations – 10/9/14
8-Letter from VA to South Dakota SHPO: Adjustment of the Area of Potential Effect – 1/20/15
10-Summary of Consulting Parties Workshop VA Medical Center, Hot Springs, South Dakota, February 12, 2015 (without appendices) – 4/2/15
11-Meeting/Teleconference Notes: Proposed Reconfiguration of the Black Hills Health Care System; Section 106 Consultation – 4/27/15
12-Letter from VA to consulting parties and government/tribal agencies providing a CD of Draft EIS for review and comment, with mailing list – 10/28/15
13-Consulting party meeting agenda and presentation (as modified during discussion) – 1/21/16
14-Consulting party meeting agenda and presentation (as modified during discussion) – 2/17/16
15-Letter from VA to tribal representatives with follow-up request for comments on Draft EIS – 4/7/16
17-Hot Springs Historic Preservation Commission email to VA consultant: Comments on draft measures – 4/20/16
18-Advisory Council on Historic Preservation letter to VA: Comments on draft measures – 4/25/16
19-National Park Service email to VA consultant: Comments on draft measures – 4/28/16
20-National Trust for Historic Preservation markup providing comments on draft measures – 4/28/16
21-Save the VA markup providing comments on draft measures – 4/28/16
22-South Dakota SHPO letter to VA: Comments on draft measures – 4/27/16
23-National Park Service document: Battle Mountain Sanitarium National Historic Landmark: Assessment of Significance, Assessment of Likely Adverse Effects; Recommended Measures to Avoid, Minimize, or Mitigate Adverse Effects – 2/12/16 (submitted as attachment to letter to VA dated 5/3/16)
23a-NPS Letter to VA objection to Section 106 process – undated
23b-NTHP Letter to VA with objection – 5/5/16


26-Letter from NTHP to VA BMS Mitigation Comments and Supplemental Objection – 6/16/16

26a-Email from ACHP to K. Coyle indicating no comments at this time – 6/16/16

26b-Email from NPS to Katy Coyle with comments on revised measures – 6/16/16

26c-Letter from SD SHPO with comments on revised measures – 6/17/16

26d-Letter from STVA to VA with objection – 6/20/16

26e-Letter from HSHPC_CLG with 106 objection – 6/20/16

27-Email from NTHP to VA second supplemental comments on mitigation measures – 6/20/16 (as attachment to NTHP Letter 6/16/16, above)


28a-Email from VA notifying CP of objections to substitution process – 7/15/16

29-Letter from VA to SD SHPO re: Historic Preservation consultation – 7/20/16

29a-Letter from VA to NTHP 7/28/16

30-Email from Katy Coyle to Consulting Parties – 8/8/16

31-Letter from ACHP to VA objection opinion – 8/12/16

32-Email NPS to VA re: proposed mitigation measures – 9/26/16

33-SD SHPO to VA re: comments on measures to resolve adverse effects – 10/6/16

34-Email from ACHP to VA potential effects resolution enhancement recommendations – 10/6/16

35-VA response to ACHP objection opinion – 10/26/16

The following Consulting Party Comments on the Draft EIS are not included in Appendix C but are available in Appendix E:

NPS letter to VA - 5/3/16 [Commenter code G36]

STVA letter to VA - 5/4/16 [Commenter code CP10]

NTHP letter to VA - 5/5/16 [Commenter code CP11]

HSHPCC letter to VA (no date) [Commenter code G44]
ATTACHMENT C
CHECKLIST FOR SUBSTITUTION

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

<table>
<thead>
<tr>
<th>NOTIFICATION</th>
<th>YES</th>
<th>NO</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Did the agency notify in advance the SHPO/THPO and the ACHP of its intent to use the NEPA process for Section 106 purposes?</td>
<td>X</td>
<td></td>
<td>Section 6.2.1 Notification</td>
</tr>
<tr>
<td>Is the notification correspondence included in the EA/DEIS or appendices?</td>
<td>X</td>
<td></td>
<td>Appendix C - NEPA/NHPA Substitution Process</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IDENTIFICATION OF CONSULTING PARTIES</th>
<th>YES</th>
<th>NO</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is the effort to identify consulting parties described in the EA/DEIS?</td>
<td>X</td>
<td></td>
<td>Section 6.2.2 Identification of Consulting Parties Appendix C - NEPA/NHPA Substitution Process</td>
</tr>
<tr>
<td>Is a list of the consulting parties provided in the EA/DEIS?</td>
<td>X</td>
<td></td>
<td>Section 6.2.2 Identification of Consulting Parties</td>
</tr>
<tr>
<td>Are all consulting parties included? (Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties)</td>
<td>X</td>
<td></td>
<td>Section 6.2.2 Identification of Consulting Parties Appendix C - NEPA/NHPA Substitution Process Section 6.2.3 Native American Consultation</td>
</tr>
<tr>
<td>Has the agency reviewed and responded to all requests to be consulting parties? Has the agency documented the exchange in its administrative record?</td>
<td>X</td>
<td></td>
<td>Section 6.2.2 Identification of Consulting Parties Appendix C - NEPA/NHPA Substitution Process Correspondence, outreach documentation in Administrative Record</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IDENTIFICATION OF HISTORIC PROPERTIES</th>
<th>YES</th>
<th>NO</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td>Is the effort to identify historic properties of all types (buildings, structures, objects, districts, and sites) described, including the Area of Potential Effects and the methodology for investigation?</td>
<td>X</td>
<td></td>
<td>Section 3.3.2 Cultural Resource and Historic Property Identification; Section 3.3.3 Areas of Potential Effects for Historic Properties; Section 3.3.5.1 Cultural Resources in Hot Springs APE; Section 3.3.5.2 Cultural Resources in Rapid City APE; 3.3.6 Phased Identification and Evaluation of Historic Properties</td>
</tr>
<tr>
<td>If no, has the agency disclosed its intent to phase the identification and assessment?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Is the effort to identify historic properties commensurate with the assessment of other environmental factors?</td>
<td>X</td>
<td></td>
<td>Section 3.3 Cultural Resources in relation to other resources sections in Chapter 3</td>
</tr>
<tr>
<td>Are determinations of eligibility for the National Register of Historic Places (NRHP) clearly stated?</td>
<td>X</td>
<td></td>
<td>Section 3.3.5.1 Cultural Resources in Hot Springs APE; Section 3.3.5.2 Cultural Resources in Rapid City APE; Section 3.3.5.1.1 Hot Springs Historic District; Section 3.3.5.1.2 Battle Mountain Sanitarium NHL</td>
</tr>
<tr>
<td>Can a layman understand the characteristics of each historic property and why it is significant (eligible for the NRHP) and retains integrity?</td>
<td>X</td>
<td></td>
<td>Section 3.3.5.1 Cultural Resources in Hot Springs APE; Section 3.3.5.2 Cultural Resources in Rapid City APE; Section 3.3.5.3 Historic Properties of Religious and Cultural Significance; Section 3.3.5.1.1 Hot Springs Historic District; Section 3.3.5.1.2 Battle Mountain Sanitarium NHL</td>
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## ATTACHMENT C: CHECKLIST FOR SUBSTITUTION

<table>
<thead>
<tr>
<th>ASSESSMENT OF EFFECTS</th>
<th>YES</th>
<th>NO</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Has one of the following Section 106 effect findings for the undertaking been clearly stated?</td>
<td>X</td>
<td></td>
<td>Historic properties will be adversely affected. Sections 4.3.3 through 4.3.9 Appendix C - NEPA/NHPA Substitution Process</td>
</tr>
<tr>
<td>- No historic properties affected</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- No historic properties adversely affected</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Historic properties adversely affected</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If adverse effects may result, is the application of the criteria of adverse effect described?</td>
<td>X</td>
<td></td>
<td>Section 4.3.2 Assessment Methodology; Section 4.3.2.2 Types of Adverse Effects on Historic Properties; Sections 4.3.3 through 4.3.9</td>
</tr>
<tr>
<td>Was all of the above information presented during scoping meetings and/or other public and stakeholder outreach?</td>
<td>X</td>
<td>ongoing</td>
<td>Appendix C - NEPA/NHPA Substitution Process, Section 106 Consultation Workshop Presentations &amp; Summaries Section 6.1.3 Draft EIS Comment Period</td>
</tr>
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## CONSULTATION AND PUBLIC INVOLVEMENT

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>COMMENTS</th>
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</thead>
<tbody>
<tr>
<td>Is the SHPO/THPO concurrence with eligibility determinations documented? Is the documentation included in the document and appendices?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Is the SHPO/THPO concurrence with the Section 106 effect finding documented? Is the correspondence included?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Has an adequate opportunity for consulting with the SHPO/THPO, Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties been provided prior to the release of the DEIS/EA? Is all relevant documentation (subject to confidentiality) included?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Do any of the consulting parties substantively disagree with the agency’s determinations of eligibility or findings of effect? If so, is the process for seeking agreement on those issues disclosed?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>If a National Historic Landmark (NHL) may be affected by the undertaking, has the agency notified the National Park Service (pursuant to 36 C.F.R. § 800.10(c)) and invited its participation where there may be an adverse effect? Is all relevant correspondence included?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Does the document cover sheet or distribution letter clearly indicate that the DEIS/EA also documents the Section 106 process?</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Have historic preservation concerns expressed by members of the public been addressed? If appropriate, have such commenters been invited to be consulting parties in the Section 106 review?</td>
<td>X ongoing</td>
<td></td>
</tr>
<tr>
<td>Have the scoping notices and other public meeting notices included information about Section 106?</td>
<td>X ongoing</td>
<td></td>
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## DEVELOPMENT OF ALTERNATIVES OR MEASURES TO AVOID, MINIMIZE, OR MITIGATE ADVERSE EFFECTS

<table>
<thead>
<tr>
<th>Step</th>
<th>YES</th>
<th>NO</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the development and evaluation of alternatives or modifications that could avoid or minimize adverse effects to historic properties documented?</td>
<td>X</td>
<td></td>
<td>Chapter 2 Alternatives; Sections 4.3.3 through 4.3.9. Section 5.2 Resolution of Adverse Cultural Resources Effects</td>
</tr>
<tr>
<td>2. Where appropriate have mitigation measures been proposed?</td>
<td>X</td>
<td></td>
<td>Section 5.2 Resolution of Adverse Cultural Resources Effects</td>
</tr>
<tr>
<td>3. Is the consultation with SHPO/THPO, Indian tribes, Native Hawaiian organizations, local governments, applicants, and/or other consulting parties about avoidance, minimization, or mitigation measures documented? Is all relevant documentation (subject to confidentiality) included in the EA/DEIS or appendices?</td>
<td>X ongoing</td>
<td></td>
<td>Section 5.2 Resolution of Adverse Cultural Resources Effects Appendix C - NEPA/NHPA Substitution Process</td>
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## STEPS TO CONCLUSION

<table>
<thead>
<tr>
<th>Step</th>
<th>YES</th>
<th>NO</th>
<th>Comments</th>
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</thead>
<tbody>
<tr>
<td>1. Is there a potential for the preferred alternative to adversely affect at least one historic property?</td>
<td>X ongoing</td>
<td></td>
<td>The preferred alternative has the potential to adversely affect historic properties, including the Battle Mountain Sanitarium NHL. Section 2.6 Preferred Alternative Section 4.3.3 Alternative A Appendix C - NEPA/NHPA Substitution Process</td>
</tr>
<tr>
<td>2. If the preferred alternative could adversely affect historic properties, is one of the following strategies for completing the Section 106 process identified?</td>
<td>X</td>
<td></td>
<td>VA will incorporate binding commitments into the Record of Decision. Section 5.2.2 Measures to Avoid, Minimize, or Mitigate Adverse Effects Appendix C - NEPA/NHPA Substitution Process</td>
</tr>
<tr>
<td>- Execution of a Memorandum of Agreement or a Programmatic Agreement</td>
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<tr>
<td>- Incorporation of the binding commitment to mitigation measures in the Record of Decision</td>
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<tr>
<td>- Termination, formal ACHP comments pursuant to 36 C.F.R. § 800.7, and response by head of the agency</td>
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<tr>
<td>3. If incorporating binding commitment to mitigation measures in the ROD, does the ROD include the following?</td>
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<td>Record of Decision pending</td>
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<tr>
<td>- Commitments clearly identifying who will do what by when</td>
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<td>- Administrative provisions including:</td>
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<tr>
<td>- Process for continued consultation during implementation (for example, regarding design review, data recovery, development of mitigation products)</td>
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<td>- Deadlines/timelines for implementation</td>
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<td>- Post-review discoveries</td>
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<tr>
<td>- Dispute resolution process</td>
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<tr>
<td>- Contingency for changes to the undertaking referencing 36 C.F.R. § 800.8(c)(5)</td>
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## IMPLEMENTATION

<table>
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<th>Step</th>
<th>YES</th>
<th>NO</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Is the agency prepared to carry out the commitments made in:</td>
<td></td>
<td></td>
<td>Record of Decision Pending</td>
</tr>
<tr>
<td>- Memorandum of Agreement or a Programmatic Agreement,</td>
<td></td>
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<tr>
<td>- Record of Decision, or</td>
<td></td>
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<tr>
<td>- Response by head of the agency to formal ACHP comments following termination?</td>
<td></td>
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</table>
May 13, 2014

[addressee]

Dear [name]:

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

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

**EIS/NHPA Support Contractor Selection:**

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

**EIS Notice of Intent:**

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

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

Reengaging consultation:

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

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

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

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

Sincerely,

Stephen R. DiStasio
Director

Attachments (2)
Attachment 1

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

Below is a summary of the proposed changes:

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

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

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

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

- **Enhance services at the Fort Meade VA Medical Center by building new operating rooms and renovating the inpatient medical/surgical/intensive care units.**
Attachment 2

Potential Consulting Parties
(Listed in alphabetical order)

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

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

Proposal and Recent Efforts

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

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

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

National Historic Preservation Act Consultation

The regulations implementing Section 106 of the National Historic Preservation Act (NHPA) discuss “consultation” as the process “to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.” This consultation process focuses exclusively on effects to historic properties. NHPA recognizes the government-to-government relationship between the Federal government and the tribes.
Since a key component of this BHHCS proposal involves the VA Hot Springs campus, which is designated as a National Historic Landmark, VA is following the “substitution” process described in the handbook issued jointly by the Council on Environmental Quality and the Advisory Council on Historic Preservation for integrating NEPA and NHPA Section 106 (dated March 2013). This substitution does not lessen any of the NHPA requirements, rather, it provides a more integrated and streamlined mechanism to accomplish the same.

**Tribal Consultation**

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

**Participation in the Section 106 Process for Historic Properties**

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

**Participation in Tribal Consultation Pursuant to Executive Order 13175**

VA is preparing to initiate formal Tribal Consultation this summer as well, possibly as soon as late August or early September. To prepare for these efforts, VA is requesting input from tribes located in South Dakota, North Dakota, Montana, Wyoming, Minnesota, Oklahoma, and Nebraska. The input would be focused on primary topics of concern to the affected tribes and would help craft the agenda, identify venues, and ensure that key VA leadership and personnel attend.
We very much look forward to your input. Based upon the communications to date, VA anticipates Tribal Consultation subjects of interest to include, but not be limited to, the following:

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

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

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

Sincerely,

Josh Taylor
Acting Assistant Secretary
Office of Public and Intergovernmental Affairs
<table>
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<th>TRIBAL_NAME</th>
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<td>Denny</td>
<td>Prescott</td>
<td>President</td>
<td>P.O. Box 308</td>
<td>Morton</td>
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<td>56270</td>
<td>(507) 697-6185</td>
<td>(507) 697-8618</td>
<td><a href="mailto:denny.prescott@lowersioux.com">denny.prescott@lowersioux.com</a></td>
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<td>Ronald</td>
<td>Johnson</td>
<td>President</td>
<td>5636 Sturgeon Lake Road</td>
<td>Welch</td>
<td>MN</td>
<td>55089</td>
<td>(651) 385-2554</td>
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<td>Kevin</td>
<td>Jensvold</td>
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<td>P.O. Box 147</td>
<td>Granite Falls</td>
<td>MN</td>
<td>56241-0147</td>
<td>(320) 564-2360</td>
<td>(320) 564-4482</td>
<td><a href="mailto:kevyn@uppersiouxcommunity-nsn.gov">kevyn@uppersiouxcommunity-nsn.gov</a></td>
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<td>(507) 697-6321</td>
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<td>(320) 564-3853</td>
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<td>(218) 753-3261</td>
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<td><a href="mailto:kevlyn@boisforte-nsn.gov">kevlyn@boisforte-nsn.gov</a></td>
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<td>Fond du Lac Band of Lake Superior</td>
<td>Karen</td>
<td>Driver</td>
<td>Chairwoman</td>
<td>1720 Big Lake Rd.</td>
<td>Cloquet</td>
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<td>190 Saylor Dr.</td>
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<td>4408 Godena Dr.</td>
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<td>Poplar</td>
<td>MT</td>
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<td>(406) 768-2382</td>
<td>(406) 768-3054</td>
<td><a href="mailto:cultres@nemontel.net">cultres@nemontel.net</a></td>
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<tr>
<td>Blackfeet Nation</td>
<td>Willie A. Sharp</td>
<td></td>
<td>Chairman</td>
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<td>Browning</td>
<td>MT</td>
<td>59913</td>
<td>(406) 338-7521</td>
<td>(406) 338-7530</td>
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<td>Chippewa-Cree Indians of the Rocky Boy's Reservation</td>
<td>Richard</td>
<td>Morsette</td>
<td>Chairman</td>
<td>RR1, P.O. Box 544</td>
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<td>Crow Tribe of Montana</td>
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<td>Chairman</td>
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<td>Fort Belknap Indian Community of the Fort Belknap Reservation of Montana</td>
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<td>President</td>
<td>655 Agancy Main Street</td>
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<td>Llevando</td>
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<td>Chippewa-Cree Indians of the Rocky Boy's Reservation</td>
<td>Javin</td>
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<td>59210</td>
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<td>59855</td>
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<td>59024</td>
<td>(406) 638-4238</td>
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<td>Morris</td>
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<td>Standing Rock Sioux Tribe of North and South Dakota</td>
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<td>Archambault II</td>
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<td>P.O. Box 8</td>
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<td>ND</td>
<td>58538</td>
<td>(701) 854-7201</td>
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<td><a href="mailto:acordova@standingrock.org">acordova@standingrock.org</a></td>
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<td>Three Affiliated Tribes of the Fort Berthold Reservation (Mandan, Hidatsa, Arikara)</td>
<td>Tex</td>
<td>Hall</td>
<td>Chairman</td>
<td>404 Frontage Road</td>
<td>New Town</td>
<td>ND</td>
<td>58763</td>
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<td>Richard</td>
<td>McCollum</td>
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<td>P.O. Box 900</td>
<td>Belcourt</td>
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<td>58316</td>
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<td>58763(701) 862-2474</td>
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<td>Clifford</td>
<td>Wolfe, Jr.</td>
<td>Chairman</td>
<td>P.O. Box 368</td>
<td>Macy</td>
<td>NE</td>
<td>68039(402) 837-5391</td>
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<td>NE</td>
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<td>108 Spirit Lake Avenue West</td>
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<td>68073(402) 879-2227</td>
<td>(402) 879-2593</td>
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<td>Apache Tribe of Oklahoma</td>
<td>Donnie</td>
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<td>(405) 247-2686</td>
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<tr>
<td>Cheyenne and Arapaho Tribes, Oklahoma</td>
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<td>Governor</td>
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<td>(405) 422-8267</td>
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<tr>
<td>Comanche Nation</td>
<td>Wallace</td>
<td>Coffey</td>
<td>Chairman</td>
<td>P.O. Box 908</td>
<td>Lawton</td>
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<td>73552(580) 493-4988</td>
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<td>Kiowa Indian Tribe of Oklahoma</td>
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<td>Chairperson</td>
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<td>Carnegie</td>
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<td>73012(505) 654-1729</td>
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<td>Ponca Tribe of Oklahoma</td>
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<td>Comanche Nation</td>
<td>Max</td>
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<td>73502 ext. 9618</td>
<td>(580) 595-9960</td>
<td><a href="mailto:jimmya@comanchenation.com">jimmya@comanchenation.com</a></td>
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<td>Cheyenne-River Sioux Tribe of the Cheyenne River Reservation</td>
<td>Kevin</td>
<td>Keckler, Sr.</td>
<td>Tribal Chairman</td>
<td>P.O. Box 590</td>
<td>Eagle Butte</td>
<td>SD</td>
<td>57625(605) 964-4155</td>
<td>(605) 964-4151</td>
<td><a href="mailto:levin.keckler@yahoo.com">levin.keckler@yahoo.com</a></td>
<td></td>
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<tr>
<td>Crow Creek Sioux Tribe of the Crow Creek Reservation</td>
<td>Roxanne</td>
<td>Sarue</td>
<td>Chairwoman</td>
<td>P.O. Box 50</td>
<td>Fort Thompson</td>
<td>SD</td>
<td>57339(605) 245-2221</td>
<td>(605) 245-2470</td>
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<tr>
<td>Flandreau Santee Sioux Tribe of South Dakota</td>
<td>Anthony</td>
<td>Reider</td>
<td>President</td>
<td>P.O. Box 283</td>
<td>Flandreau</td>
<td>SD</td>
<td>57029(605) 997-3891</td>
<td>(605) 997-3878</td>
<td><a href="mailto:tonyr.reider@fist.org">tonyr.reider@fist.org</a></td>
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<tr>
<td>Lower Brule Sioux Tribe</td>
<td>Michael</td>
<td>Jandeleau</td>
<td>Chairman</td>
<td>187 Oyate Circle</td>
<td>Lower Brule</td>
<td>SD</td>
<td>57548(605) 473-5561</td>
<td>(605) 473-5606</td>
<td><a href="mailto:clairsgreen@yahoo.com">clairsgreen@yahoo.com</a></td>
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<tr>
<td>Ogallala Sioux Tribe of the Pine Ridge Reservation</td>
<td>Bryan</td>
<td>Brewer</td>
<td>President</td>
<td>P.O. Box 2070</td>
<td>Pine Ridge</td>
<td>SD</td>
<td>57770(605) 867-8420</td>
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<tr>
<td>Rosebud Sioux Tribe of the Rosebud Indian Reservation</td>
<td>Cyril</td>
<td>Scott</td>
<td>President</td>
<td>P.O. Box 430</td>
<td>Rosebud</td>
<td>SD</td>
<td>57570(605) 747-2381</td>
<td>(605) 747-2905</td>
<td><a href="mailto:rst_chairman@gwc.net">rst_chairman@gwc.net</a></td>
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<tr>
<td>Sisseton-Wahpeton Oyate of the Lake Traverse Reservation</td>
<td>Robert</td>
<td>Shepherd</td>
<td>Chairman</td>
<td>P.O. Box 509</td>
<td>Agency Village</td>
<td>SD</td>
<td>57362(605) 698-3911</td>
<td>(605) 698-3708</td>
<td><a href="mailto:roberts@siwovsn.gov">roberts@siwovsn.gov</a></td>
<td></td>
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<tr>
<td>Yankton Sioux Tribe of South Dakota</td>
<td>Robert</td>
<td>Flying Hawk</td>
<td>Chairman</td>
<td>P.O. Box 1153</td>
<td>Wagner</td>
<td>SD</td>
<td>57382(605) 384-3641</td>
<td>(605) 384-5667</td>
<td></td>
<td></td>
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<tr>
<td>Cheyenne River Sioux Tribe of the Cheyenne River Reservation</td>
<td>Donna Rea</td>
<td>Peterson</td>
<td>THPO</td>
<td>P.O. Box 590</td>
<td>Eagle Butte</td>
<td>SD</td>
<td>57625(605) 964-7554</td>
<td>(605) 964-7552</td>
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<tr>
<td>Crow Creek Sioux Tribe of the Crow Creek Reservation</td>
<td>Wanda Wells</td>
<td>THPO</td>
<td>P.O. Box 50</td>
<td>Fort Thompson</td>
<td>SD</td>
<td>57339(605) 245-2250</td>
<td>(605) 245-2470</td>
<td><a href="mailto:wandawells@mtdstatesd.net">wandawells@mtdstatesd.net</a></td>
<td></td>
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</tr>
</tbody>
</table>
September 24, 2014

Michael Smith
State Historic Preservation Officer
Nebraska State Historical Society
P.O Box 82554
Lincoln, NE 68501-2554

Dear Mr. Smith,

Since December 2011, the VA Black Hills Health Care System (VA BHHCS) has been engaged in discussions with Veterans and other stakeholders regarding proposed changes in the delivery of high quality health care for Veterans in the VA BHHCS service area, which includes the Nebraska counties of Box Butte, Cherry, Dawes, Garden, Grant, Morrill, Scotts Bluff, Sheridan, and Sioux, along with areas in South Dakota and Wyoming. Many changes have been proposed, but no decisions have been made at this time. VA is now preparing an integrated environmental impact statement (EIS) and National Historic Preservation Act (NHPA) Section 106 review, regarding the proposed reconfiguration in accordance with the National Environmental Policy Act (NEPA) and the NHPA. The EIS will include a comprehensive analysis of the potential environmental, cultural and historic, and socioeconomic effects of the proposed reconfiguration of health care services.

The proposed reconfiguration of VA BHHCS, summarized in the attached information sheet that was distributed at the public scoping meetings, involves changes in how health care is delivered in Hot Springs, South Dakota, and the surrounding areas as well as shifting resources to service area population centers. VA BHHCS recognizes that such changes may affect the VA’s Hot Springs medical center campus, which is a National Historic Landmark, as well as future Hot Springs and Rapid City, South Dakota, locations. In May 2012, VA BHHCS initiated consultation under Sections 106 and 110(f) of the NHPA to consider ways of identifying and avoiding, minimizing, or mitigating such effects. VA BHHCS does not currently own or lease facilities in Nebraska and the proposal for reconfiguration does not include property purchase or sale in Nebraska, nor any development, construction, demolition, renovation, or lease initiation/termination in the state.

The Notice of Intent formally initiating the EIS process was published in the Federal Register on May 16, 2014. The VA recently concluded the public scoping process on August 16, 2014, and is currently completing the identification of consulting parties.
NEPA/NHPA Integration

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

Consultation

Because the VA BHHCS service area extends into Nebraska, serving Veterans that reside in your state, the Nebraska State Historic Preservation Office was identified as a potential consulting party.

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

We welcome your participation in our efforts to identify and consult on potential effects as well as to preserve our National Historic Landmark and any other potentially affected historic properties as we prepare for the future of Veteran health care. Please reply whether you would like to be included as a consulting party, to Luke Epperson, Administrative Officer to the Office of the Director, at vablackhillsfuture@va.gov or 605-720-7170. A response by October 10, 2014, would be greatly appreciated.

Sincerely,

Stephen R. DiStasio, FACHE
Director

Attachment (1)
INFORMATION SHEET
PUBLIC SCOPING MEETING
Environmental Impact Statement for
VA Black Hills Health Care System Reconfiguration

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

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

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

EIS Process

<table>
<thead>
<tr>
<th>Process Stage</th>
<th>Description</th>
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<tbody>
<tr>
<td>Notice of Intent to Prepare EIS</td>
<td>The process begins with the notice of intent to prepare the EIS.</td>
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<tr>
<td>Public Scoping</td>
<td>The public is involved in the scoping process.</td>
</tr>
<tr>
<td>Public Comments</td>
<td>Comments from the public are reviewed.</td>
</tr>
<tr>
<td>Refine Alternatives</td>
<td>Alternatives are refined.</td>
</tr>
<tr>
<td>Public Status Meetings</td>
<td>Public status meetings are held.</td>
</tr>
<tr>
<td>Notice of Availability</td>
<td>Release of the Final EIS.</td>
</tr>
<tr>
<td>Refine Analysis</td>
<td>Analysis is refined.</td>
</tr>
<tr>
<td>Public Comment Period and Meetings</td>
<td>Public comment period and meetings are held.</td>
</tr>
<tr>
<td>Notice of Availability</td>
<td>Release of the Draft EIS.</td>
</tr>
<tr>
<td>Select Preferred Alternative</td>
<td>The preferred alternative is selected.</td>
</tr>
<tr>
<td>Analyze Impacts of Alternatives</td>
<td>Impacts of alternatives are analyzed.</td>
</tr>
<tr>
<td>Public Involvement Opportunity</td>
<td>Public involvement opportunity is offered.</td>
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</table>

- Fall 2015
- Late 2015
- Spring 2015
Alternatives

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

* “Save the VA”  ** Supplement to Alternatives A–D

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

“Save the VA” Alternative

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

National Historic Preservation Act (NHPA)

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

Analysis of Environmental Resources

<table>
<thead>
<tr>
<th>Human Environment</th>
<th>Physical Environment</th>
<th>Biological Environment</th>
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<tbody>
<tr>
<td>Aesthetics</td>
<td>Community Services</td>
<td>Air Quality</td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>Solid / Hazardous Materials</td>
<td>Floodplains / Wetlands</td>
</tr>
<tr>
<td>Noise</td>
<td>Transportation / Parking</td>
<td>Wildlife / Habitat</td>
</tr>
</tbody>
</table>
September 24, 2014

Mary Hopkins
State Historic Preservation Officer
Barrett Building - 3rd Floor
2301 Central Avenue
Cheyenne, WY 82002

Dear Ms. Hopkins,

Since December 2011, the VA Black Hills Health Care System (VA BHHCS) has been engaged in discussions with Veterans and other stakeholders regarding proposed changes in the delivery of high quality health care for Veterans in the VA BHHCS service area, which includes the Wyoming counties of Crook, Niobrara, and Weston, along with areas in Nebraska and South Dakota. Many changes have been proposed, but no decisions have been made at this time. VA is now preparing an integrated environmental impact statement (EIS) and National Historic Preservation Act (NHPA) Section 106 review, regarding the proposed reconfiguration in accordance with the National Environmental Policy Act (NEPA) and the NHPA. The EIS will include a comprehensive analysis of the potential environmental, cultural and historic, and socioeconomic effects of the proposed reconfiguration of health care services.

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NEPA/NHPA Integration

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

Consultation

Because the VA BHHCS service area extends into Wyoming, serving Veterans that reside in your state, the Wyoming State Historic Preservation Office was identified as a potential consulting party.

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

We welcome your participation in our efforts to identify and consult on potential effects as well as to preserve our National Historic Landmark and any other potentially affected historic properties as we prepare for the future of Veteran health care. Please reply whether you would like to be included as a consulting party, to Luke Epperson, Administrative Officer to the Office of the Director, at vablackhillsfuture@va.gov or 605-720-7170. A response by October 10, 2014, would be greatly appreciated.

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Stephen R. DiStasio, FACHE
Director

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EIS Process

- [Image of EIS process flowchart]

Appendix C: NEPA / NHPA Substitution Process
## Alternatives

<table>
<thead>
<tr>
<th>Alternatives</th>
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</thead>
<tbody>
<tr>
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**“Save the VA” Alternative**

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### Analysis of Environmental Resources

#### Human Environment

- Aesthetics
- Community Services
- Cultural Resources
- Solid / Hazardous Materials
- Noise
- Transportation / Parking
- Land Use
- Utilities
- Socioeconomics
- Environmental Justice

#### Physical Environment

- Air Quality
- Geology / Soils
- Floodplains / Wetlands
- Hydrology / Water Quality

#### Biological Environment

- Wildlife / Habitat

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Photos: Battle Mountain Sanitarium Building 1 – Rotunda (top); vintage aerial view (bottom)
October 8, 2014

Mr. Jay D. Vogt
State Historic Preservation Office
South Dakota State Historical Society, Cultural Heritage Center
900 Governors Drive
Pierre, SD 57501

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

Dear Mr. Vogt:

The Department of Veterans Affairs (VA) has been engaged in discussions with Veterans and other stakeholders since December 2011 regarding the proposal to reconfigure the delivery of health care services across the VA Black Hills Health Care System (VA BHHCS) service area. VA is preparing an environmental impact statement (EIS) on this proposal that integrates the implementation and review procedures of Section 102 of the National Environmental Policy Act (NEPA) with consultation under Section 106 of the National Historic Preservation Act (NHPA). This process meets the integration intent of 40 Code of Federal Regulations (CFR) 1500.2(c) and 1502.25(a) with the substitution intent of 36 CFR 800.8(c). The EIS will include a comprehensive analysis of the potential environmental, cultural and historic, and socioeconomic effects of the proposed reconfiguration of health care services.

Area of Potential Effects

The proposed reconfiguration of the VA BHHCS (undertaking) would change how VA health care services are delivered in Hot Springs and Rapid City, South Dakota, and thus, may affect the Hot Springs VA medical center campus, as well as future, yet to be identified locations in both communities. The Hot Springs campus encompasses the "Battle Mountain Sanitarium, National Home for Disabled Volunteer Soldiers", a National Historic Landmark (NHL) designated in 2011. The campus also contributes to the 1974 National Register listed Hot Springs Historic District.

Three of the proposed EIS alternatives for the undertaking (refer to Attachment 1) include vacating the Hot Springs medical center campus and three alternatives propose renovations to existing buildings. VA therefore proposes that the Area of Potential Effects (APE) covers the Hot Springs campus (refer to Attachment 2), which fully encompasses the 53-acre NHL and contributing resources, including the VA’s Hot Springs National Cemetery.

VA HEALTH CARE | Defining EXCELLENCE in the 21st Century
Future Considerations

Some of the EIS alternatives include new facilities in Hot Springs and Rapid City. The VA recognizes its Section 106 responsibilities in evaluating any potential for historic properties on any new parcels that might be acquired. VA will adhere to Section 106 and guidelines in VA’s Cultural Resource Management Procedures (www.va.gov/vapubs/viewPublication.asp?Pub_ID=584&FType2) during future scoping for acquisition of any new parcels for any new construction.

Ongoing Consultation

Information on the alternatives for the proposed reconfiguration, as well as details on the EIS and the Section 106 consultation process are regularly updated online at www.blackhills.va.gov/NABlackHillsFuture.

We appreciate your continued participation in our efforts to identify and consult on potential effects, as well as to preserve the NHL and other potentially affected historic properties as we prepare for the future of Veteran health care. We anticipate hosting consulting parties at an upcoming meeting in Hot Springs and will provide details on that meeting as soon as they are available. Please direct any comments or questions regarding the APE within 30 days of your receipt of this letter to Luke Epperson, Administrative Officer to the Office of the Director at vablackhillsfuture@va.gov or 605-720-7170.

Sincerely,

Stephen R. DiStasio
Director

Attachments (2)

cc: Dena Sanford, NPS Midwest Regional Architectural Historian, NHL Point of Contact
VA Liaison, Advisory Council on Historic Preservation
INFORMATION SHEET

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VA Black Hills Health Care System Reconfiguration

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EIS Process

<table>
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<tr>
<th>Process Stage</th>
<th>Description</th>
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<tbody>
<tr>
<td>Purpose and Need for Reconfiguration</td>
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</tr>
<tr>
<td>Notice of Intent to prepare EIS</td>
<td></td>
</tr>
<tr>
<td>Public Scoping</td>
<td></td>
</tr>
<tr>
<td>Review Public Comments</td>
<td></td>
</tr>
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</tr>
<tr>
<td>Prepare Final EIS</td>
<td></td>
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<tr>
<td>Public Comment Period and Meetings</td>
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<tr>
<td>Notice of Availability Draft EIS</td>
<td></td>
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<tr>
<td>Spring 2015</td>
<td></td>
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<tr>
<td>Select Preferred Alternative</td>
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<td>Prepare Draft EIS</td>
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<td>Analyze Impacts of Alternatives</td>
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<td>Late 2015</td>
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<td>Public Involvement Opportunity</td>
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Alternatives

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

*“Save the VA” Alternative*

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

National Historic Preservation Act (NHPA)

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

Analysis of Environmental Resources

Human Environment
- Aesthetics
- Cultural Resources
- Noise
- Land Use
- Socioeconomics

Physical Environment
- Air Quality
- Geology / Soils
- Floodplains / Wetlands
- Hydrology / Water Quality

Biological Environment
- Wildlife / Habitat

Photos: Battle Mountain Sanitarium Building 1 – Rotunda (top); vintage aerial view (bottom)
RE: Proposed VA Black Hills Health Care System Services Reconfiguration – Section 106 Consultation

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

During the EIS scoping period (May 16 to August 16, 2014), comments on a range of issues, including historic resources, were submitted by letter, email, and web-based forms; and in both written and verbal comments at ten public meetings. Attendees at these scoping meetings were invited to submit written requests to the VA to be considered as a consulting party1 under Section 106 of NHPA. The VA has now developed the following preliminary list of consulting parties with whom consultation on effects to historic properties will be conducted. This list may be modified as consultation proceeds.

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

1 In addition to the state historic preservation officer(s), tribal representatives, local government representatives, additional consulting parties are “Certain individuals and organizations with a demonstrated interest in the undertaking… [who] may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking’s effect on historic properties” (36 CFR 800.2).
In accordance with 36 CFR 800.2(d), the VA is also seeking and considering the views of the public “in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking.” The 90-day public scoping period provided multiple avenues and opportunities for the public to communicate their views and concerns related to historic properties and cultural resources effects, among other issues. The public will be invited to review the status of the proposal alternatives in late 2014, and comment on the analysis of effects to historic resources from the proposed action and alternatives in the published Draft EIS in 2015. The published Final EIS will address comments on the Draft EIS analysis, with the analysis revised as needed, prior to the VA’s decision on this proposal. All recipients of this letter have also been added to the mailing list for the integrated NEPA/Section 106 process, and will receive postcard notification of future public meetings and the availability of the Draft EIS, Final EIS, and Record of Decision.

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

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

Sincerely,

Stephen R. DiStasio
Director

Attachment (1)

«CC»
«CC1»
«CC2»
«CC3»
January 20, 2015

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

RE: Adjusted Area of Potential Effects for Proposed Black Hills Health Care System Reconfiguration
Project: 140521004F

Dear Mr. Vogt:

The Department of Veterans Affairs (VA) Black Hills Health Care System (VA BHHCS) has proposed improvements to and reconfiguration of health care services within the VA BHHCS service area, which VA has determined to be a federal undertaking under Section 106 of the National Historic Preservation Act (NHPA) and a federal action subject to the National Environmental Policy Act (NEPA). VA has chosen to integrate Section 106 consultation within the overall NEPA framework, following the substitution process of 36 Code of Federal Regulations (CFR) 800.8(c). The proposed reconfiguration of VA BHHCS would change where VA health care services are delivered in Hot Springs and Rapid City, South Dakota.

By letter dated October 8, 2014, VA identified the area of potential effects (APE) where the undertaking could alter the character or use of historic properties to be the Hot Springs VA Medical Center campus in Hot Springs. The campus, and thus the APE, included the entire 53 acres of the National Historic Landmark (NHL), “Battle Mountain Sanitarium National Home for Disabled Volunteer Soldiers”. VA also acknowledged that compliance with Section 106 for locations yet to be identified for new or renovated facilities in Hot Springs and Rapid City would be addressed during future scoping for and acquisition of property. Based on comments from your office via letter dated November 7, 2014, and comments from other consulting parties received during the Section 106 workshop held November 18-19, 2014, VA is adjusting the APE for the undertaking. The consulting parties had requested VA consider other properties and locations in the APE. Those properties and locations and VA’s responses include:

- **Hot Springs Historic District:** The NHL and the remainder of the VA Medical Center campus are within and contribute to the Hot Springs Historic District listed in the National Register of Historic Places. The APE is adjusted to include the Historic District.

- **Pumphouse for VA Medical Center Campus:** The pumphouse is located along Fall River, outside the medical center campus, NHL, and Historic District.
Because the pumphouse is VA property and supports the campus facilities, the APE is adjusted to include this location.

- **Battle Mountain Landform:** The medical center campus is in a known Native American traditional area of the Fall River valley surrounding the hot springs, and includes the Battle Mountain landform as an interconnected component. VA will consider the effects of the undertaking to the overall historic character of the traditional hot springs area, including the Battle Mountain landform. The APE is adjusted to include those parts of the Hot springs/Battle Mountain area in the vicinity of the medical center campus.

- **State Veterans Home and Cemetery:** The home and cemetery are located outside the Historic District boundary and changes to these structure or property are not part of VA’s proposed reconfiguration. The APE is therefore not adjusted to include this location.

- **Town of Hot Springs:** As appropriate, potential environmental, social, and economic impacts to the town of Hot Springs will be evaluated in the EIS. All buildings and features in town, historic or not, would not be subject to changes from VA’s proposed reconfiguration and therefore the APE is not adjusted to include the town in its entirety.

- **Fort Meade Historic District:** In correspondence prior to the publication of the Notice of Intent to prepare an EIS, construction of new operating rooms at the Fort Meade VA Hospital was listed as part of the ongoing improvements to improve health care services across the VA BHHCS service area. VA has complied with NEPA and NHPA for this construction action, which was needed because the three existing operating rooms were not large enough to house replacement equipment required for ongoing operation of the hospital. This construction action was independent of the proposed reconfiguration of health care services at Hot Springs or Rapid City. Therefore, the APE is not adjusted to include this location.

- **Fall River Hospital:** Changes to this recently completed structure are not part of VA’s proposed reconfiguration. The APE is not adjusted to include this location.

- **Construction and/or Renovation Sites in Hot Springs and Rapid City:** The action alternatives propose new construction or renovation at locations yet to be identified in Hot Springs and Rapid City. When identified, proposed construction or renovations at these locations would receive phased review under the Section 106 process per 36 CFR 800.4(b)(2). VA will continue to adhere to Section 106 and guidelines in VA’s Cultural Resource Management Procedures (www.va.gov/vapubs/viewPublication.asp?Pub_ID=584&FType2) during future planning and actions involving acquisition, construction, or renovations of properties. The APE is therefore not adjusted at this time for unknown locations.
In summary, the APE (see attached figure) is adjusted to include VA property in Hot Springs, which includes the medical center campus, pumphouse, and the entire NHL; the Hot Springs Historic District, which also includes the medical center campus and NHL; and the Native American traditional areas of the hot springs/Battle Mountain landforms that are within the vicinity of the medical center campus. Should new information or analysis change the rationale for these determinations as the EIS proceeds, VA will consider and consult on additional adjustments to the APE.

We appreciate your continued participation in the integrated NEPA/NHPA process for the reconfiguration proposal. Please direct any comments or questions regarding the APE to Luke Epperson, Administrative Officer to the Office of the Director at vablackhillsfuture@va.gov or 605-720-7170.

Sincerely,

Stephen R. DiStasio
Director

Attachment: APE Figure

cc: Advisory Council for Historic Preservation (Chris Daniel)  
   Assiniboine and Sioux Tribes (Darrell Youpee)  
   City of Hot Springs (Cindy Donnell)  
   Department of the Interior, National Park Service (Dena Sanford)  
   Fall River County Commission (Mike Ortner)  
   Fall River County Historical Society (Peggy Sanders)  
   Hot Springs CLG – Historic Preservation Commission (Brian Powers)  
   Kiowa Tribe of Oklahoma (Amie Tah-bone)  
   National Trust for Historic Preservation (Amy Cole)  
   Northern Arapaho Tribe (Darlene Conrad)  
   Oglala Sioux Tribe (John Yellow Bird Steele, Mike Catches Enemy)  
   Save the VA (Bob Nelson, Patrick Russell)  
   Yankton Sioux Tribe (Lana Gravatt)  
   AFGE Hot Springs Local (Patrick Russell)
Section 106 Consultation for the
Integrated National Environmental Policy Act and
National Historic Preservation Act Process

Proposed Reconfiguration of the VA Black Hills Health Care System

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

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

January 20, 2015
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A Consulting Parties Workshop Invitation Letter
B Consulting Parties Workshop Attendee List
C Consulting Parties Workshop Handout and Displays

LIST OF ACRONYMS

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

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

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

Consulting Parties

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

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

Purpose of this Summary

The purposes for this summary are to document the discussions and input received during the workshop, and to present the next steps for further consultation.
Table 1. Workshop Invitations and Attendance

<table>
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<tr>
<th>Organization*</th>
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<td>Advisory Council for Historic Preservation</td>
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<td>City of Hot Springs</td>
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<td>Department of the Interior: National Park Service</td>
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<td>Fall River County Commission Office</td>
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<td>Fall River County Historical Society</td>
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<td>Fort Peck Tribes of Assiniboine and Sioux</td>
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<td>Hot Springs Certified Local Government–Historic Preservation Commission</td>
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<td>Kiowa Tribe of Oklahoma</td>
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<td>Northern Arapaho Tribe</td>
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<td>Oglala Sioux Tribe of the Pine Ridge Reservation</td>
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<td>Save the VA</td>
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<tr>
<td>South Dakota State Historic Preservation Office</td>
<td>Yes</td>
</tr>
<tr>
<td>Yankton Sioux Tribe</td>
<td>No</td>
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</table>

* Includes all consulting parties identified as of October 20, 2014

2.0 WORKSHOP DISCUSSION

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

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

2.1 Undertaking and Alternatives

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

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

Summary of Consulting Parties Workshop

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

2.2 Scoping Comments

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

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

2.3 Area of Potential Effects

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

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

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

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

2.4 Identification of Historic Properties

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

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

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

Another suggestion was to consider the entire town of Hot Springs as a historic property, not just the Historic District. Although the Hot Springs Historic District encompasses much of the town, including the downtown business district, the VA Medical Center campus and cemetery, and adjacent residential areas, it is unlikely that all buildings and features in this living town are historic.
Figure 1. Locations Considered for Inclusion in Area of Potential Effects.
Potential effects of the undertaking on historic properties for each of the proposed alternatives were discussed and are listed in Table 2. Due to the similar components of some of the alternatives, including those considering vacating and/or renovating portions of the Hot Springs Medical Center campus, many of the potential effects would apply to more than one alternative. The potential effects listed in the table have not yet been screened or evaluated to determine if the effects are to historic properties or to other environmental, economic, and social resources, or to both. Input during the workshop included indirect, direct, and cumulative effects. The list of potential effects will be further refined and possibly expanded or reduced during further consultation as the impact analysis proceeds and the Draft EIS is prepared.

Effects that would likely be either beneficial or adverse were identified. VA will apply the criteria for determining adverse effect (36 CFR 800.5) and continue discussions with consulting parties during future consultation.
### Table 2. Potential Effects Identified by Alternative

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

#### Summary of Consulting Parties Workshop

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

### Summary of Consulting Parties Workshop

<table>
<thead>
<tr>
<th>Alternative</th>
<th>Proposed Changes in Hot Springs</th>
<th>Proposed Changes in Rapid City</th>
<th>Potential Effects or Historic Property Concerns</th>
</tr>
</thead>
</table>
| D (same potential effects identified as Alternatives A and B) | Build or lease new CBOC and 24-bed RRTP Vacate VA Hot Springs campus | Build or lease new MSOC and 76-bed RRTP | ➢ The new location may impact the historic district including viewshed, traffic, and other concerns.
 ➢ City infrastructure may be impacted due to a decline in rate of use and customer base. Possibility exists that the infrastructure is also historic.
 ➢ Potential for archaeological sites at new locations.
 ➢ Potential for archaeological sites on Hot Springs (Battle Mountain) campus, including a historic-era VA dump area.
 ➢ Battle Mountain and waters (Fall River and associated hot springs) as possible historic property concern related to Native American history.
 ➢ Re-Use Options. Future management of the property. VA's Property Disposition Process [to be initiated if alternatives are chosen that vacate the Hot Springs campus].
 ➢ Change of use if the campus is no longer used as a medical facility.
 ➢ Vacant building; damage during mothballing.
 ➢ Native American access to the VA sweat lodge facility may be limited.
 ➢ Water rights retained by the VA.
 ➢ Local government tax-base impacts.
 ➢ Removing VA from the property and the impacts to Hot Springs as the “Veterans Town.”
 ➢ Potential degradation of the National Historic Landmark and the Hot Springs Historic District.
 ➢ Museum collections and records currently stored at the campus will need to be rehoused if the campus is vacated.
 ➢ Consideration of cumulative effects per Section 106.
 ➢ Potential effect to the State Veterans Home due to changes in VA services in the area.
 ➢ Potential effect to the National Cemetery management, which currently relies on co-location with VA health services at the Hot Springs (Battle Mountain) campus. |
<table>
<thead>
<tr>
<th>Alternative</th>
<th>Proposed Changes in Hot Springs</th>
<th>Proposed Changes in Rapid City</th>
<th>Potential Effects or Historic Property Concerns</th>
</tr>
</thead>
</table>
| F: (Save the VA) | Renovate domiciliary for 200-bed RRTP
Renovate Building 12 for inpatient care
Other upgrades/renovations to buildings/new construction
New programs and services at Hot Springs campus | No change                      | ➢ Will restore/renew services to the campus (see “Save the VA” White Paper) ensuring continued use of all the historic buildings.  
➢ Facility continues to be maintained.  
➢ Disabled access alterations on building exteriors including ramps and sidewalk upgrades.  
➢ Upgrades and renovations may have a potential effect on the historic property.  
➢ Potential for archaeological sites on Hot Springs (Battle Mountain) campus where new construction would occur.  
➢ Location of new construction may impact the historic landmark including viewshe, traffic, and other concerns. |
| F: (No Action)   | Continue health care services at VA Hot Springs campus                                          | No change                      | ➢ Facility continues to be maintained.  
➢ Retains historic use.                                                                                           |
### Proposed Reconfiguration of BHHCS

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

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

Next steps, of which some overlap, include:

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

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

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

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

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

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

4.0 OTHER COMMENTS

Comments made that did not pertain to the agenda topics under discussion were noted in the “parking lot”. These comments were not dismissed, but were considered not pertinent to the
topic of historic properties, and potential effects to them, during the limited workshop schedule. Those comments and responses are as follows:

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

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

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

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

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

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

- Review the purpose and need statement regarding ADA compliance, and relatedly, review the VA operating costs for the Hot Springs facility. **Response:** The Draft EIS will fully discuss the purpose and need for the reconfiguration proposal and include estimated costs of all alternatives. The purpose and need statement, as published during the
workshop and open houses, has been updated to identify the need for accessible facilities without using phrasing that would limit the acceptable solutions.

- Does Alternative F—no action—keep services as they are? **Response:** The No Action Alternative involves no change from current approach to maintenance, renovations, or other management actions for existing facilities. The Council on Environmental Quality’s “40 Questions” explains what a no action alternative includes ([http://energy.gov/sites/prod/files/G-CEQ-40Questions.pdf](http://energy.gov/sites/prod/files/G-CEQ-40Questions.pdf)).

- Provide copies of scoping comments for review in both Hot Springs and Ft. Meade. **Response:** A scoping report that provides a summary of the comments received will be posted online at www.blackhills.va.gov/vablackhillsfuture.

- When did the “downsizing process” at the Hot Springs campus start? **Response:** As part of its mission, VA has continually adjusted medical services to meet current and projected medical needs of Veterans and their families, including the nature of the services and the locations where they are provided. The trends that were considered by VA in determining the purpose and need for the proposed reconfiguration will be described in the Draft EIS.
Section 106 Consultation for the Integrated National Environmental Policy Act and National Historic Preservation Act Process

Proposed Reconfiguration of VA Black Hills Health Care System

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

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

April 2, 2015
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LIST OF ACRONYMS

APE: Area of potential effects
BHHCS: Black Hills Health Care System
CBOC: Community Based Outpatient Clinic
CFR: Code of Federal Regulations
EIS: Environmental Impact Statement
MSOC: Multi Specialty Outpatient Clinic
NEPA: National Environmental Policy Act
NHPA: National Historic Preservation Act

NHL: National Historic Landmark
NRHP: National Register of Historic Places
RRTP: Residential Rehabilitation Treatment Program
SCIP: Strategic Capital Investment Plan
SHPO: State Historic Preservation Office
VA: Veterans Affairs
VISN: Veterans Integrated Service Network
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1.0 INTRODUCTION

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

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

1.1 Consulting Parties Involvement

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

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

1.2 Purpose of this Summary

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

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

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

2.1 Omnibus Bill and Status of VA BHHCS Reconfiguration and EIS

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

Consulting parties also noted that line items in the President’s budget for fiscal year 2016 and beyond appear to support certain alternatives for the proposed reconfiguration. None of the line items related to the reconfiguration proposal are requested in the fiscal year 2016 budget; instead...
they are described in the Strategic Capital Investment Plan (SCIP) as “potential future year projects”. They represent place holders to inform planning of potential future appropriations needs. Only one place holder can be realistically applied, not options for all alternatives. That one place holder was based on the originally proposed action for reconfiguration. All alternatives for reconfiguration will be assessed equally in the EIS.

2.2 NEPA/NHPA Substitution Process

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

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

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

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

2.3 Additional Detail on Alternatives

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

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

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

2.4 Area of Potential Effects Revision

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

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

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

2.5 Identification of Historic Properties

The principal historic properties that have been identified that would be affected by the undertaking remain the Battle Mountain Sanitarium NHL and the Hot Springs Historic District. The springhouse located near Fall River and currently used to supply water to the VA Medical Center campus has since been found to be historic and connected directly with the historic use of the Battle Mountain Sanitarium. The Battle Mountain landform has also been identified as a historic property related to the history of American Indian activity in the area and the importance of the hot springs. Unknown locations for potential new or renovated facility development in the cities of Hot Springs or Rapid City could affect other archaeological or above-ground historic properties.
In addition to considering the Battle Mountain landform as a sacred place to tribes, consulting parties also recommended that Battle Mountain Sanitarium be considered a traditional cultural property to Veterans. Traditional cultural properties are defined and considered under National Register Bulletin 38 (Parker and King 1998); VA will use this bulletin for further review of the Sanitarium as such.

2.6 Potential Effects

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

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

The identification of potential effects considered the following issues:

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

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

Overall, allotted meeting time ran short by the time this agenda topic was reached, which limited productive discussion.
2.7 Avoiding, Minimizing, or Mitigating Adverse Effects

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

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

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

3.0 NEXT STEPS

Next steps, some of which overlap, include:

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

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

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

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

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

- Record future Section 106 consultation discussions and provide transcripts for review by consulting parties and the public. **Response:** It is not standard practice for VA to transcribe 106 consultation meetings for the record; however, VA will consider the request.

- Hold a public meeting focusing on the Section 106 process to inform the public and receive further public comments. **Response:** VA conducted 10 public scoping meetings to explain the integrated NEPA/NHPA process and to receive public comments on the undertaking (federal action), historic properties and preservation, and other related concerns. Consulting parties are welcome to post information pertaining to the Section 106 consultation process on their respective websites as a means to further inform the public.

- Provide more information regarding the clinical standards that are in place that VA follows as part of their mission to provide care to Veterans to better understand Alternative F-No Action. **Response:** VA’s mission to provide health care and the standards by which that care is provided will be described briefly in the Draft EIS to the extent it is related to the purpose of and need for action or to differentiate among the alternatives. VA offers information on health care issues and benefits topics online at [http://www.va.gov/health/](http://www.va.gov/health/).

5.0 REFERENCES

Parker, Patricia L., and Thomas F. King
MEETING / TELECONFERENCE NOTES

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

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

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

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

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

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

All input from consulting party attendees will be considered during analysis and preparation of the Draft EIS. Additional consultation meetings are planned after the Draft EIS is released for review and comment.
<table>
<thead>
<tr>
<th>Consulting Party</th>
<th>Participated in Teleconference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advisory Council for Historic Preservation</td>
<td>Yes</td>
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<tr>
<td>AFGE Hot Springs Local</td>
<td>Yes</td>
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<tr>
<td>American Legion</td>
<td>Yes</td>
</tr>
<tr>
<td>City of Hot Springs</td>
<td>Yes</td>
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<tr>
<td>Department of the Interior: National Park Service</td>
<td>Yes</td>
</tr>
<tr>
<td>Fall River County Commission Office</td>
<td>No</td>
</tr>
<tr>
<td>Fall River County Historical Society</td>
<td>No</td>
</tr>
<tr>
<td>Fort Peck Tribes of Assiniboine and Sioux</td>
<td>No</td>
</tr>
<tr>
<td>Hot Springs Certified Local Government – Historic Preservation Commission</td>
<td>Yes</td>
</tr>
<tr>
<td>Individual Veteran</td>
<td>Yes</td>
</tr>
<tr>
<td>Kiowa Tribe of Oklahoma</td>
<td>No</td>
</tr>
<tr>
<td>National Trust for Historic Preservation</td>
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</tr>
<tr>
<td>Northern Arapaho Tribe</td>
<td>No</td>
</tr>
<tr>
<td>Oglala Sioux Tribe of the Pine Ridge Reservation</td>
<td>No</td>
</tr>
<tr>
<td>Save the VA</td>
<td>Yes</td>
</tr>
<tr>
<td>South Dakota State Historic Preservation Office</td>
<td>Yes</td>
</tr>
<tr>
<td>Yankton Sioux Tribe</td>
<td>No</td>
</tr>
</tbody>
</table>
October 28, 2015

[addressee]

Dear [name]:

The U.S. Department of Veterans Affairs (VA) provides the enclosed Draft Environmental Impact Statement (EIS) and National Historic Preservation Act Section 106 Consultation: Reconfiguration of VA Black Hills Health Care System (VA BHHCS) for your review and comment.

In accordance with the National Environmental Policy Act (NEPA), the Draft EIS analyzes the potential environmental impacts associated with VA’s proposal to reconfigure health care services throughout the 100,000-square mile VA BHHCS service area. The reconfiguration would improve the system’s compliance with VA’s “Geographic Access to Care” guidelines. The Draft EIS analyzes six alternatives for changes to VA’s facilities in Hot Springs and Rapid City, South Dakota, to support the proposed services reconfiguration.

VA BHHCS’s preferred alternative (Alternative A) 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 also identify and approve appropriate re-use of the Hot Springs campus under Supplemental Alternative G.

The analysis uses the substitution procedures defined in the regulations for implementing Section 106 of the National Historic Preservation Act, by which agencies can substitute the NEPA process for effects analysis and consultation under Section 106, by developing an integrated NEPA analysis. Consultation and identification and resolution of effects to historic properties are documented throughout this EIS.

Please submit written comments on the Draft EIS by January 5, 2016, online through www.blackhillseis.com, by email to vablackhillsfuture@va.gov, or by regular mail to Staff Assistant to the Director, VA Black Hills Health Care System, 113 Comanche Road, Fort Meade, SD 57741. Please refer to “VA BHHCS Reconfiguration Draft EIS” in any correspondence.

You are invited to participate in any of six public meetings summarizing the results of the Draft EIS. These meetings will be held in Rapid City, SD; Hot Springs, SD; Pine Ridge, SD; Chadron, NE; Alliance, NE; and Scottsbluff, NE. The dates, times, and locations for these meetings will be published online at www.blackhills.va.gov/vablackhillsfuture/.

If you have any questions, please email vablackhillsfuture@va.gov.

Sincerely,

Sandra L. Horsman, MS
Director

Enclosure: CD with Draft EIS
U.S. Department of Veterans Affairs
VA Black Hills Health Care System
113 Comanche Road
Fort Meade, SD  57741
www.blackhills.va.gov/vablackhillsfuture

National Trust for Historic Preservation
Amy Cole / Jennifer Buddenborg
1420 Odgen Street, Suite 203
Denver, CO 80218

Save the VA
Amanda Campbell / Bob Nelson
405 Albany Avenue
Hot Springs, SD 57747

South Dakota State Historic Preservation Office
Jay Vogt, Director / Paige Olson, Coordinator
900 Governors Drive
Pierre, SD 57501

Oglala Sioux Tribe of the Pine Ridge Reservation
John Yellow Bird Steele / Mike Catches Enemy
PO Box 2070
Pine Ridge, SD 57770

Yankton Sioux Tribe of South Dakota
Ellsworth Chytka, THPO
PO Box 1153
Wagner, SD 57380

Northern Arapaho Tribe
Yufna Soldier Wolf, THPO
PO Box 396
Fort Washakie, WY 82514

Kiowa Tribe of Oklahoma
Amie Tah-bone, NAGPRA Representative
PO Box 369
Carnegie, OK 73015

Assiniboine & Sioux Tribes of Fort Peck Indian Reservation
Darrell "Curley" Youpee, THPO
PO Box 1027
Poplar, MT 59255

AFGE Hot Springs Local
Pat Russell
PO Box 307
Hot Springs, SD 57747

South Dakota American Legion
Tim Jurgens / Denny Brenden
PO Box 67
Watertown, SD 57201
VA BHHCS NEPA Historic Properties Consultation
VA Hot Springs Campus, Auditorium, Building II
January 21, 2016 (9 a.m. to noon, 1:30 p.m. to 4:30 p.m.)

Invited Participants

a. VA Officials
Stella Fiotes – Executive Director, Office of Construction and Facilities Management,
   VA Secretary’s Representative to the Advisory Council on Historic Preservation
   VA Senior Policy Official for Historic Preservation
Sandra Horsman – Director - VA BHHCS
Chris Stomberg – Chief Financial Officer – VISN 23
Doug Pulak – Deputy Historic Preservation Officer – VA Central Office
Cynthia Doolittle – 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, Regional Environmental Engineer, VA CFM

b. Consultants
Christine Modovsky, Project Manager, Labat Environmental, Inc.
Katy Coyle, 106 Consultation Lead, R. Christopher Goodwin & Assoc., Inc.
Kelly S. Wittie, Historic Preservation Specialist, R. Christopher Goodwin & Assoc., Inc.

c. Consulting Parties
Advisory Council on Historic Preservation:
   Reid Nelson, Office of Federal Agency Programs
   Chris Daniel, VA Liaison
South Dakota State Historic Preservation Office
   Paige Olson, Review & Compliance Coordinator
   Ted Spencer, Director of Historic Preservation,
Indian Tribes
   John Yellow Bird Steele, President, Oglala Sioux Tribe of the Pine Ridge Reservation
   Dennis Yellow Thunder, Tribal Historic Preservation Officer, Oglala Sioux Tribe of the Pine Ridge Reservation
   Perry Little, Tribal Historic Preservation Officer, Yankton Sioux Tribe of South Dakota
   Yufna Soldier Wolf, Tribal Historic Preservation Officer, Northern Arapaho Tribe
   Amie Tah-bone, NAGPRA Representative, Kiowa Tribe of Oklahoma
   Darrell "Curley" Youpee, Tribal Historic Preservation Officer, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation
Government Representatives
Dena Sanford, History and National Register Programs, National Park Service, Midwest Region;
Nicholas Chevance, Regional Environmental Coordinator, National Park Service, Midwest Region

Other Invited Consulting Parties
Amy Cole, Sr. Program Officer and National Trust for Historic Preservation
Jenny Buddenborg, Sr. Field Officer, National Trust for Historic Preservation
Mike Ortner, Chairman, Fall River County Commissioner Office
Pat Lyke, Hot Springs CLG - Historic Preservation Commission
Peggy Sanders, Fall River County Historical Society
Amanda Campbell, Save the VA
Bob Nelson, Save the VA
Pat Russell, AFGE Hot Springs Local
Tim Jurgens, South Dakota American Legion
Donald Ackerman, Sr., Interested citizen and Veteran

Agenda

1. Welcome and Introductions

2. Clarifications in the Ground Rules
   a. Consultation is “the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them…”
   b. Primary goal is to foster a discussion process to evaluate alternatives, and ways within those alternatives to avoid, minimize or mitigate adverse effects on historic properties

3. Where we are in the consultation
   a. The Process to Date
   b. Crosswalking the NEPA and NHPA steps
   c. Reviewing the “Parking Lot”
   d. Definition of the Undertaking
   e. Area of Potential Effect for all Alternatives
   f. Identification of Historic Properties in All Alternatives

4. Consider Building 12 as a location for the Hot Springs CBOC in Alternative A

5. Discussion of Adverse Effects of all Alternatives

6. Introduction of measures to resolve adverse effects

7. Next Steps
Historic Property Consultation

Department of Veterans Affairs
Black Hills Health Care System
January 21, 2016
Hot Springs, South Dakota

Welcome and Introductions

- Stella Fiotes – Executive Director, VA Office of Construction & Facilities Management; VA Secretary’s Representative to the Advisory Council on Historic Preservation; VA Senior Policy Official for Historic Preservation
- Sandra Horsman – Director - VA BHHCS
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- John Henderson - Chief of Facilities Management - VA BHHCS
- Luke Epperson - Staff Assistant - VA BHHCS
- Glenn Wittman - Regional Environmental Engineer - VA Office of Construction and Facilities Management

Contractors

- Chris Modovsky - Labat Environmental, Inc.
- Katy Coyle - R. Christopher Goodwin & Associates, Inc.
Consulting Parties

• Reid Nelson, Director of Federal Programs, Advisory Council on Historic Preservation
• Chris Daniel, VA Liaison, Advisory Council on Historic Preservation
• Paige Olson, Review & Compliance Coordinator, South Dakota Historic Preservation Office
• Ted Spencer, Director of Historic Preservation, South Dakota Historic Preservation Office
• Dena Sanford, History and National Register Programs, National Park Service, Midwest Region
• Nicholas Chevance, Regional Environmental Coordinator, National Park Service, Midwest Region

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• Darrell "Curley" Youpee, Tribal Historic Preservation Officer, Assiniboin and Sioux Tribes of the Fort Peck Indian Reservation
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- Peggy Sanders, Fall River County Historical Society
- Amanda Campbell, Save the VA
- Bob Nelson, Save the VA
- Pat Russell, AFGE Hot Springs Local
- Tim Jurgens, South Dakota American Legion
- Donald Ackerman, Sr., Interested citizen and Veteran

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### We Heard You

**What you can expect from us**

- A fresh approach
- Better communication
- More interaction
- Clarifying the steps of the process
- The opportunity to discuss ideas
- Clear VA responsibilities
Dialogue

What we expect from you

• Respect for all your fellow consulting parties and the process
• Civility
• Honest dialogue
• Decorum
• Sharing the floor

The Process to Date

Timeline

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial Consultation Meeting</td>
<td>2012 May 31</td>
</tr>
<tr>
<td>Published Notice of Intent</td>
<td>2014 May 16</td>
</tr>
<tr>
<td>EIS scoping (36 CFR 800.3 (a-c))</td>
<td>2014 May 16 - August 16</td>
</tr>
<tr>
<td>Notification of use of substitution (36 CFR 800.8)</td>
<td>2014 May 13</td>
</tr>
<tr>
<td>Identification of consulting parties, public outreach plan (36 CFR 800.3 (c-f))</td>
<td>2014 October 9</td>
</tr>
<tr>
<td>Invitation to consultation</td>
<td>2014 October 20</td>
</tr>
<tr>
<td>Consulting party workshop, included discussion of the undertaking and alternatives, identification of area of potential effects, and historic properties (36 CFR 800.4)</td>
<td>2014 November 18-19</td>
</tr>
<tr>
<td>Expanded the consulting parties</td>
<td>2015 January 14</td>
</tr>
<tr>
<td>Consulting party workshop, included discussions of alternatives, and expansion of the historic properties, potential adverse effects, and began a discussion on the resolution of adverse effects (36 CFR 800.4-5)</td>
<td>2015 February 12</td>
</tr>
<tr>
<td>Consulting party teleconference</td>
<td>2015 April 27</td>
</tr>
</tbody>
</table>
Crosswalking NEPA to NHPA Steps

• NHPA Steps, Broadly
  – Define the undertaking
  – Identify appropriate consulting parties
  – Define the area of potential effects (APE)
  – Identify the historic properties inside the APE
  – Identify effects to historic properties
  – Resolve adverse effects to historic properties
  • In this case, the measures taken to resolve adverse effects will be memorialized in detail in a Record of Decision (ROD) to be issued after the EIS has been finalized

Undertaking, discussed many times, refined after consultation:

• The physical changes to facilities from the proposed reconfiguration of services in the VA Black Hills Healthcare System
Hot Springs Area of Potential Effects

Rapid City Area of Potential Effects

working draft do not cite
Other Steps

• Notification (36 CFR §800.8(a-c))—May 2014
• Consulting Parties/Public Outreach (36 CFR §800.3(c-f))—October 2014 through January 2015
• Identification of Historic Properties (36 CFR §800.4)—first begun in the November 2014 consulting party meeting, reviewed and expanded in February 2015 meeting.

Historic Properties

• Battle Mountain Sanitarium NHL
  — Also is a contributing element to the Hot Springs Historic District
• Hot Springs National Cemetery
  — Also a contributing element of the Battle Mountain Sanitarium
• Battle Mountain landform
• VA spring house on Fall River
• Over 300 identified cultural resources in the Hot Springs APE
• Over 1,300 identified cultural resources in the Rapid City APE
Adverse Effects to Historic Properties, Definite and Potential, by Alternative

Alternative A (with new CBOC)

• Historic Properties Affected
  – Definite
    • Battle Mountain Sanitarium NHL
  – Potential
    • Built historic properties in Hot Springs
    • Built historic properties in Rapid City
    • Archaeological properties
    • Battle Mountain Sanitarium (mothballing)
Alternative A (with new CBOC) with Supplemental Alternative G

• Historic Properties Affected
  – Definite
    • Battle Mountain Sanitarium NHL*
  – Potential
    • Built historic properties in Hot Springs
    • Built historic properties in Rapid City
    • Archaeological properties
    • Battle Mountain Sanitarium (redevelopment) *

* Unless SOI Standards or preservation easement is required.

Alternative A (with CBOC in Bldg. 12)

• Historic Properties Affected
  – Definite
    • Battle Mountain Sanitarium NHL
  – Potential
    • Battle Mountain Sanitarium NHL*
    • Built historic properties in Rapid City
    • Archaeological properties

*Unless SOI Standards are used.
Alternative A (with CBOC in Bldg. 12) with Supplemental Alternative G

- **Historic Properties Affected**
  - **Definite**
    - Battle Mountain Sanitarium NHL
  - **Potential**
    - Battle Mountain Sanitarium NHL*
    - Hot Springs Historic District*
    - Built historic properties in Rapid City
    - Archaeological properties

*These could be avoided or minimized if SOI Standards are followed or preservation easement is required.

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Alternative B

- **Historic Properties Affected**
  - **Definite**
    - Battle Mountain Sanitarium NHL
  - **Potential**
    - Built historic properties in Hot Springs
    - Built historic properties in Rapid City
    - Archaeological properties
    - Battle Mountain Sanitarium (mothballing)
Alternative B with Supplemental Alternative G

• Historic Properties Affected
  – Definite
    • Battle Mountain Sanitarium NHL
  – Potential
    • Battle Mountain Sanitarium NHL *
    • Hot Springs Historic District*
    • Built historic properties in Hot Springs
    • Built historic properties in Rapid City
    • Archaeological properties
  *These could be avoided or minimized if SOI Standards are followed or preservation easement is required.

Alternative C

  – Definite
    • Battle Mountain Sanitarium NHL
  – Potential
    • Battle Mountain Sanitarium NHL*
    • Hot Springs Historic District*
    • Built historic properties in Hot Springs
    • Built historic properties in Rapid City
    • Archaeological properties
  *Will be minimized if SOI Standards are followed
Alternative C with Supplemental Alternative G

– Definite
  • Battle Mountain Sanitarium NHL

– Potential
  • Battle Mountain Sanitarium NHL*
  • Hot Springs Historic District*
  • Built historic properties in Hot Springs
  • Built historic properties in Rapid City
  • Archaeological properties

*These could be avoided or minimized if SOI Standards are followed or preservation easement is required.

Working draft do not cite

Alternative D

• Historic Properties Affected
  – Definite
    • Battle Mountain Sanitarium NHL
  – Potential
    • Built historic properties in Hot Springs
    • Built historic properties in Rapid City
    • Archaeological properties
    • Battle Mountain NHL (mothballing)

Working draft do not cite
Alternative D with Supplemental Alternative G

- Historic Properties Affected
  - Definite
    - Battle Mountain Sanitarium NHL
  - Potential
    - Battle Mountain Sanitarium NHL*
    - Hot Springs Historic District*
    - Built historic properties in Hot Springs
    - Built historic properties in Rapid City
    - Archaeological properties

*These could be avoided or minimized if SOI Standards are followed or preservation easement is required.

Alternative E

- Definite
  - Battle Mountain Sanitarium NHL*
  - Hot Springs Historic District*

- Potential
  - Archaeological properties

Will be minimized if SOI Standards are followed
Alternative F

– Definite
  • Battle Mountain Sanitarium NHL*

– Potential
  • Archaeological properties (for exterior changes to existing buildings)
  *Will be avoided or minimized if SOI Standards are followed

Ways to Avoid and/or Minimize Adverse Effects to Historic Properties
Renovation of all or part of the campus A (with both CBOC alternatives), C, E, F

Adverse effects to the setting, feeling, and association of the Battle Mountain Sanitarium.

Adverse effects to Battle Mountain NHL. These adverse effects could be minimized (Alternative E) or avoided (Alternative A with Bldg. 12 CBOC, C, F) by Adhering to the Secretary of Interior’s Standards for the Treatment of Historic Properties.

Redevelopment of the Campus by a Development Partner, Supplemental Alternative G, under A (both CBOC alternatives), B, C, or D

Change in use is an adverse effect to the setting, feeling and association of the Battle Mountain Sanitarium.

Adverse effect is minimized (Battle Mountain Sanitarium) or avoided (Hot Springs Historic District) if Secretary of the Interior Standards for the Treatment of Historic Properties are followed for redevelopment. This might require a preservation easement if the redeveloper is not a federal agency.
Can effects be avoided or minimized?

- Alternatives A (with both CBOC options), B, and D, with Supplemental Alternative G
  - Adherence to the Secretary of Interior’s Standards for the Treatment of Historic Properties could avoid or minimize most of these effects
  - Imposition of preservation easements or restrictions could avoid or minimize most of these effects

Can effects be avoided or minimized?

- Alternative C with Supplemental Alternative G
  - Adherence to the Secretary of Interior’s Standards for the Treatment of Historic Properties could avoid or minimize most of these effects
  - Imposition of Preservation Easements or regulations could avoid or minimize most of these effects
Can effects be avoided or minimized?

• Alternatives E, F
  – Avoided?
    • No
  – Minimized?
    • Yes. Adherence to the Secretary of Interior’s Standards for the Treatment of Historic Properties could avoid or minimize most of these effects

Measures to Resolve Adverse Effects to Historic Properties
Resolution of Adverse Effects

• Per 36 CFR 800.8(C)(1)(v), develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize, and mitigate adverse effects.
• For all these alternatives, a comprehensive plan including all three strategies is anticipated.

Measures to Avoid Future Adverse Effects

• For any alternative that includes VA vacating all or part of the campus, a “mothballing plan” would need to be developed.
• Key Elements:
  – Plan designed by a SOI-qualified historic architect with experience in mothballing plans
  – Resolving any stabilization issues
  – Schedule of maintenance and inspection
  – System monitors
  – On-site security
  – Consultation with SHPO and NPS
Measures to Minimize Adverse Effects

• Robust Marketing Strategy to Identify Redevelopment Partners
  – First, potential federal partners
    • Both inside VA and other federal agencies
    • Would ensure that NHPA requirements remain in effect on the campus
  – Second private developers or joint ventures
    • Preservation easements would minimize future adverse effects

Measures to Mitigate Adverse Effects

• Appropriate interpretive measures
Next Steps

• VA will extend the public comment period on the draft EIS for 30 days (to March 6, 2016)
• VA will provide digital copies of the transcript to the Consulting Parties
• VA will host an additional historic property consultation meeting the third week of February (possibly a 1.5- or 2-day meeting)
• VA will clarify the public comment period as it relates to Consulting Party objections
AGENDA
Historic Property Consultation Meeting
February 17, 2016
8:00 AM Lunch 5:00 PM
VA Black Hills Health Care System
Hot Springs, South Dakota

I. Introductions
II. Answers to Questions Posed at Last Meeting
III. Discussion of Adverse Effects by Alternative
IV. Measures to Resolve Adverse Effects
V. Next Steps
Welcome and Introductions

- Stella Fiotes – Executive Director, VA Office of Construction & Facilities Management; VA Secretary’s Representative to the Advisory Council on Historic Preservation; VA Senior Policy Official for Historic Preservation
- Sandra Horsman – Director - VA BHHCS
- Chris Stomberg – Chief Financial Officer - VISN 23
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• John Henderson - Chief of Facilities Management - VA BHHCS
• Luke Epperson - Staff Assistant - VA BHHCS
• Glenn Wittman - Regional Environmental Engineer - VA Office of Construction and Facilities Management
• C.B. Alexander - Associate Director - VA BHHCS

Contractors

• Chris Modovsky - Labat Environmental, Inc. (phone)
• Katy Coyle - R. Christopher Goodwin & Associates, Inc.
• Kelly Sellers Wittie - R. Christopher Goodwin & Associates, Inc.
Consulting Parties

- Reid Nelson, Director of Federal Programs, Advisory Council on Historic Preservation
- Chris Daniel, VA Liaison, Advisory Council on Historic Preservation
- Paige Olson, Review & Compliance Coordinator, South Dakota Historic Preservation Office
- Ted Spencer, Director of Historic Preservation, South Dakota Historic Preservation Office
- Kate Nelson, South Dakota Historic Preservation Office
- Vidal Davila, Superintendent, Wind Cave National Park, National Park Service
- Tom Farrell, Chief of Interpretation, Wind Cave National Park, National Park Service

Tribal Representatives

- John Yellow Bird Steele, President, Oglala Sioux Tribe of the Pine Ridge Reservation
- Dennis Yellow Thunder, Tribal Historic Preservation Officer, Oglala Sioux Tribe of the Pine Ridge Reservation
- Perry Little, Tribal Historic Preservation Officer, Yankton Sioux Tribe of South Dakota
- Yufna Soldier Wolf, Tribal Historic Preservation Officer, Northern Arapaho Tribe
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• Mike Ortner, Chairman, Fall River County Commissioner Office
• Pat Lyke, Hot Springs CLG - Historic Preservation Commission
• Peggy Sanders, Fall River County Historical Society
• Karen Meston, Save the VA
• Bob Nelson, Save the VA
• Pat Russell, AFGE Hot Springs Local
• Tim Jurgens, South Dakota American Legion
• Donald Ackerman, Sr., Interested citizen and Veteran

Invited Consulting Parties

• Cindy Donnell, Mayor, Hot Springs
Answers to Questions Posed at Last Meeting

• Status of meeting transcript
• Coordination with State Veterans and Tribal agencies
• Clarification about the comment period(s)

ADVERSE EFFECTS TO HISTORIC PROPERTIES, DEFINITE AND POTENTIAL, BY ALTERNATIVE
Alternative A (with new CBOC)

- No anticipated effects to Historic Properties in the Fort Meade APE
- Phased evaluation of effects to Historic Properties in the Rapid City APE
  - Potential
    - Built historic properties
    - Archaeological properties
- Affected Historic Properties in the Hot Springs APE
  - Definite
    - Battle Mountain Sanitarium NHL
  - Potential
    - Built historic properties
    - Archaeological properties
    - Demolition or demolition by neglect if redevelopment not viable

Alternative A (with new CBOC) with Supplemental Alternative G

- No anticipated effects to Historic Properties in the Fort Meade APE
- Phased evaluation of effects to Historic Properties in the Rapid City APE
  - Potential
    - Built historic properties
    - Archaeological properties
- Affected Historic Properties in the Hot Springs APE
  - Definite
    - Battle Mountain Sanitarium NHL
  - Potential
    - Battle Mountain Sanitarium NHL
    - Built historic properties including Hot Springs Historic District
    - Archaeological properties
    - Battle Mountain Sanitarium NHL (due to mothballing if redevelopment is delayed)
    - Battle Mountain Sanitarium NHL (due to mothballing if redevelopment is delayed)
    - Demolition or demolition by neglect if redevelopment not viable
Alternative A (with CBOC in Bldg. 12)

- No anticipated effects to Historic Properties in the Fort Meade APE
- Phased evaluation of effects to Historic Properties in the Rapid City APE
  - Potential
    - Built historic properties
    - Archaeological properties
- Affected Historic Properties in the Hot Springs APE
  - Definite
    - Battle Mountain Sanitarium NHL
    - Battle Mountain Sanitarium (due to mothballing)
  - Potential
    - Built historic properties
    - Archaeological properties
    - Demolition or demolition by neglect if redevelopment not viable

Alternative A (with CBOC in Bldg. 12) with Supplemental Alternative G

- No anticipated effects to Historic Properties in the Fort Meade APE
- Phased evaluation of effects to Historic Properties in the Rapid City APE
  - Potential
    - Built historic properties
    - Archaeological properties
- Affected Historic Properties in the Hot Springs APE
  - Definite
    - Battle Mountain Sanitarium NHL
  - Potential
    - Battle Mountain Sanitarium NHL
    - Built historic properties including Hot Springs Historic District
    - Archaeological properties
    - Battle Mountain Sanitarium (due to mothballing if redevelopment is delayed)
    - Demolition or demolition by neglect if redevelopment not viable
Alternative B

- No anticipated effects to Historic Properties in the Fort Meade APE
- Phased evaluation of effects to Historic Properties in the Rapid City APE
  - Potential
    • Built historic properties
    • Archaeological properties
- Affected Historic Properties in the Hot Springs APE
  - Definite
    • Battle Mountain Sanitarium NHL
    • Battle Mountain Sanitarium (due to mothballing)
  - Potential
    • Built historic properties
    • Archaeological properties
    • Demolition or demolition by neglect if redevelopment not viable

Alternative B with Supplemental Alternative G

- No anticipated effects to Historic Properties in the Fort Meade APE
- Phased evaluation of effects to Historic Properties in the Rapid City APE
  - Potential
    • Built historic properties
    • Archaeological properties
- Affected Historic Properties in the Hot Springs APE
  - Definite
    • Battle Mountain Sanitarium NHL
  - Potential
    • Battle Mountain Sanitarium NHL
    • Built historic properties including Hot Springs Historic District
    • Archaeological properties
    • Battle Mountain Sanitarium NHL (due to mothballing if redevelopment if delayed)
    • Demolition or demolition by neglect if redevelopment not viable

working draft do not cite
Alternative C

- No anticipated effects to Historic Properties in the Fort Meade APE
- Phased evaluation of effects to Historic Properties in the Rapid City APE
  - Potential
    - Built historic properties
    - Archaeological properties
- Affected Historic Properties in the Hot Springs APE
  - Definite
    - Battle Mountain Sanitarium NHL
  - Potential
    - Battle Mountain Sanitarium NHL
    - Built historic properties including the Hot Springs Historic District
    - Archaeological properties
    - Demolition or demolition by neglect if redevelopment not viable

Alternative C with Supplemental Alternative G

- No anticipated effects to Historic Properties in the Fort Meade APE
- Phased evaluation of effects to Historic Properties in the Rapid City APE
  - Potential
    - Built historic properties
    - Archaeological properties
- Affected Historic Properties in the Hot Springs APE
  - Definite
    - Battle Mountain Sanitarium NHL
  - Potential
    - Battle Mountain Sanitarium NHL
    - Built historic properties including Hot Springs Historic District
    - Archaeological properties
    - Battle Mountain Sanitarium NHL (due to mothballing if redevelopment is delayed)
    - Demolition or demolition by neglect if redevelopment not viable
Alternative D

- No anticipated effects to Historic Properties in the Fort Meade APE
- Phased evaluation of effects to Historic Properties in the Rapid City APE
  - Potential
    - Built historic properties
    - Archaeological properties
- Affected Historic Properties in the Hot Springs APE
  - Definite
    - Battle Mountain Sanitarium NHL
  - Potential
    - Battle Mountain Sanitarium NHL
    - Built historic properties including Hot Springs Historic District
    - Archaeological properties
    - Demolition or demolition by neglect if redevelopment not viable

Alternative D with Supplemental Alternative G

- No anticipated effects to Historic Properties in the Fort Meade APE
- Phased evaluation of effects to Historic Properties in the Rapid City APE
  - Potential
    - Built historic properties
    - Archaeological properties
- Affected Historic Properties in the Hot Springs APE
  - Definite
    - Battle Mountain Sanitarium NHL
  - Potential
    - Battle Mountain Sanitarium NHL
    - Built historic properties including Hot Springs Historic District
    - Archaeological properties
    - Battle Mountain Sanitarium NHL (due to mothballing if redevelopment is delayed)
    - Demolition or demolition by neglect if redevelopment not viable
Alternative E

- No anticipated effects to Historic Properties in the Fort Meade APE
- Phased evaluation of effects to Historic Properties in the Rapid City APE
  - Potential
    - Built historic properties
    - Archaeological properties
- Affected Historic Properties in the Hot Springs APE
  - Definite
    - Battle Mountain Sanitarium NHL
  - Potential
    - Built Historic Properties including the Hot Springs Historic District
    - Archaeological properties
    - Battle Mountain Sanitarium NHL (due to redevelopment)

Clarifications to Alternative E

- Could consider construction of small cottages in the event of population overflow from residences on station
Alternative F

- No anticipated effects to Historic Properties in the Fort Meade APE
- No anticipated effects to Historic Properties in the Rapid City APE
- Affected Historic Properties in the Hot Springs APE
  - **Definite**
    - Battle Mountain Sanitarium NHL
  - Potential
    - Battle Mountain Sanitarium NHL
    - Built historic properties including the Hot Springs Historic District
    - Archaeological properties (for exterior changes to existing buildings)

WAYS TO AVOID AND/OR MINIMIZE ADVERSE EFFECTS TO HISTORIC PROPERTIES
Renovation of all or part of the campus A (with both CBOC alternatives), C, E, F

Adverse effects to the setting, feeling, and association of the Battle Mountain Sanitarium.

Adverse effects to Battle Mountain NHL. These adverse effects could be minimized (Alternative E) or avoided (Alternative A with Bldg. 12 CBOC, C, F) by Adhering to the Secretary of Interior’s Standards for the Treatment of Historic Properties.

Redevelopment of the Campus by a Development Partner, Supplemental Alternative G, under A (both CBOC alternatives), B, C, or D

Change in use is an adverse effect to the setting, feeling and association of the Battle Mountain Sanitarium.

Adverse effect is minimized (Battle Mountain Sanitarium) or avoided (Hot Springs Historic District) if Secretary of the Interior Standards for the Treatment of Historic Properties are followed for redevelopment. This might require a preservation easement if the redeveloper is not a federal agency.
Can effects be avoided or minimized?

• Alternatives A (with both CBOC options), B, and D, with Supplemental Alternative G
  – Adherence to the Secretary of Interior’s Standards for the Treatment of Historic Properties could avoid or minimize most of these effects
  – Imposition of preservation easements or restrictions could avoid or minimize most of these effects

Can effects be avoided or minimized?

• Alternative C with Supplemental Alternative G
  – Adherence to the Secretary of Interior’s Standards for the Treatment of Historic Properties could avoid or minimize most of these effects
  – Imposition of Preservation Easements or regulations could avoid or minimize most of these effects
Can effects be avoided or minimized?

• Alternatives E, F
  – Avoided?
    • No
  – Minimized?
    • Yes. Adherence to the Secretary of Interior’s Standards for the Treatment of Historic Properties could avoid or minimize most of these effects
Resolution of Adverse Effects

• Per 36 CFR 800.8(C)(1)(v), develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize, and mitigate adverse effects.

• For all these alternatives, a comprehensive plan including all three strategies is anticipated.

Measures to Avoid Minimize Future Adverse Effects

• For any alternative that includes VA vacating all or part of the campus, a “mothballing plan” would need to be developed.

• Key Elements:
  – Plan designed by a SOI-qualified historic architect with experience in mothballing plans
  – Resolving any stabilization issues
  – Schedule of maintenance and inspection
  – System monitors
  – On-site security
  – Consultation with SHPO and NPS
Key Elements of a Mothballing Plan

- Time span?
  - By calendar?
  - By condition?

- Speak with other federal agencies about experiences/ask other federal agencies to review the plan
  - GSA
  - NPS
  - Agencies with a similar climate to Hot Springs
  - External partner for review (SHPO, NPS, CLG on annual inspections)

- Comply with Preservation Brief 31

- Take into account building changes due to long-term mothballing

- Inspect buildings at least annually

- Annual reporting to interested parties

- Consider local contractors
- Consideration of Hot Springs Wastewater Plant
- Benchmarks of evaluation for review of plan
- Dedicated maintenance budget
- Non-recurring maintenance funds on a regular basis
- Combination of factors
- Consideration of “will seek funding” (language)
Measures to Minimize Adverse Effects

• Robust Marketing Strategy to Identify Redevelopment Partners
  – First Priority: potential federal partners
    • Both inside VA and other federal agencies
    • Would ensure that NHPA requirements remain in effect on the campus
  – Second Priority: private developers or joint ventures
    • Preservation easements would minimize future adverse effects

WHAT WOULD BE NEEDED FOR A MARKETING STRATEGY

• Information unique to this site
• Site Manager/Implementation Manager
• General Building Information (environmental, floorplans, mechanical systems)
• HSR
• Previous studies (historic information)
• Demand analysis (previous to marketing study)
• Economic goals/missions from County and Hot Springs
• Heritage Tourism potential of site and of area
  – State Department of Tourism
  – University study of Hot Springs as a heritage tourism destination
  – Southern Hills Economic Development Corporation
  – Chamber of Commerce
WHAT WOULD BE NEEDED FOR A MARKETING STRATEGY

• State use/re-purposing- State Veterans Home?
• Leasing/acquisition mechanisms of VA
  – Can VA commit to exploring and expanding all VA mechanisms? EUL, Section 111
  – More targeted expansion of EUL authorities
  – *More than a marketing strategy*
  – Review existing use agreements
• Site visits, tours, opportunity for interested parties to visit
• Easement/compliance with SOI Standards (tax credits?)
• Specific tax credits for this site
• Available to non-profit use agreement?

Measures to Mitigate Adverse Effects

• Consider using greenhouse/conservatory for training (patients and community residents), could be used to improve tour, restore grounds
• Consider partnerships with local community
• Take into consideration the spirit of community-based volunteerism
• Consider development of a statewide PA for South Dakota VA Medical Centers
• Consider statewide Main Street coordinating program
  – Make Hot Springs a Main Street community
• Consider community preservation fund
Measures to Mitigate Adverse Effects

• Consider local historic preservation “needs” or “well-being”
  – Monetary?
  – Application to Preserve America community?
  – See University report regarding heritage tourism
• Consider other VA “needs”
• Consider Master Planning for other historic campuses
  – With historic preservation considerations
  – NHDVS campuses

Measures to Mitigate Adverse Effects

• Appropriate interpretive measures
  – Development interpretative plan
    • Specificity in implementation, organization
    • Duration
    • Consider long-term activities and/or partnerships
    • “including but not limited to”
  – Consider including public access as part of easement or use agreement
    • Maintenance
  – Consider hosting an annual “reunion” for past employees, patients (could lead tours)
    • Safety plan(s)
  – Consider hosting an annual event
  – Consider 3D/LIDAR scanning of the buildings
  – Consider book about historical significance of NHL
  – Consider walking tour of campus, way signs
    • Incorporate oral histories
    • App? Provide iPad for users to check-out?
  – Consider oral histories, local interpretation
    • City, local historic groups
Alternative C

• Use of SOI Standards
  • Consider design guidelines for new construction, consultation with NPS and SD SHPO (may also apply to other alternatives)

Alternative E

• Use of SOI Standards
  • Consider design guidelines for new construction, consultation with NPS and SD SHPO (may also apply to other alternatives)
Alternative F

- Use of SOI Standards
- Consider design guidelines for new construction, consultation with NPS and SD SHPO
- Consider development of a statewide PA (statewide, not specific to this process)

Elements of a Preservation Condition

- Use of SOI Standards
- Will need to consider restrictions of easement/condition holder
- Review ACHP Guidance on Preservation Conditions
- Long-term and enforceable
- Consider local historic preservation design guidelines
- Archaeology
- Consideration of landscape
- South Dakota Codified Law 1-19A-11.1
- Consideration of tax-deductible easement and tax considerations (potential developer as donor)
Next Steps

- VA will extend the public comment period on the draft EIS at least until Consulting Parties have had 30 days to review the measures to resolve adverse effects to be outlined in the ROD. VA will extend public comment period 60 days (May 2016)
  - VA will notify Consulting Parties of final 30 days to comment (generally put out a press release)
- VA will provide JLL report to the Consulting Parties
- VA will provide alternatives report as described by Mr. Stomberg
- VA will consider providing a copy of the Treanor report to the Consulting Parties
- ACHP shall provide language on Anti-Deficiency Act issues
- ACHP shall provide ACHP’s preservation condition guidance
- Consulting Parties will endeavor to cc one another in providing comments
- VA will provide a copy of the powerpoint presentation

Future Steps

- VA to provide language about measures to resolve adverse effects (2 weeks)
- Consulting Parties to provide feedback (2 weeks)
April 7, 2016

Dear ________,

As you know, the U.S. Department of Veterans Affairs (VA) is analyzing proposed reconfigurations to the VA Black Hills Health Care System (BHHCS). As required by the National Environmental Policy Act (NEPA), an Environmental Impact Statement (EIS) is being prepared to analyze the environmental consequences of the proposed alternatives. In part because the cultural, historic, and natural environmental elements of the Black Hills area are so interrelated, VA chose to integrate National Historic Preservation Act of 1966 consultation procedures into the NEPA environmental impact analysis process using an option known as substitution in accordance with 36 CFR 800.8(c).

VA recognizes that public comments are an essential part of the NEPA process. We invite you and members of your Tribe to comment on any aspect of the Draft EIS analysis. Comments must be received prior to the end of the public comment period. The comment period currently ends on May 5, 2016; however, if the comment period is extended we will publish the new date on our website (http://www.blackhills.va.gov/vablackhillsfuture). Topics in the EIS include the purpose of and need for this project; the alternatives for meeting that purpose and need; the potential impacts to aesthetics, air quality, geology/soils, hydrology, wildlife, noise, land use, floodplains, socioeconomics, community services, hazardous materials, utilities, environmental justice, and cultural resources; and mitigation measures to address impacts.

The Draft EIS and additional resources are available for download on the VA BHHCS webpage listed above. The document is also available at the following public libraries: Hot Springs, Rapid City Downtown, Sturgis, Chadron, Alliance, Lied Scottsbluff, and Pierre (Rawlins Municipal) public libraries; as well as in Pine Ridge at the Oglala Lakota College Pine Ridge Center library on the high school campus.

Please provide comments on the Draft EIS by email to vablackhillsfuture@va.gov, online at www.blackhillssei.com, or by USPS to Staff Assistant to the Director, VA BHHCS, 113 Comanche Road, Fort Meade, SD 57741.

VA recognizes the value of dialogue and importance of communication with Native American tribes and looks forward to receiving your input. If you have any questions regarding the EIS you may contact me directly at Sandra.Horsman@va.gov or (605) 720-7170. Again, we value your input.

Sincerely,

SANDRA L. HORSMAN, MBM
Director
Measures to Resolve Adverse Effects to Historic Properties Related to Alternatives for the Proposed Reconfiguration of the VA Black Hills Health Care System

Administration

- VA shall send and accept receipt of official notices, comments, requests for further information and documentation, and other communications as required by this Record of Decision (ROD) by email.

- Time designations shall be in calendar days. VA may proceed with its schedule if comments are not received within the specified timeframes.

- VA shall provide reports to all consulting parties about the implementation of measures to resolve adverse effects to historic properties every six months from the date of execution of this ROD until all measures have been enacted or for at least seven years.

- This ROD is subject to the Anti-Deficiency Act (31 U.S.C. Section 1341). VA’s responsibilities to implement these measures are contingent upon the availability of appropriated funds from which payment, if any, can be made. Should funds not be available to allow VA to meet its responsibilities, VA shall resume consultation to resolve unfunded measures pursuant to 36 CFR 800.4 through 800.7, as applicable.

- Publication of this ROD and implementation of the mitigation included in this ROD evidences that VA has afforded the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the undertaking and its effects on historic properties, that VA has taken into account the effects of the undertaking on historic properties, and, therefore, that VA has satisfied its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and applicable implementing regulations.

Dispute Resolution

- Should any consulting party to this process or member of the public object to the implementation of the mitigation measures for impacts to historic properties to which VA committed in this ROD, the consulting party or member of the public will notify in writing the VA dedicated project manager who will seek to resolve such objection through consultation with the objector and, as deemed appropriate by VA, the South Dakota State Historic Preservation Office (SHPO), and the National Park Service (NPS).

- If the dispute cannot be resolved through consultation within 60 days, VA will forward all documentation relevant to the dispute to the ACHP, including any proposed resolution identified during consultation. Within 30 days after receipt of all pertinent documentation, the ACHP may:
- Provide VA with recommendations to consider in reaching a final decision regarding the dispute; or
- Notify VA that it will comment on the subject of the dispute pursuant to 36 CFR 800.7(c).

• If the ACHP does not provide VA with recommendations within 30 days, VA may assume that the ACHP does not object to its recommended approach and will proceed accordingly.

• Any recommendation provided by ACHP will pertain only to the subject of the dispute. The responsibilities of VA to implement all mitigation measures that are not the subject of the dispute will remain unchanged.

• Any dispute regarding National Register of Historic Places eligibility that is not resolved pursuant to this stipulation will be resolved in accordance with 36 CFR 800.4(c)(2).

Amendment

• VA, ACHP, South Dakota SHPO, NPS, and any Native American tribes that have potential traditional, historic or current ties to the affected resource may request an amendment to the historic property impact mitigation measures. The party seeking amendment must formally notify the other parties listed here. These parties may consult in person or via written communications. The historic property mitigation measures in the ROD may be amended when such an amendment is agreed to in writing by the ACHP and the Secretary of Veterans Affairs (SECVA). The amendment shall become effective immediately upon signature by the SECVA. A copy of the amended ROD will be provided to all consulting parties.

All Alternatives

• All work carried out pursuant to this undertaking shall meet the Secretary of the Interior’s (SOI’s) Standards for Archaeology and Historic Preservation (www.nps.gov/history/local-law/arch_stnds_0.htm), taking into account the suggested approaches to new construction in the SOI’s Standards for Treatment of Historic Properties.

• VA shall ensure that all work carried out pursuant to this Undertaking shall be done by or under the direct supervision of historic preservation professionals who meet the SOI’s Professional Qualifications Standards (www.nps.gov/history/local-law/arch_stnds_9.htm). VA shall ensure that consultants retained for services pursuant to the ROD meet these standards.

• VA shall assign a dedicated project manager at an appropriate level within the VA to coordinate, monitor, and report on progress implementing the historic preservation mitigation measures outlined in this ROD. This individual will have at least three years of project management experience and be experienced in the treatment of historic buildings or districts. This individual will serve as the direct point of contact with consulting parties and the public for matters related to preservation mitigation. This position will continue until all mitigation has been completed.

• VA shall follow these procedures in the case of discovering human remains at any location under any alternative.
  - If human remains are uncovered in the course of construction, landscaping, maintenance, or other activities, and the property remains under the authority of VA, VA will stop work immediately within 100 feet of the discovery.
If human remains are uncovered and are determined to be non-Native American, VA shall treat the remains consistent with South Dakota Codified Law (SDCL) 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

VA will require consideration of the ACHP’s 2007 “Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects” or any subsequent policy statements that are issued after the execution of this ROD, and will comply with relevant requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations (43 CFR 10.4) if the human remains are determined to be Native American.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of another federal agency, that agency will stop work immediately within 100 feet of the discovery and implement its own policies and procedures, including those for complying with NAGPRA.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of a state agency, that agency will stop work immediately within 100 feet of the discovery and treat the remains per SDCL 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of a private entity, that entity will stop work immediately within 100 feet of the discovery and treat the remains per SDCL 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

- VA shall follow these procedures in the case of discovering historic properties or unanticipated effects to previously identified historic properties under any alternative.

  - If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property is still under VA authority, VA will follow the requirements of 36 CFR 800.13 and, as applicable, NAGPRA and its implementing regulations.

  - If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed to another federal agency, that agency shall be responsible for following the 36 CFR 800.13 requirements and, as applicable, NAGPRA and its implementing regulations.

  - If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed to a state agency, it shall be the responsibility of that agency to follow the requirements of SDCL 1-19A-11.1.

  - If historic properties are discovered or unanticipated effects on historic properties are found under construction, maintenance, landscaping, or other activities, and the property has passed to a private entity, that entity shall consult as required by the terms of the property transfer agreement about measures to resolve adverse effects.
Alternative A (CBOC offsite)

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.
- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
    - Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.
• VA shall seek to develop a statewide programmatic agreement (PA) for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

• VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.

  VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.

  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

  The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.

  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.

  VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
All photographs shall be fully labeled, cited, and dated.

- VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative A (CBOC offsite) with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan shall resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
    - Maintenance of the campus according to the tenets of the Comprehensive Plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as an enhanced-use lease and NHPA Section 111 leasing.
- VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the Secretary of Veterans Affairs (SECVA) or his/her designee.

- To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage the General Services Administration (GSA) in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

- Steps taken to identify federal partners shall include: correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

- Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

### Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
- This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.

- VA shall establish an oral history booth/tent so participants may record oral histories.
  
  VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
  
  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
  
  The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.

- VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.

- This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.

- VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.

- VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.

- This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  
  VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  
  All photographs shall be fully labeled, cited, and dated.

• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.

- This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
This app will be made available to the public, free of charge (excluding personal user fees as charged by the user's service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.

The app platform compatibility will be determined at the time of development based on current industry standards.

Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in completing a re-survey of the Hot Springs Historic District and submitting an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative A (CBOC in Building 12)

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
- This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

- In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.

- The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

  Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

### Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission to complete an application for the Preserve America program for the town of Hot Springs.

  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

- VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.

  - VA shall establish an oral history booth/tent so participants may record oral histories.

    VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.

    VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

    The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.

  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.
• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.

• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

• VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCs Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCs staff will accompany the photographer to ensure all patient privacy requirements are met.

• Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative A (CBOC in Building 12) with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
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- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
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- This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
- In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
- The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.
  - VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the SECVA or his/her designee.
  - To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.
  - Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.
  - If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.
  - Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected
discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

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  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

- VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
- VA shall print not less than 250 copies and not more than 2,500 copies of the book.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.

  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD.

  VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.

  All photographs shall be fully labeled, cited, and dated.

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  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than 3 years.

  - The app platform compatibility will be determined at the time of development based on current industry standards.

  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in completing a re-survey of the Hot Springs Historic District and submitting an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.

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- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative B

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
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  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
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    Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

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    VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

    The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publically-accessible archive.

    - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.

  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

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  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.

    VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.

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Alternative B with Alternative G

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

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  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

• VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

• Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative C

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.

    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.

    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
- This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

- In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.

- The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

  Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.

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  - VA shall establish an oral history booth/tent so participants may record oral histories.

    VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.

    VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

    The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publically-accessible archive.

  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.
• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.

• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
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• Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative C with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.

- VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.

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- If archeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

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- In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.

- The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

  Maintenance of the campus according to the tenets of the Comprehensive Plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.

- VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.

- VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the SECVA or his/her designee.

- To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

- Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

- Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected
discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

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  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

- VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
- VA shall print not less than 250 copies and not more than 2,500 copies of the book.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
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  VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.

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Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative D

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

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- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
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Maintenance of the campus according to the tenets of the Comprehensive Plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.
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- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO for a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position
  - VA funding shall not exceed $50,000 per year for five years following publication of the Record of Decision.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative E

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

- VA and its partners shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the exteriors all of buildings of the Battle Mountain Sanitarium, including the Grand Staircase.
  - VA and its partners will conduct an archaeological inventory and evaluation wherever construction activities will cause ground disturbance.

- VA and its partners shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the interior spaces of the Battle Mountain Sanitarium listed below.
  - Building 1- Entry (stairs, round room open to dome)
  - Building 1- Director’s Office (Rooms 100B, 107B)

- VA and its partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction associated with this undertaking.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
    - VA will include the intended scope of work in the notification.
      - VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
    - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 calendar days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.
      - VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.
    - Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.

- VA and its partners will not re-number or otherwise change the existing Hot Springs VA medical center campus building numbers. New construction will not copy any extant or past building numbers.
Measures to Mitigate Adverse Effects

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall create, prior to commencing new construction on the Hot Springs VA medical center campus, a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area on the campus.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
    - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
    - All photographs shall be fully labeled, cited, and dated.
Alternative F (No Action Alternative)

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

- VA shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the exteriors all of buildings of the Battle Mountain Sanitarium, including the Grand Staircase.
- VA shall conduct an archaeological inventory and evaluation wherever construction activities will cause ground disturbance.
- VA shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to interior spaces of the Battle Mountain Sanitarium listed below.
  - Building 1 – Entry (stairs, round room open to dome)
  - Building 1 – Director’s Office (Rooms 100B, 107B)
- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.
- VA shall not re-number or otherwise change the existing campus building numbers. New construction shall not copy any extant or past building numbers.

Measures to Mitigate Adverse Effects

- VA shall create a photographic display of any new construction in the entryway of Building 1.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to execution of this ROD.
    VA shall accept photograph recommendations from the SD SHPO and the NPS.
    All photographs shall be fully labeled, cited, and dated.
  - If application of the SOI’s Standards for Treatment of Historic Properties is not sufficient to eliminate any adverse effects to a historic property from construction/renovation and the effect to the Hot Springs Historic District is significant, VA shall support the Hot Springs Historic Preservation Commission to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the SD SHPO for consideration.
    - This support may include, but is not limited to, hiring a Secretary of the Interior-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
    - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA staff will accompany the photographer to ensure all patient privacy requirements are met.
Kelly Wittie

From: minmerc@gwtc.net
Sent: Wednesday, April 20, 2016 9:29 AM
To: Kelly Wittie
Cc: Sanford, Dena; Peggy Sanders; Olson, Paige; patrick.russell@va.gov; cdaniel@achp.gov; cdonnell@hs-sd.org; ortner1942@yahoo.com; bpowers6@goldenwest.net; acole@savingplaces.org; Jennifer Buddenborg; campbell_amandaj@yahoo.com; sodakvet@gmail.com; Jay Vogt; johns@oglala.org; oglalathpo@goldenwest.net; yst.thpo@gmail.com; yufnasoldierwolf@gmail.com; atahbone@kiowatribe.org; cultres@nemontel.net; sdlegion@dailypost.com; ackerman@gwtc.net; Brad Otten; Ted Spencer; michael_bekaert@rounds.senate.gov; sandy.marlette@mail.house.gov; joyce_haney@thune.senate.gov; Nelson, Kate; vidal_davila@nps.gov; Tom_Farrell@nps.gov; k_meston@yahoo.com; Katy Coyle; Christine Modovsky

Subject: RE: Draft mitigation measures

Kelly,

This 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”. 

1
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 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

On 2016-04-19 15:24, Kelly Wittie wrote:
> Good afternoon Dena,
> 
> > Thank you very much for your attention to this matter.
VA outlined a 14-day turnaround on review of draft measures to resolve adverse effects at the January meeting and we are holding to that timeframe. VA will make personnel and/or contractors available to speak with you if a call would help to answer any specific questions or expedite your review in any way.

VA will consider all Consulting Party comments and then finalize measures that will be analyzed in the EIS and included in the ROD. Consulting parties will have 30 days after receiving those final measures to comment or object, per the ACHP – CEQ substitution process guidelines.

Sincerely,

KSW

R. Christopher Goodwin & Associates, Inc.

FROM: Sanford, Dena [mailto:dena_sanford@nps.gov]
SENT: Monday, April 18, 2016 5:43 PM
TO: Kelly Wittie <kwittie@rcgoodwin.com>
CC: Peggy Sanders <peggy@peggysanders.com>; Olson, Paige <Paige.Olson@state.sd.us>; Patrick.Russell@va.gov; cdaniel@achp.gov; cdonnell@hs.sd.org; ortner1942@yahoo.com; bpowers6@goldenwest.net;
acole@savingplaces.org; Jennifer Buddenborg <jbuddenborg@savingplaces.org>; campbell_amandaj@yahoo.com;
sodakvet@gmail.com; Jay Vogt <Jay.Vogt@state.sd.us>;
johns@oglala.org;
oglalathpo@goldenwest.net; yst.thpo@gmail.com;
nathpo@northernarapaho.com; yufnasoldierwolf@gmail.com;
atahbone@kiowatribe.org; cultres@nemontel.net;
sdlegion@dailypost.com;
ackerman@gwtc.net; Brad Otten <brad.otten@mail.house.gov>; Ted Spencer <Ted.Spencer@state.sd.us>; michael_bekaert@rounds.senate.gov;
sandy.marlette@mail.house.gov; joyce_haney@thune.senate.gov; Nelson, Kate <Kate.Nelson@state.sd.us>; vidal_davila@nps.gov;
Tom_Farrell@nps.gov;
gov <tom_farrell@nps.gov>; k_meston@yahoo.com; Pat Lyke <nminmerc@gwtc.net>; Katy Coyle <kcoyle@rcgoodwin.com>; Christine Modovsky <chris.modovsky@labatenv.com>
SUBJECT: Re: Draft mitigation measures

In order to give full attention to this document, I will require a 30-day review period.

Thank you,
On Wed, Apr 13, 2016 at 5:20 PM, Kelly Wittie <kwittie@rcgoodwin.com> wrote:

>> Dear Consulting Parties,
>>
>> The discussions at the last historic property consultation meetings
>> provided several innovative and meaningful measures to avoid,
>> minimize, and mitigate potential adverse effects of the alternatives
>> under consideration as part of the proposed reconfiguration of the
>> VA Black Hills Health Care System. VA carefully considered your
>> suggestions and drafted a series of measures to resolve potential
>> adverse effects. The attached document includes proposed measures
>> for each alternative under consideration in the EIS, including those
>> measures that have the option to be selected in conjunction with
>> Alternative G.
>>
>> Please email me at kwittie@rcgoodwin.com [1] if you have any
>> comments or suggestions on the attached mitigation measures no later
>> than COB Thursday, April 28, 2016. VA will consider the submitted
>> comments in finalizing the measures and then release the final
>> package of measures to resolve adverse effects. Release of these
>> draft measures does not signal end of the public comment period or
>> the beginning of the objection period.
>>
>> Thank you all for your patience and your continued involvement in
>> this project. Please contact me at this email if you have any
>> questions or require any additional information.
>>
>> KSW
>>
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>
> Links:
> ------
> [1] mailto:kwittie@rcgoodwin.com
> [3] mailto:kwittie@rcgoodwin.com
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.

ACHP
Preserving America’s Heritage
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. A' and A") 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
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 facilities 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 mnelson@achp.gov at any time.

Sincerely,

Reid J. Nelson
Director
Office of Federal Agency Programs
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 bulleted 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.
Measures to Resolve Adverse Effects to Historic Properties Related to Alternatives for the Proposed Reconfiguration of the VA Black Hills Health Care System

Administration

- VA shall send and accept receipt of official notices, comments, requests for further information and documentation, and other communications as required by this Record of Decision (ROD) by email.

- Time designations shall be in calendar days. VA may proceed with its schedule if comments are not received within the specified timeframes.

- VA shall provide reports to all consulting parties about the implementation of measures to resolve adverse effects to historic properties every six months from the date of execution of this ROD until all measures have been enacted or for at least seven years.

- This ROD is subject to the Anti-Deficiency Act (31 U.S.C. Section 1341). VA’s responsibilities to implement these measures are contingent upon the availability of appropriated funds from which payment, if any, can be made. Should funds not be available to allow VA to meet its responsibilities, VA shall resume consultation to resolve unfunded measures pursuant to 36 CFR 800.4 through 800.7, as applicable.

Publication of this ROD and implementation of the mitigation included in this ROD evidences that VA has afforded the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the undertaking and its effects on historic properties, that VA has taken into account the effects of the undertaking on historic properties, and, therefore, that VA has satisfied its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and applicable implementing regulations.

Dispute Resolution

- Should any consulting party to this process or member of the public object to the implementation of the mitigation measures for impacts to historic properties to which VA committed in this ROD, the consulting party or member of the public will notify in writing the VA dedicated project manager who will seek to resolve such objection through consultation with the objector and, as deemed appropriate by VA, the South Dakota State Historic Preservation Office (SHPO), and the National Park Service (NPS).

- If the dispute cannot be resolved through consultation within 60 days, VA will forward all documentation relevant to the dispute to the ACHP, including any proposed resolution identified during consultation. Within 30 days after receipt of all pertinent documentation, the ACHP may:
- Provide VA with recommendations to consider in reaching a final decision regarding the dispute; or
- Notify VA that it will comment on the subject of the dispute pursuant to 36 CFR 800.7(c).
  
  • If the ACHP does not provide VA with recommendations within 30 days, VA may assume that the ACHP does not object to its recommended approach and will proceed accordingly.
  
  • Any recommendation provided by ACHP will pertain only to the subject of the dispute. The responsibilities of VA to implement all mitigation measures that are not the subject of the dispute will remain unchanged.
  
  • Any dispute regarding National Register of Historic Places eligibility that is not resolved pursuant to this stipulation will be resolved in accordance with 36 CFR 800.4(c)(2).

Amendment

• VA, ACHP, South Dakota SHPO, NPS, and any Native American tribes that have potential traditional, historic or current ties to the affected resource may request an amendment to the historic property impact mitigation measures. The party seeking amendment must formally notify the other parties listed here. These parties may consult in person or via written communications. The historic property mitigation measures in the ROD may be amended when such an amendment is agreed to in writing by the ACHP and the Secretary of Veterans Affairs (SECVA). The amendment shall become effective immediately upon signature by the SECVA. A copy of the amended ROD will be provided to all consulting parties.

All Alternatives

• All work carried out pursuant to this undertaking shall meet the Secretary of the Interior’s (SOI’s) Standards for Archaeology and Historic Preservation (www.nps.gov/history/local-law/arch_stnds_0.htm), taking into account the suggested approaches to new construction in the SOI’s Standards for Treatment of Historic Properties.

• VA shall ensure that all work carried out pursuant to this Undertaking shall be done by or under the direct supervision of historic preservation professionals who meet the SOI’s Professional Qualifications Standards (www.nps.gov/history/local-law/arch_stnds_9.htm). VA shall ensure that consultants retained for services pursuant to the ROD meet these standards.

• VA shall assign a dedicated project manager at an appropriate level within the VA to coordinate, monitor, and report on progress implementing the historic preservation mitigation measures outlined in this ROD. This individual will have at least three years of project management experience and be experienced in the treatment of historic buildings or districts. This individual will serve as the direct point of contact with consulting parties and the public for matters related to preservation mitigation. This position will continue until all mitigation has been completed.

• VA shall follow these procedures in the case of discovering human remains at any location under any alternative.

  - If human remains are uncovered in the course of construction, landscaping, maintenance, or other activities, and the property remains under the authority of VA, VA will stop work immediately within 100 feet of the discovery.

  Commented [CD5]: Should Rehabilitation be considered as well specifically for Alternatives A, C, and E.

  Commented [CD6]: Does this include any reuse and marketing actions under the Alternatives as well?

  Commented [CD7]: 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 CPs of the assignment.

  Commented [CD8]: Human Remains Sub-Heading
If human remains are uncovered and are determined to be non-Native American, VA shall treat the remains consistent with South Dakota Codified Law (SDCL) 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

VA will require consideration of the ACHP’s 2007 “Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects” or any subsequent policy statements that are issued after the execution of this ROD, and will comply with relevant requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations (43 CFR 10.4) if the human remains are determined to be Native American.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of another federal agency, that agency will stop work immediately within 100 feet of the discovery and implement its own policies and procedures, including those for complying with NAGPRA.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of a state agency, that agency will stop work immediately within 100 feet of the discovery and treat the remains per SDCL 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of a private entity, that entity will stop work immediately within 100 feet of the discovery and treat the remains per SDCL 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

VA shall follow these procedures in the case of discovering historic properties or unanticipated effects to previously identified historic properties under any alternative.

- If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property is still under VA authority, VA will follow the requirements of 36 CFR 800.13 and, as applicable, NAGPRA and its implementing regulations.

- If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed to another federal agency, that agency shall be responsible for following the 36 CFR 800.13 requirements and, as applicable, NAGPRA and its implementing regulations.

- If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed to a state agency, it shall be the responsibility of that agency to follow the requirements of SDCL 1-19A-11.1.

- If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed to a private entity, that entity shall consult as required by the terms of the property transfer agreement about measures to resolve adverse effects.
Alternative A (CBOC offsite)

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall hire an SOI-qualified historic architect with experience in large scale mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.

- This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.

- VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.

- VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.

- VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.

- This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

- In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.

- The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

  Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.
• VA shall seek to develop a statewide programmatic agreement (PA) for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

• VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
  - VA, in coordination with the Hot Springs Preservation Commission, shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
  - VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.
  - VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.

All photographs shall be fully labeled, cited, and dated.

- VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCs Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCs staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative A (CBOC offsite) with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan shall resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
  - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine...
available public-private partnership authorities such as an enhanced-use lease and NHPA Section 111 leasing.

- VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the Secretary of Veterans Affairs (SECVA) or his/her designee.

- To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage the General Services Administration (GSA) in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

- Steps taken to identify federal partners shall include: correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

- Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

### Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.
• VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

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    - VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    - VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    - The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
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• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
- This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
- This app will be made available to the public, free of charge (excluding personal user fees as charged by the user's service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
- The app platform compatibility will be determined at the time of development based on current industry standards.
- Once completed, no updates to the app will be planned.

• VA shall support the Hot Springs Historic Preservation Commission in completing a re-survey of the Hot Springs Historic District and submitting an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

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  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
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• Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative A (CBOC in Building 12)

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
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  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.

Commented [CD36]: Because Building 12 is being reused in this Alternative could the display be in the CBOC?
Alternative A (CBOC in Building 12) with Alternative G

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

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- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.

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  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHC service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.

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**Measures to Mitigate Adverse Effects**

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    Hot Springs area.
    VA shall solicit assistance from the local schools to develop questions and transcribe all
    recorded histories.
    The Hot Springs Preservation Commission shall archive the digital oral histories and
    transcripts in a publically-accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or
    until the campus is redeveloped or vacated. If VA has left the campus, VA may host the
    annual event at another site within the boundaries of Hot Springs.

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- VA shall print not less than 250 copies and not more than 2,500 copies of the book.
- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.
- VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than 3 years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.
- VA shall support the Hot Springs Historic Preservation Commission in completing a re-survey of the Hot Springs Historic District and submitting an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative B

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.
- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
    - Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.
• VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

• VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
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  - VA shall establish an oral history booth/tent so participants may record oral histories.
    VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly-accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
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- VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative B with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

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- Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine

Commented [CD42]: See earlier duplicative comments on identical text
available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.

- VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the SECVA or his/her designee.

- To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

- Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

- Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

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Once completed, no updates to the app will be planned.

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  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative C

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHCHS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHCHS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
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The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties. Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

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  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

  The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publically-accessible archive.

- VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

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  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
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Alternative C with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.

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Maintenance of the campus according to the tenets of the Comprehensive Plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.
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  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD.

  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.

  - All photographs shall be fully labeled, cited, and dated.

- VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.

  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.

  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user's service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.

  - The app platform compatibility will be determined at the time of development based on current industry standards.

  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.

  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.

  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative D

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.
- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and be recorded in reports to the consulting parties.
    Maintenance of the campus according to the tenets of the Comprehensive Plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.
• VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

• VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
    VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this Undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD.
    VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
All photographs shall be fully labeled, cited, and dated.

- VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user's service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position
  - VA funding shall not exceed $50,000 per year for five years following publication of the Record of Decision.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative D with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
    - Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine
available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.

- VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the SECVA or his/her designee.

- To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

- Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

- Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.
• VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
    VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this Undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
    VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
    All photographs shall be fully labeled, cited, and dated.

• VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.
- This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
- This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
- The app platform compatibility will be determined at the time of development based on current industry standards.
- Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SHPO-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO for a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position
  - VA funding shall not exceed $50,000 per year for five years following publication of the Record of Decision.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative E

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

- VA and its partners shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the exteriors of all buildings of the Battle Mountain Sanitarium, including the Grand Staircase.
  - VA and its partners shall conduct an archaeological inventory and evaluation wherever construction activities will cause ground disturbance.

- VA and its partners shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the interior spaces of the Battle Mountain Sanitarium listed below.
  - Building 1: Entry (stairs, round room open to dome)
  - Building 1: Director’s Office (Rooms 100B, 107B)

- VA and its partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction associated with this undertaking.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
    - VA will include the intended scope of work in the notification.
    - VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
  - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 calendar days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.
    - VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.
    - Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.

- VA and its partners will not re-number or otherwise change the existing Hot Springs VA medical center campus building numbers. New construction will not copy any extant or past building numbers.
Measures to Mitigate Adverse Effects

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall create, prior to commencing new construction on the Hot Springs VA medical center campus, a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area on the campus.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
    - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
    - All photographs shall be fully labeled, cited, and dated.
Alternative F (No Action Alternative)

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

- VA shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the exteriors all of buildings of the Battle Mountain Sanitarium, including the Grand Staircase.
- VA shall conduct an archaeological inventory and evaluation wherever construction activities will cause ground disturbance.
- VA shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to interior spaces of the Battle Mountain Sanitarium listed below.
  - Building 1: Entry (stairs, round room open to dome)
  - Building 1: Director’s Office (Rooms 100B, 107B)
- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.
- VA shall not re-number or otherwise change the existing campus building numbers. New construction shall not copy any extant or past building numbers.

Measures to Mitigate Adverse Effects

- VA shall create a photographic display of any new construction in the entryway of Building 1.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to execution of this ROD.
  - VA shall accept photograph recommendations from the SD SHPO and the NPS.
    - All photographs shall be fully labeled, cited, and dated.
- If application of the SOI’s Standards for Treatment of Historic Properties is not sufficient to eliminate any adverse effects to a historic property from construction/renovation and the effect to the Hot Springs Historic District is significant, VA shall support the Hot Springs Historic Preservation Commission to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the SD SHPO for consideration.
  - This support may include, but is not limited to, hiring a Secretary of the Interior-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA staff will accompany the photographer to ensure all patient privacy requirements are met.
Regarding the content of the "Draft Measures to Resolve Adverse Effects..." the proposed resolution of adverse effects is inadequate to protect the ultimate effects. When a final preferred alternative has been identified, the NPS requires the opportunity to comment on the alternative and yet make additional changes to the draft EIS. This could therefore affect the proposed actions described in this "Draft Measures to Resolve...". Following receipt and consideration of all public and consulting party comments, the VA may "NEPA and NHPA, A Handbook for Integrating NEPA and Section 106," page 27. Indeed, as part of the consultation process, the VA has 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...". It is unclear how this draft document, which proposed alternatives for reconfiguration of the Black Hills Health Care System (BHHCS). The NPS has concerns about the NHPA/NEPA mitigation efforts for impacts to the Battle Mountain Sanitarium National Historic Landmark (NHL) that would result from the various 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. The NPS 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.

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 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. 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:

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:

The Secretary of the Interior's Standards for Preservation Planning guides that "...to make responsible decisions about existing properties, existing conditions have been reviewed to their 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 32. 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 included in the ROD. 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.

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 a 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 is it meant by "appropriate levels across the VA enterprise." The allocation of time and effort is not identified. 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 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 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
National Trust comments on

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

Administration

- VA shall send and accept receipt of official notices, comments, requests for further information and documentation, and other communications as required by this Record of Decision (ROD) by email. Time designations shall be in calendar days. VA may proceed with its schedule if comments are not received within the specified timeframes.
- VA shall provide written reports to all consulting parties about the implementation of measures to resolve adverse effects to historic properties every six months from the date of execution of this ROD until all measures have been enacted or for at least seven years.
- This ROD is subject to the Anti-Deficiency Act (31 U.S.C. Section 1341). VA’s responsibilities to implement these measures are contingent upon the availability of appropriated funds from which payment, if any, can be made. Should funds not be available to allow VA to meet its responsibilities, VA shall resume consultation to resolve unfunded measures pursuant to 36 CFR 800.4 through 800.7, as applicable.
- Publication of this ROD and implementation of the mitigation included in this ROD evidences that VA has afforded the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the undertaking and its effects on historic properties, that VA has taken into account the effects of the undertaking on historic properties, and, therefore, that VA has satisfied its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and applicable implementing regulations.

Dispute Resolution

- Should any consulting party to this process or member of the public object to the implementation of the mitigation measures for impacts to historic properties to which VA has committed in this ROD, the consulting party or member of the public will notify in writing the VA dedicated project manager who will seek to resolve such objection through consultation with the objector and, as deemed appropriate by VA, the South Dakota State Historic Preservation Office (SHPO), and the National Park Service (NPS).
• If the dispute cannot be resolved through consultation within 60 days, VA will forward all documentation relevant to the dispute to the ACHP, including any proposed resolution identified during consultation. Within 30 days after receipt of all pertinent documentation, the ACHP may:
  - Provide VA with recommendations to consider in reaching a final decision regarding the dispute; or
  - Notify VA that it will comment on the subject of the dispute pursuant to 36 CFR 800.7(c).
• If the ACHP does not provide VA with recommendations within 30 days, VA may assume that the ACHP does not object to its recommended approach and will proceed accordingly.
• Any recommendation provided by ACHP will pertain only to the subject of the dispute. The responsibilities of VA to implement all mitigation measures that are not the subject of the dispute will remain unchanged.
• Any dispute regarding National Register of Historic Places eligibility that is not resolved pursuant to this stipulation will be resolved in accordance with 36 CFR 800.4(c)(2).

Amendment

• VA, ACHP, South Dakota SHPO, NPS, and any Native American tribes that have potential traditional, historic or current ties to the affected resource may request an amendment to the historic property impact mitigation measures. The party seeking amendment must formally notify all consulting the other parties listed here. These parties may Consultation regarding the proposed amendment may take place in person or via written communications. The historic property mitigation measures in the ROD may be amended when such an amendment is agreed to in writing by the ACHP and the Secretary of Veterans Affairs (SECVA) following consultation. The amendment shall become effective immediately upon signature by the SECVA. A copy of the amended ROD will be provided to all consulting parties.

All Alternatives

• All work carried out pursuant to this undertaking shall meet the Secretary of the Interior’s (SOI’s) Standards for Archaeology and Historic Preservation (www.nps.gov/history/local-law/arch_stnds_0.htm), taking into account the suggested approaches to new construction in the SOI’s Standards for the Treatment of Historic Properties.
• VA shall ensure that all work carried out pursuant to this Undertaking shall be done by or under the direct supervision of historic preservation professionals who meet the SOI’s proposed Historic Preservation Professional Qualifications Standards, published at 62 Fed. Reg. 33,707 (June 20, 1997). VA shall ensure that consultants retained for services pursuant to the ROD meet these standards.
• VA shall assign a dedicated project manager at an appropriate level within the VA to coordinate, monitor, and report on progress implementing the historic preservation mitigation measures outlined in this ROD. This individual will have at least three years of project management experience and be experienced in the treatment of historic buildings or districts. This individual will serve as the direct point of contact with consulting parties and the public for matters related to preservation mitigation. This position will continue until all mitigation measures to avoid, minimize or mitigate effects have been completed.
VA shall follow these procedures in the case of discovering human remains at any location under any alternative.

- If human remains are uncovered in the course of construction, landscaping, maintenance, or other activities, and the property remains under the authority of VA, VA will stop work immediately within 100 feet of the discovery.

  If human remains are uncovered and are determined to be non-Native American, VA shall treat the remains consistent with South Dakota Codified Law (SDCL) 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

  VA will require consideration of the ACHP’s 2007 “Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects” or any subsequent policy statements that are issued after the execution of this ROD, and will comply with relevant requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations (43 CFR 10.4) if the human remains are determined to be Native American.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of another federal agency, that agency will stop work immediately within 100 feet of the discovery and implement its own policies and procedures, including those for complying with NAGPRA.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of a state agency, that agency will stop work immediately within 100 feet of the discovery and treat the remains per SDCL 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of a private entity, that entity will stop work immediately within 100 feet of the discovery and treat the remains per SDCL 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

VA shall follow these procedures in the case of discovering historic properties or unanticipated effects to previously identified historic properties under any alternative.

- If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property is still under VA authority, VA will follow the requirements of 36 CFR 800.13 and, as applicable, NAGPRA and its implementing regulations.

- If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed to the authority of another federal agency, that agency shall be responsible for following the 36 CFR 800.13 requirements and, as applicable, NAGPRA and its implementing regulations.

- If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed to the authority of a state agency, it shall be the responsibility of that agency to follow the requirements of SDCL 1-19A-11.1.

- If historic properties are discovered or unanticipated effects on historic properties are found under construction, maintenance, landscaping, or other activities, and the property has passed to the authority of a private entity, that entity will follow the requirements of SDCL 1-19A-11.1.
is under the authority of a private entity, that entity shall consult as required by the terms of the property transfer agreement about measures to resolve adverse effects.

**Alternative A (CBOC offsite)**

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall continue to maintain historic buildings that are temporarily unoccupied for a short-term period of at least three months or less. VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.

  - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.

  - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS when finalizing the plan.

  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.

  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse.
so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to
grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to
another entity for up to three years.

- VA shall seek to develop a statewide programmatic agreement (PA) for routine maintenance of
  the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills
  Health Care System and the Sioux Falls VA Health Care System in consultation with the South
  Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application
  for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping
    fees, copy fees, and photography.

- VA shall host an annual reunion for patients, staff, and other community residents to
  commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the
  residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
    VA and the Hot Springs Preservation Commission shall develop a plan to annually record
    oral histories of patients, Veterans, staff members, and community residents related to
    the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs
    area.
    VA shall solicit assistance from the local schools to develop questions and transcribe all
    recorded histories.
    The Hot Springs Preservation Commission shall archive the digital oral histories and
    transcripts in a publicly accessible archive.
    - VA shall host this annual event for at least five years following publication of the ROD or
      until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual
      event at another site within the boundaries of Hot Springs.

- VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA
  Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the
  Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain
    Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will
    be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and
    text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion
    to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium
  and the importance of the mineral springs in Hot Springs in a public area of any new construction
  associated with this undertaking.
This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision (ROD).

VA shall accept photograph recommendations from the South Dakota SHPO and the NPS. All photographs shall be fully labeled, cited, and dated.

- VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCs Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCs staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.

Commented [A20]: What if other consulting parties have suggestions? Who will draft the work and who will review it?

Commented [A21]: The app needs to have a purpose beyond just memorialization. We cited the Milwaukee Soldier’s Home app as a good one and its purpose is conveying this history of the campus via a walking tour: http://www.savethesoldiershome.com/#tour/nlpb

Commented [A22]: More specifics about funding as is laid out here would be helpful throughout this section.

Commented [A23]: We don’t understand this term. Why is the VA only willing to include four photos? Additionally, we seek clarification on the re-survey. While the District was designated in 1973, we understand there was a re-survey in the mid-2000s and the NHL nomination of the campus is just 5 years old, so resurvey seems to be unneeded and not a meaningful measure.

Commented [A24]: Does VA understand what it will take to re-establish this program at the state level? It’s an interesting thought, but $50K/year won’t go far enough to accomplish what is proposed. More funding will be needed plus other program support. Another consideration would be to create a specific Main Street Program in Hot Springs as opposed to an entire state program.

Commented [A25]: There is no reason not to take this on now, rather than waiting 30 days after the ROD.
Alternative A (CBOC offsite) with Alternative G
Measures to Avoid or Minimize Adverse Effects, including Potential Future Effects

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.
- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan shall resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
- This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
- In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
- The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

    Maintenance of the campus according to the tenets of the Comprehensive Plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as an enhanced-use lease and NHPA Section 111 leasing.

Commented [A26]: As we have repeatedly pointed out, any marketing strategy should first be informed by a real estate market demand analysis. This is the appropriate way to arrive at the decision to market the buildings for re-use in the first place. VA indicated it would do a market study but that is not mentioned here. Will the market demand analysis be completed as part of the NEPA process?

Commented [A27]: Other consulting parties have an interest in this and can provide useful input. Don’t exclude CP input.
VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the Secretary of Veterans Affairs (SECVA) or his/her designee.

To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage the General Services Administration (GSA) in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

Steps taken to identify federal partners shall include: correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that are consistent with 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD, and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
- This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

- VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.

- VA shall establish an oral history booth/tent so participants may record oral histories.

  VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.

  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

  The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.

- VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

- VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.

  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.

  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.

  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.

  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.

    VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.

    All photographs shall be fully labeled, cited, and dated.

- VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.

  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.

- The app platform compatibility will be determined at the time of development based on current industry standards.
- Once completed, no updates to the app will be planned.

VA shall support the Hot Springs Historic Preservation Commission in completing a re-survey of the Hot Springs Historic District and submitting an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.

- This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
- VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative A (CBOC in Building 12)  
Measures to Avoid or Minimize Adverse Effects, including Potential Future Effects

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
- This plan will make explicit reference to other federal agency experiences with preserving
  historic buildings in an unoccupied state, as well as specific experiences with maintaining
  historic buildings in South Dakota and similar climates.
- In advance of vacating the property, VA shall specifically seek funding for maintenance and
  repair of the buildings while in an unoccupied state.
- The plan will include annual inspections, which will be open to the South Dakota SHPO and
  the NPS and recorded in reports to the consulting parties.
  Maintenance of the campus according to the tenets of the comprehensive plan will
  continue for a minimum of five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the
  campus is mothballed, VA shall make available to a local group or organization the greenhouse,
  so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to
  grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to
  another entity for up to three years.
- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities
  owned or operated in the state of South Dakota by the VA Black Hills Health Care System and
  the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the
  ACHP.
- VA shall support the Hot Springs Historic Preservation Commission to complete an application
  for the Preserve America program for the town of Hot Springs.
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    fees, copy fees, and photography.
- VA shall host an annual reunion for patients, staff, and other community residents to
  commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the
  residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
    VA and the Hot Springs Preservation Commission shall develop a plan to annually record
    oral histories of patients, Veterans, staff members, and community residents related to the
    history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    VA shall solicit assistance from the local schools to develop questions and transcribe all
    recorded histories.
    The Hot Springs Preservation Commission shall archive the digital oral histories and
    transcripts in a publicly accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or
    until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual
    event at another site within the boundaries of Hot Springs.
• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.
• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.
• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.
• VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
• Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative A (CBOC in Building 12) with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.

The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.
  - VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the SECVA or his/her designee.
  - To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.
  - Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.
  - If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.
  - Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected
discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
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- VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.

- VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
  - VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
  - The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly-accessible archive.

- VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

- VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
- VA shall print not less than 250 copies and not more than 2,500 copies of the book.
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  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCs Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCs staff will accompany the photographer to ensure all patient privacy requirements are met.
- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative B

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
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  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

- Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

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  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
  The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly-accessible archive.

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- This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
- VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
- VA shall print not less than 250 copies and not more than 2,500 copies of the book.

VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
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  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCs Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCs staff will accompany the photographer to ensure all patient privacy requirements are met.

• VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

• Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative B with Alternative G
Measures to Avoid or Minimize Adverse Effects, including Potential Future Effects

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
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    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.

    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.

    - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
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      Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

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  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multitenant coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.
VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the SECVA or his/her designee.

To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

Measures to Mitigate Adverse Effects

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  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this Undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.

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  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative C

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.

    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.

The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.

- VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.

- VA shall establish an oral history booth/tent so participants may record oral histories. VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.

- VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

- The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publically-accessible archive.

- VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.
• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.
• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.
• VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.
• VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
• Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative C with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.

- VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.

- VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.

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  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.

    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.

    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.

The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

Maintenance of the campus according to the tenets of the Comprehensive Plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.

- VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.

- VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the SECVA or his/her designee.

- To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

- Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

- Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected
discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

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  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative D

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

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Measures to Mitigate Adverse Effects

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  - The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

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  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

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  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHC Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHC staff will accompany the photographer to ensure all patient privacy requirements are met.
- VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position
  - VA funding shall not exceed $50,000 per year for five years following publication of the Record of Decision.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.
Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative D with Alternative G

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

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  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.
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- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

- Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

**Measures to Mitigate Adverse Effects**

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  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
  
  The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.
  
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

- VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this Undertaking.
  
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  
  - All photographs shall be fully labeled, cited, and dated.

- VA shall develop a mobile application (”app”) to memorialize the Battle Mountain Sanitarium.
  
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The app platform compatibility will be determined at the time of development based on current industry standards.

Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
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- VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position
  - VA funding shall not exceed $50,000 per year for five years following publication of the Record of Decision.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative E

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

- VA and its partners shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the exteriors of all buildings of the Battle Mountain Sanitarium, including the Grand Staircase.
  - VA and its partners will conduct an archaeological inventory and evaluation wherever construction activities will cause ground disturbance.
- VA and its partners shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the interior spaces of the Battle Mountain Sanitarium listed below.
  - Building 1- Entry (stairs, round room open to dome)
  - Building 1- Director’s Office (Rooms 100B, 107B)
- VA and its partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction associated with this undertaking.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
    VA will include the intended scope of work in the notification.
    VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
  - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 calendar days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.
    VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.
    Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.
- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.
- VA and its partners will not re-number or otherwise change the existing Hot Springs VA medical center campus building numbers. New construction will not copy any extant or past building number.

Commented [A36]: Should not this language and that which follows be included in Alt. A with CBOC in Building 12 and Alt. C as well, since both would require the renovation of historic buildings (Building 12 and/or the Domiciliary)?

Commented [A37]: Why are all changes not subject to the Secretary’s Standards, as described at the beginning of the document? See page 2, bullet 5.

Commented [A38]: Membership is only one aspect of a design review committee. This needs more specificity. Will design guidelines be produced? How will decisions be made?

Commented [A39]: This statement should apply to all of the other alternatives.

Commented [A40]: Move to “All Alternatives” section at page 2.

Commented [A41]: This statement should apply to all of the other alternatives and be moved to “All Alternatives” section at page 2.
Measures to Mitigate Adverse Effects

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall create, prior to commencing new construction on the Hot Springs VA medical center campus, a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area on the campus.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.
Alternative F (No Action Alternative)

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

- VA shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the exteriors all of buildings of the Battle Mountain Sanitarium, including the Grand Staircase.
- VA shall conduct an archaeological inventory and evaluation wherever construction activities will cause ground disturbance.
- VA shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to interior spaces of the Battle Mountain Sanitarium listed below.
  - Building 1 – Entry (stairs, round room open to dome)
  - Building 1 – Director’s Office (Rooms 100B, 107B)
- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.
- VA shall not re-number or otherwise change the existing campus building numbers. New construction shall not copy any extant or past building numbers.

Measures to Mitigate Adverse Effects

- VA shall create a photographic display of any new construction in the entryway of Building 1.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to execution of this ROD.
  - VA shall accept photograph recommendations from the SD SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.
- If application of the SOI’s Standards for Treatment of Historic Properties is not sufficient to eliminate any adverse effects to a historic property from construction/renovation and the effect to the Hot Springs Historic District is significant, VA shall support the Hot Springs Historic Preservation Commission to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the SD SHPO for consideration.
  - This support may include, but is not limited to, hiring a Secretary of the Interior-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA staff will accompany the photographer to ensure all patient privacy requirements are met.
Measures to Resolve Adverse Effects to Historic Properties Related to Alternatives for the Proposed Reconfiguration of the VA Black Hills Health Care System

Administration

- VA shall send and accept receipt of official notices, comments, requests for further information and documentation, and other communications as required by this Record of Decision (ROD) by email.
- Time designations shall be in calendar days. VA may proceed with its schedule if comments are not received within the specified timeframes.
- VA shall provide reports to all consulting parties about the implementation of measures to resolve adverse effects to historic properties every six months from the date of execution of this ROD until all measures have been enacted or for at least seven years.
- This ROD is subject to the Anti-Deficiency Act (31 U.S.C. Section 1341). VA’s responsibilities to implement these measures are contingent upon the availability of appropriated funds from which payment, if any, can be made. Should funds not be available to allow VA to meet its responsibilities, VA shall resume consultation to resolve unfunded measures pursuant to 36 CFR 800.4 through 800.7, as applicable.
- Publication of this ROD and implementation of the mitigation included in this ROD evidences that VA has afforded the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the undertaking and its effects on historic properties, that VA has taken into account the effects of the undertaking on historic properties, and, therefore, that VA has satisfied its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and applicable implementing regulations.

Dispute Resolution

- Should any consulting party to this process or member of the public object to the implementation of the mitigation measures for impacts to historic properties to which VA committed in this ROD, the consulting party or member of the public will notify in writing the VA dedicated project manager who will seek to resolve such objection through consultation with the objector and, as deemed appropriate by VA, the South Dakota State Historic Preservation Office (SHPO), and the National Park Service (NPS).
- If the dispute cannot be resolved through consultation within 60 days, VA will forward all documentation relevant to the dispute to the ACHP, including any proposed resolution identified during consultation. Within 30 days after receipt of all pertinent documentation, the ACHP may:
- Provide VA with recommendations to consider in reaching a final decision regarding the dispute; or
- Notify VA that it will comment on the subject of the dispute pursuant to 36 CFR 800.7(c).

• If the ACHP does not provide VA with recommendations within 30 days, VA may assume that the ACHP does not object to its recommended approach and will proceed accordingly.

• Any recommendation provided by ACHP will pertain only to the subject of the dispute. The responsibilities of VA to implement all mitigation measures that are not the subject of the dispute will remain unchanged.

• Any dispute regarding National Register of Historic Places eligibility that is not resolved pursuant to this stipulation will be resolved in accordance with 36 CFR 800.4(c)(2).

Amendment

• VA, ACHP, South Dakota SHPO, NPS, and any Native American tribes that have potential traditional, historic or current ties to the affected resource may request an amendment to the historic property impact mitigation measures. The party seeking amendment must formally notify the other parties listed here. These parties may consult in person or via written communications. The historic property mitigation measures in the ROD may be amended when such an amendment is agreed to in writing by the ACHP and the Secretary of Veterans Affairs (SECVA). The amendment shall become effective immediately upon signature by the SECVA. A copy of the amended ROD will be provided to all consulting parties.

All Alternatives

• All work carried out pursuant to this undertaking shall meet the Secretary of the Interior's (SOI's) Standards for Archaeology and Historic Preservation (www.nps.gov/history/local-law/arch_stnds_0.htm), taking into account the suggested approaches to new construction in the SOI's Standards for Treatment of Historic Properties.

• VA shall ensure that all work carried out pursuant to this Undertaking shall be done by or under the direct supervision of historic preservation professionals who meet the SOI's Professional Qualifications Standards (www.nps.gov/history/local-law/arch_stnds_9.htm). VA shall ensure that consultants retained for services pursuant to the ROD meet these standards.

• VA shall assign a dedicated project manager at an appropriate level within the VA to coordinate, monitor, and report on progress implementing the historic preservation mitigation measures outlined in this ROD. This individual will have at least three years of project management experience and be experienced in the treatment of historic buildings or districts. This individual will serve as the direct point of contact with consulting parties and the public for matters related to preservation mitigation. This position will continue until all mitigation has been completed.

• VA shall follow these procedures in the case of discovering human remains at any location under any alternative.
  - If human remains are uncovered in the course of construction, landscaping, maintenance, or other activities, and the property remains under the authority of VA, VA will stop work immediately within 100 feet of the discovery.
If human remains are uncovered and are determined to be non-Native American, VA shall treat the remains consistent with South Dakota Codified Law (SDCL) 34-27-25, SDCL 34-27-28, SDCL 34-27-31. VA will require consideration of the ACHP’s 2007 “Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects” or any subsequent policy statements that are issued after the execution of this ROD, and will comply with relevant requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations (43 CFR 10.4) if the human remains are determined to be Native American.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of another federal agency, that agency will stop work immediately within 100 feet of the discovery and implement its own policies and procedures, including those for complying with NAGPRA.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of a state agency, that agency will stop work immediately within 100 feet of the discovery and treat the remains per SDCL 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

- If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of a private entity, that entity will stop work immediately within 100 feet of the discovery and treat the remains per SDCL 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

- VA shall follow these procedures in the case of discovering historic properties or unanticipated effects to previously identified historic properties under any alternative.

  - If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property is still under VA authority, VA will follow the requirements of 36 CFR 800.13 and, as applicable, NAGPRA and its implementing regulations.

  - If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed to another federal agency, that agency shall be responsible for following the 36 CFR 800.13 requirements and, as applicable, NAGPRA and its implementing regulations.

  - If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed to a state agency, it shall be the responsibility of that agency to follow the requirements of SDCL 1-19A-11.1.

  - If historic properties are discovered or unanticipated effects on historic properties are found under construction, maintenance, landscaping, or other activities, and the property has passed to a private entity, that entity shall consult as required by the terms of the property transfer agreement about measures to resolve adverse effects.
Alternative A (CBOC offsite)

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.
- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
  - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.
• VA shall seek to develop a statewide programmatic agreement (PA) for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

Commented [BN10]: This is a National Historic Landmark. As administrators of the NHL program, we recommend the NPS be involved in this process.

• VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
    VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
All photographs shall be fully labeled, cited, and dated.

- VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium:
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user's service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration:
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program:
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.

Commented [BN16]: This is pleasant.

Commented [BN17]: Why? What about adding all the information from the “Annual events” held by the VA?

Commented [BN18]: Has VA communicated this to the HSPC? Has a conversation occurred about the HSPC’s capacity to do this?

Commented [BN19]: The BMS does not cease to be a NHL in 3 months, 5 years, 7 years, or any other timeframe after it is vacated. Why would VA stop supporting the preservation, conservation, and actions of history there?

Commented [BN20]: Recommend this being conducted prior to or at the same time as the ROD being issued.
Alternative A (CBOC offsite) with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan shall resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
    - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
    - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
    - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

- Maintenance of the campus according to the tenets of the Comprehensive Plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as an enhanced-use lease and NHPA Section 111 leasing.
- VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the Secretary of Veterans Affairs (SECVA) or his/her designee.

- To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage the General Services Administration (GSA) in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

- Steps taken to identify federal partners shall include: correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

- Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

### Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.

- VA shall establish an oral history booth/tent so participants may record oral histories.
  - VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
  - VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
  - The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.

- VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.

- This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.

- VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.

- VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.

- This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.

• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.

- This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
- This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
- The app platform compatibility will be determined at the time of development based on current industry standards.
- Once completed, no updates to the app will be planned.

**VA shall support the Hot Springs Historic Preservation Commission in completing a re-survey of the Hot Springs Historic District and submitting an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.**

- This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
- VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

**VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.**

- VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
- VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
- At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
- This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

**Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.**

Commented [BN30]: Please see the comments above.
Alternative A (CBOC in Building 12)

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.

VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.

VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.

Commented [BN31]: Can you please provide more detail? This section is vague regarding actual implementable mitigation measures. Please see all the comments above as they relate to this section too.

Commented [BN32]: Members of TCP communities?

Commented [BN33]: Members of TCP communities?
- This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
- In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
- The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
  
  Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.
- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.
- VA shall support the Hot Springs Historic Preservation Commission to complete an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.
- VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
  - VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
  - VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
  - The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.
• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.

• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

• VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
  - Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative A (CBOC in Building 12) with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.

The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

• VA shall develop and implement a marketing strategy to identify redevelopment partners.

- VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.

- VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the SECVA or his/her designee.

- To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

- Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

- Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected
discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivates, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

- VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
    - VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    - VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    - The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly-accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

- VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
- VA shall print not less than 250 copies and not more than 2,500 copies of the book.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.

- VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than 3 years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in completing a re-survey of the Hot Springs Historic District and submitting an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHC’s Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHC staff will accompany the photographer to ensure all patient privacy requirements are met.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative B

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
    - Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.
• VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

• VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
    - VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    - VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    - The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly-accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
    - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
    - All photographs shall be fully labeled, cited, and dated.
• VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user's service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.
• VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
• VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.
• Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative B with Alternative G
Measures to Avoid or Minimize Adverse Effects, including Potential Future Effects

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS, and recorded in reports to the consulting parties.
    Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.
VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the SECVA or his/her designee.

To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.

  This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.
• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
    VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly-accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this Undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
    VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
    All photographs shall be fully labeled, cited, and dated.

• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
The app platform compatibility will be determined at the time of development based on current industry standards.

Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCs Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCs staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the ROD.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative C

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
- This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
- In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
- The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

    Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.
- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.
- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
    - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.
- VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
    - VA shall establish an oral history booth/tent so participants may record oral histories.
    - VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    - VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    - The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publically-accessible archive.
    - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.
• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.
• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
    - All photographs shall be fully labeled, cited, and dated.
• VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user's service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.
• VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
• Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative C with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archeological survey to determine the presence or absence of archaeological properties and to determine the eligibility of discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.

- VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of planned ground disturbance at least seven days prior to initiating construction preparation activities.

- VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archeological loci related to Native American lifeways and cultural practices.

- If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to resolve adverse effects.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.

The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

Maintenance of the campus according to the tenets of the Comprehensive Plan will continue for a minimum of five years.

VA shall develop and implement a marketing strategy to identify redevelopment partners.

- VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.

- VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the SECVA or his/her designee.

- To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

- Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

- Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected
discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

- VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
    - VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    - VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    - The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publically-accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

- VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
- VA shall print not less than 250 copies and not more than 2,500 copies of the book.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.

- VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user's service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative D

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.
- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
  - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
  - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and be recorded in reports to the consulting parties.
  - Maintenance of the campus according to the tenets of the Comprehensive Plan will continue for a minimum of five years.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.
• VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

• VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tennis participants may record oral histories.
    VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this Undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD.
    VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
    All photographs shall be fully labeled, cited, and dated.
• VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

• VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

• VA shall support the South Dakota SHPO or a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position
  - VA funding shall not exceed $50,000 per year for five years following publication of the Record of Decision.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative D with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall maintain historic buildings while they are unoccupied for a period of at least three months.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee a comprehensive plan for the long-term maintenance of buildings that may be unoccupied for a length of time greater than three months. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - This plan will resolve any stabilization issues and include a schedule of maintenance and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the South Dakota SHPO and NPS for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - In advance of vacating the property, VA shall specifically seek funding for maintenance and repair of the buildings while in an unoccupied state.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
    Maintenance of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing.
VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties. As necessary, the team will present decision points to the SECVA or his/her designee.

To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that mimics 36 CFR 800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape. VA has authority to lease the greenhouse to another entity for up to three years.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.
• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
    VA and the Hot Springs Preservation Commission shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
    VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
    The Hot Springs Preservation Commission shall archive the digital oral histories and transcripts in a publicly accessible archive.
  - VA shall host this annual event for at least five years following publication of the ROD or until the campus is redeveloped or vacated. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.
• VA shall publish a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in the Hot Springs area.
  - This book shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers.
  - VA shall provide the NPS an opportunity to review and comment on the book outline and text. The NPS may provide documentation of the Battle Mountain Sanitarium at its discretion to support VA in development of the book.
  - VA shall print not less than 250 copies and not more than 2,500 copies of the book.
• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this Undertaking.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
    VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
    All photographs shall be fully labeled, cited, and dated.
• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user's service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
- The app platform compatibility will be determined at the time of development based on current industry standards.
- Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO to a suitable non-profit organization by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA funding shall not exceed $50,000 per year for five years following publication of the Record of Decision.
  - At the end of five years, the South Dakota SHPO may choose to continue the Main Street Program through its own funding.
  - This staffer shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- Within one month of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure.
Alternative E

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

- VA and its partners shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the exteriors of all buildings of the Battle Mountain Sanitarium, including the Grand Staircase.
  - VA and its partners will conduct an archaeological inventory and evaluation wherever construction activities will cause ground disturbance.
- VA and its partners shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the interior spaces of the Battle Mountain Sanitarium listed below.
  - Building 1: Entry (stairs, round room open to dome)
  - Building 1: Director’s Office (Rooms 100B, 107B)
- VA and its partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction associated with this undertaking.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
    - VA will include the intended scope of work in the notification.
    - VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
  - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 calendar days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.
    - VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.
    - Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.
- VA and its partners will not re-number or otherwise change the existing Hot Springs VA medical center campus building numbers. New construction will not copy any extant or past building numbers.
Measures to Mitigate Adverse Effects

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall create, prior to commencing new construction on the Hot Springs VA medical center campus, a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area on the campus.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this Record of Decision.
    - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS.
    - All photographs shall be fully labeled, cited, and dated.
Alternative F (No Action Alternative)

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

- VA shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the exteriors all of buildings of the Battle Mountain Sanitarium, including the Grand Staircase.
- VA shall conduct an archaeological inventory and evaluation wherever construction activities will cause ground disturbance.
- VA shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to interior spaces of the Battle Mountain Sanitarium listed below.
  - Building 1 – Entry (stairs, round room open to dome)
  - Building 1 – Director’s Office (Rooms 100B, 107B)
- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.
- VA shall not re-number or otherwise change the existing campus building numbers. New construction shall not copy any extant or past building numbers.

Measures to Mitigate Adverse Effects

- VA shall create a photographic display of any new construction in the entryway of Building 1.
  - This photographic display shall include at least three photographs of the Battle Mountain Sanitarium prior to execution of this ROD.
  - VA shall accept photograph recommendations from the SD SHPO and the NPS.
  - All photographs shall be fully labeled, cited, and dated.
- If application of the SOI’s Standards for Treatment of Historic Properties is not sufficient to eliminate any adverse effects to a historic property from construction/renovation and the effect to the Hot Springs Historic District is significant, VA shall support the Hot Springs Historic Preservation Commission to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the SD SHPO for consideration.
  - This support may include, but is not limited to, hiring a Secretary of the Interior-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit no more than four photographs of the VA Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA staff will accompany the photographer to ensure all patient privacy requirements are met.
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.
• 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 SOI’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
mater for the demolition of the Hot Springs campus.
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 SHP Standard Qualifications for Architectural History and be willing 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 milestones 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.
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,

[Signature]

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 Dorrnell, 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
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.”
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
   - The National Home for Volunteer Soldiers—Historic Context Page 5
   - Battle Mountain Sanitarium Page 7
III. Assessment of Integrity Page 9
IV. Effects of the Proposed Undertaking Page 13
   - DEIS Preferred Alternative Page 13
   - DEIS Assessment of Effects Page 14
   - Expanded Assessment of Effects—Indirect and Direct Effects Page 15
   - Expanded Assessment of Effects—Cumulative Effects Page 16
   - Expanded Assessment of Effects—Reasonably Forseeable Future Actions Page 17
V. Recommended Measures to Avoid, Minimize or Mitigate Adverse Effects Page 18
   - Avoid Adverse Effects Page 20
   - Minimize Adverse Effects Page 24
   - Mitigate Adverse Effects Page 25
   - Public Access Issue Page 27
I. SUMMARY

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.
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.
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 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
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.
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.
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.
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.
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
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

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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.
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 Domicilary (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.

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 111 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;
• 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 shutting or short-term mothballing of buildings. Mothballing would following 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 shutting, 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].
• 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
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.

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5 Save the VA, Appendix D, pages 2-3, Appendix E, pages 1-2.
6 Ibid., Appendix E, page 4.
Expanded Assessment of Effects—Reasonably Forseeable Future Actions

By incorporating past and present actions at the NHL, there are a number of reasonably forseeable 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.
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
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.
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,
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

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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, woodworking 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.
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
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.

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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
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’s 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.
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).
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 (BHHCS), 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
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,

Patricia S. Trap
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


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 Buddenberg, 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 Wny, 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
May 5, 2016

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

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 National Trust for Historic Preservation (National Trust) files the following objection to the Section 106 consultation for the Battle Mountain Sanitarium National Historic Landmark (BMS) in Hot Springs, SD, which has been carried out by the Department of Veterans Affairs (VA) pursuant to the “NEPA Substitution” procedures under 36 C.F.R. § 800.8(c).

The National Trust has a long-standing interest in the preservation of our nation’s irreplaceable historic resources. In 1949, Congress chartered the National Trust as a private charitable, educational and nonprofit organization to “facilitate public participation” in historic preservation, and to further the purposes of federal historic preservation laws. 54 U.S.C. §§ 312102(a), 320101. Congress intended that the National Trust “mobilize and coordinate public interest and participation in the preservation and interpretation of sites and buildings from voluntary resources.” S. Rep. No. 1110, 81st Cong., 1st Sess. 4 (1949), reprinted in 1949 U.S. Code Cong. & Ad. News 2285, 2288. With more than 800,000 members and supporters nationwide, the National Trust has been involved in helping federal, state and local agencies effectively address and resolve issues affecting historic resources for nearly 70 years. We are also a statutory member of the Advisory Council on Historic Preservation. 54 U.S.C. § 304101(a)(8).

The National Trust has been involved in advocacy to protect BMS since 2011 when the VA first announced plans to close the facility without any compliance with the requirements of the National Environmental Policy Act (NEPA) or the National Historic Preservation Act (NHPA). Because of widespread concerns about the future of this National Historic Landmark (NHL) property, BMS was named as a National Treasure in 2012 and included on our 2014 list of America’s 11 Most Endangered Historic Places.

Since that time, we have participated in every NHPA Section 106 meeting and attended nearly every NEPA public meeting, repeatedly and consistently voicing our opposition to the various approaches that the VA has used to purportedly comply with the NHPA, and the failure to seriously consider any alternative that would continue to use existing historic resources in Hot Springs to serve veterans.
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). We believed that “substitution” was ill-advised because, as we said in a 2011 email, “this approach should be reserved for an agency with a track record in successful compliance with both Section 106 and NEPA. The VA does not fit that bill.” As anticipated, 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 sync, 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.

Due to our ongoing, unresolved concerns with this process, we file this objection.

1. 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, “prior 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)(ii).

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.

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).

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).
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 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 offer 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

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.

In order to resolve the National Trust’s 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).

Thank you for your consideration.

Sincerely,

Amy Cole
Senior Field Officer and Attorney

Elizabeth S. Merritt
Deputy General Counsel

cc: Dena Sanford, Midwest Regional Office, National Park Service
    Chris Daniel, Tom McCulloch and Reid Nelson,
        Advisory Council on Historic Preservation
    Stella Fiotes, Executive Director, Office of Construction and Facilities
        Management, Department of Veterans Affairs
    Kathleen Schamel, Federal Preservation Officer,
        Department of Veterans Affairs
    Doug Pulak, Deputy Federal Preservation Officer,
        Department of Veterans Affairs
    Jay Vogt, Ted Spencer and Paige Olson,
        South Dakota State Historic Preservation Office
    Pat Russell and Bob Nelson, Save the VA Committee
May 17, 2016

Historic Properties Consulting Parties


Dear Historic Properties Consulting Party member,

As you know, VA is considering the reconfiguration of services in the VA Black Hills Health Care System (VA BHHCS) in order to better care for the Veterans in this region. Analysis of the impacts of potential reconfiguration alternatives is being addressed through an Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA), ultimately resulting in a Record of Decision (ROD). VA has chosen to fulfill their obligations under the National Historic Preservation Act of 1966, as amended (NHPA), through the substitution process described in 36 CFR §800.08. VA intends to codify its mitigation obligations in the ROD following publication of the Final EIS.

As we have noted in previous consultation and correspondence, the language describing the measures will be included in the ROD. Attached to this letter are the final measures that VA, after consultation with all of you, has decided upon. These measures include several suggestions made by the consulting parties during our February 17, 2016 meeting and in comments from consulting parties on our draft measures, circulated on April 13, 2016. Since VA will not select an alternative until after the Final EIS is published, VA produced measures for every considered alternative. The ROD will only include the measures for the selected alternative.

Comments and Questions

A number of changes were requested that have notably changed the measures for all alternatives. However, VA has elected not to implement some suggestions made by the consulting parties. VA would like to take this opportunity to explain why some of those choices were made. Similarly, many consulting parties raised questions and the table below answers those question and indicates where changes to the document have been made to take into account a specific suggestion.

VA HEALTH CARE | Defining EXCELLENCE in the 21st Century
VA Black Hills Health Care System
Response to Consulting Party Comments on Draft Measures to Resolve Adverse Effects
May 13, 2016

<table>
<thead>
<tr>
<th>Comment from Consulting Party (Parties)</th>
<th>VA Response</th>
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<tbody>
<tr>
<td><strong>Clarifications</strong></td>
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<tr>
<td>What are “unanticipated effects?”</td>
<td>Effects to historic properties not identified through this consultation, but are identified through implementation.</td>
</tr>
<tr>
<td>What is the “federal family?”</td>
<td>All agencies in the federal government.</td>
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<tr>
<td>What does “maintain” mean when buildings are unoccupied for 3 months?</td>
<td>This language has been changed to “preserve,” in keeping with the NPS Standards for Preservation, which can be viewed here: <a href="https://www.nps.gov/tps/standards/four-treatments/treatment-preservation.htm">https://www.nps.gov/tps/standards/four-treatments/treatment-preservation.htm</a></td>
</tr>
<tr>
<td>What is the difference between “annual” and “ongoing?”</td>
<td>“Ongoing” means that VA will consult as project needs dictate. “Ongoing (annual)” means that VA will consult as the project requires, but at least annually.</td>
</tr>
<tr>
<td>What does “VA enterprise” mean?</td>
<td>All VA entities, including Veterans Health Administration, Veterans Benefits Administration, and the National Cemetery Administration.</td>
</tr>
<tr>
<td>Will annual reports be written? VA should provide reports to the Consulting Parties until all measures have been enacted.</td>
<td>VA will provide written reports. VA has clarified reporting requirements in the final measures to resolve adverse effects.</td>
</tr>
<tr>
<td>Does “hosting” the annual reunion include funding the reunion?</td>
<td>Yes, VA will be responsible for funding the annual reunion.</td>
</tr>
<tr>
<td>What are “disposal preservation conditions?”</td>
<td>Preservation conditions are restrictions placed on development of a historic property, including covenants or easements. In this case, the conditions to be met if VA turns the property over to GSA or another entity and does not retain ownership.</td>
</tr>
</tbody>
</table>

**Substitution Process**
- VA should complete separate NEPA and NHPA processes.
  - VA remains committed to the substitution process.
- VA should execute a programmatic agreement rather than a ROD.
  - VA has chosen to commit to measures to resolve adverse effects in a ROD.
- VA should use the standard dispute resolution language drafted by the ACHP.
  - VA has chosen to make commitments to measures to resolve adverse effects in a ROD; therefore, the standard language is not applicable.

**Dedicated Project Manager**
- VA should require the dedicated Project Manager to meet the SOI qualification Standards, have NEPA experience, have experience with the SOI Treatment Standards, and have experience in cultural resource management.
  - VA will require the dedicated Project Manager to have at least three years of project management experience and be experienced in the treatment of historic buildings or districts. VA will give preference to persons who meet or exceed the SOI’s Professional Qualification Standards for Historic Architects, have experience with the SOI Treatment Standards and have experience with the
National Environmental Policy Act and National Historic Preservation Act. This commitment has been incorporated into the final measures.

VA should expand the role of the dedicated Project Manager to include all measures to resolve adverse effects. VA has incorporated this suggestion into the final measures.

VA should provide a timeline for hiring the dedicated Project Manager. VA has incorporated this suggestion into the final measures.

VA should require the dedicated Project Manager to be a full-time position. VA has incorporated this suggestion into the final measures.

VA should require the dedicated Project Manager to be located on the Hot Springs campus. The dedicated Project Manager will be located as project needs dictate. Several of the position tasks will require work in other regions, in particular coordinating with VA entities and federal agencies in Washington, DC. This person will be available on site when necessary.

VA should require the dedicated Project Manager to report to the VA Federal Preservation Office. The dedicated Project Manager will report to the VISN, but will have access to the VA FPO.

VA should create a historic preservation officer for VA BHHCS. VA BHHCS has cultural resource management officers at both the Hot Springs and Fort Meade campuses. Following issuance of the ROD, the dedicated Project Manager will be responsible for management of cultural resources on the Hot Springs campus.

<table>
<thead>
<tr>
<th>Comprehensive Plan for Long-Term Maintenance of Buildings that may be Unoccupied (mothballing)</th>
</tr>
</thead>
<tbody>
<tr>
<td>VA should Provide additional detail on methods to seek funding for mothballing and maintenance requirements for Hot Spring Campus.</td>
</tr>
<tr>
<td>VA should require a SOI-qualified professional to prepare a condition assessment of each historic resource to establish baseline conditions, define necessary stabilization treatment, and provide recommended rehabilitation options, with associated costs.</td>
</tr>
<tr>
<td>VA should solicit and distribute mothball experience from other federal agencies prior to distribution of final measures.</td>
</tr>
<tr>
<td>VA should specify that the mothball plan developer will have experience with large-scale mothballing plans.</td>
</tr>
<tr>
<td>VA should provide additional detail on methods to seek funding for mothballing and maintenance requirements for Hot Spring Campus.</td>
</tr>
<tr>
<td>VA should provide more information about the length of time VA will mothball buildings and about what actions will be taken once that period has ended.</td>
</tr>
<tr>
<td>VA should allow all Consulting Parties to review</td>
</tr>
<tr>
<td>the mothballing plan.</td>
</tr>
<tr>
<td>-----------------------</td>
</tr>
<tr>
<td>VA should maintain building interiors while the building/campus is mothballed.</td>
</tr>
<tr>
<td>VA should maintain the campus landscape while the campus is mothballed.</td>
</tr>
<tr>
<td>VA should include a monitoring schedule (which should be more than once per year) and an allowable time for VA response to emergency repairs in mothballing plan.</td>
</tr>
<tr>
<td>VA should mothball for 15 years.</td>
</tr>
</tbody>
</table>

**Photographic Display**

| VA should include more details about the photographic display. | VA has incorporated this suggestion into the final Measures. |
| VA should require the photographic display to be located in the CBOC under Alternative A (with a CBOC in Building 12). | VA has incorporated this suggestion into the final Measures. |
| VA should allow all CPs to make suggestions and comment on photographic display. | VA will accept suggestions from all Consulting Parties about photographs to be included in the display. |

**Preserve America**

Preserve America may not be beneficial. Has it been defunded?

Preserve America no longer offers grants; however, the designation still exists, and can be used as a tool by the City of Hot Springs to help market contributing elements in the Hot Springs Historic District.

**Oral History Program**

VA should hire a qualified historian to oversee the collection of oral histories and transcription.

VA will utilize a qualified historian is available to oversee development of the oral history program.

VA should provide copies of the oral histories and transcripts to the SD State Archives and a local Hot Springs organization.

VA has incorporated this suggestion into the final Measures.

What are VA’s specific responsibilities to developing oral history plans?

VA intends to utilize a professional historian with experience in designing and executing oral history programs to develop this program.

**Mobile Application (“App”)**

VA should allow app to be updated to include oral histories from annual reunion.

VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app. The dedicated project manager will review all transcripts following each reunion for the next two years to determine if any oral histories should be incorporated into the app.
<table>
<thead>
<tr>
<th><strong>VA should reference Milwaukee VAMC app in development of the Battle Mountain Sanitarium app.</strong></th>
<th><strong>VA has incorporated this suggestion into the final Measures.</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>VA should consider providing app design/content to others once VA has completed obligation.</strong></td>
<td><strong>VA cannot legally commit to this measure; if VA hires a consultant to develop the app, which likely it will since VA does not employ app developers, the design and content will be that consultant’s work product.</strong></td>
</tr>
<tr>
<td><strong>VA should change word “update” to allow for system checks, etc.</strong></td>
<td><strong>VA has incorporated this suggestion into the final Measures.</strong></td>
</tr>
<tr>
<td><strong>Memo</strong></td>
<td><strong>VA should provide more details on the memorial book project.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>VA will interpret the significance in the memorial book.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>VA should allow other Consulting Parties to review and comment on the book.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>VA should consider publication of an e-book.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>If the book is sold, what will the profits benefit?</strong></td>
</tr>
<tr>
<td></td>
<td><strong>VA should require certain qualifications of the author of the book.</strong></td>
</tr>
<tr>
<td><strong>Resurvey of the Hot Springs Historic District</strong></td>
<td><strong>VA should direct funding of the resurvey effort to the Fall River Historical Society instead of the Hot Springs HPC.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>A resurvey of the Hot Spring NRHD is not beneficial.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>VA should not limit the number of photos of the Hot Springs campus included in the Hot Springs NRHD nomination amendment.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>VA should increase funding for the updated NRHP nomination to $15,000.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>VA should require NRHP nomination consultant to meet SOI Qualifications for Architectural History.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>VA should require the NRHP nomination consultant should work with SD SHPO.</strong></td>
</tr>
<tr>
<td><strong>Main Street Program</strong></td>
<td><strong>VA should increase funding for the Main Street Program to $75,000 per year for 5 years.</strong></td>
</tr>
<tr>
<td></td>
<td><strong>VA should fund the Main Street program without SD SHPO.</strong></td>
</tr>
<tr>
<td><strong>Redevelopment Strategy</strong></td>
<td></td>
</tr>
<tr>
<td>---------------------------</td>
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</tr>
<tr>
<td>VA should fund the Main Street Program indefinitely.</td>
<td>VA has agreed to fund the program for five years.</td>
</tr>
<tr>
<td>VA should defer selection of a final alternative until transfer to another entity is “demonstrably achievable.”</td>
<td>The decision to leave the campus, in part or in whole, must be made prior to seeking alternate uses.</td>
</tr>
<tr>
<td>VA should complete a real estate market demand analysis.</td>
<td>VA cannot complete such a study until a decision has been made. If VA decides to redevelop the campus, the decision to do a market demand analysis will be delegated to the marketing team.</td>
</tr>
<tr>
<td>VA should provide additional information about members of the marketing strategy integrated project team.</td>
<td>The IPT will be composed of VA employees from several departments within VA including, but not limited to, Real Property Service, the Office of Asset Enterprise Management, the Office of Construction and Facilities Management, the Federal Preservation Office, VISN 23, and the Project Manager. Members will be selected for their experience and areas of expertise.</td>
</tr>
<tr>
<td>VA should require preservation conditions (covenants, easements) if the campus is redeveloped.</td>
<td>VA has clarified the requirement for preservation conditions in the final Measures.</td>
</tr>
<tr>
<td>VA should defer issuance of the ROD until VA has evaluated all possible internal uses.</td>
<td>The decision to leave the campus, in part or in whole, must be made prior to seeking alternate uses.</td>
</tr>
<tr>
<td>VA should establish an advisory committee to determine market interest and develop long-term planning and preservation goals.</td>
<td>This suggestion has been partially incorporated into the Final Measures. VA has established points of future consultation between the VA integrated project team for marketing, the SOI qualified Project Manager, and consulting parties.</td>
</tr>
<tr>
<td>VA should develop an advisory committee to market/manage leases with representatives of Consulting Parties.</td>
<td>This suggestion has been partially incorporated into the final Measures. VA has established points of future consultation between the VA integrated project team for marketing, the dedicated Project Manager, and Consulting Parties.</td>
</tr>
<tr>
<td>VA should consider lease agreements that take into account use by American Indians and offer opportunities to continue to invite the public to the property.</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
<tr>
<td>Particular</td>
<td>Response</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>VA should provide more information on GSA disposal process. How will VA proceed through the list of redevelopment partners? How would SHPO provide input?</td>
<td>VA has incorporated this suggestion into the final Measures. GSA process has been outlined, and points of consultation have been delineated. VA has not yet established the process of identifying potential redevelopment partners; that action would be undertaken as part of the marketing strategy. Points of consultation will be developed as part of the marketing plan, and will include points of consultation with consulting parties. The project manager will facilitate those future points of consultation.</td>
</tr>
<tr>
<td>VA should address the possibility that a redevelopment partner will not found.</td>
<td>VA will address this possibility in the final EIS analysis. VA has included language in the final Measures to address this possibility.</td>
</tr>
<tr>
<td>VA should share marketing strategy with the Consulting Parties once developed.</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
<tr>
<td>VA should include Consulting Parties in the redevelopment team.</td>
<td>This suggestion has been partially incorporated into the Final Measures. VA has established points of future consultation between the VA integrated project team for marketing, the SOI qualified Project Manager, and consulting parties.</td>
</tr>
<tr>
<td>How will VA alter the marketing strategy for the campus if VA maintains a presence on campus?</td>
<td>The strategy will remain largely the same; the difference will be what buildings/property will be offered and what uses may be allowed.</td>
</tr>
<tr>
<td>VA should require persons on the marketing strategy team to have appropriate education &amp; business experience in property management &amp; marketing at a national level.</td>
<td>This suggestion has been incorporated into the Final Measures. VA intends to have a team of individuals with experience in all of these areas.</td>
</tr>
<tr>
<td>VA should make the marketing team a full-time position(s).</td>
<td>This is not feasible, since it is a team of individuals from around VA responsibility areas.</td>
</tr>
<tr>
<td>VA should set specific timeline for marketing strategy.</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
<tr>
<td>VA should require a SOI-qualified professional to develop design guidelines for buildings and cultural landscapes to guide reuse and rehabilitation following SOI Standards in consultation with the SD SHPO.</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
<tr>
<td>If continued occupation is not feasible, VA should lease space to support medical services and veterans.</td>
<td>This decision cannot be made until after issuance of the ROD.</td>
</tr>
<tr>
<td>VA should clarify if SecVA will make decision about appropriateness of reuse partner.</td>
<td>This would be the SecVA or his or her designee as required by statute.</td>
</tr>
<tr>
<td>VA should consider returning medical facilities to the campus if lease agreements fail.</td>
<td>VA has included language in the final Measures to address the possibility that a redevelopment partner will not be identified. The possibility also will be analyzed in the EIS.</td>
</tr>
</tbody>
</table>

**Amendment**

<table>
<thead>
<tr>
<th>Amendment</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>VA should allow all Consulting Parties to</td>
<td>VA has invited specific entities with designated</td>
</tr>
</tbody>
</table>
request an amendment. responsibilities under the NHPA to request modifications if necessary. Consulting Parties not named who wish to request a modification may speak to these entities in accordance with the legal responsibilities they bear under NHPA.

**Campus Museum**

<table>
<thead>
<tr>
<th>Action</th>
<th>Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>VA should develop a plan for the campus museum.</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
</tbody>
</table>

**Use of Secretary of the Interior Professional Qualification Standards**

<table>
<thead>
<tr>
<th>Action</th>
<th>Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>VA should require proposed 1997 revisions to SOI qualifications.</td>
<td>VA consulted with the NPS about changing the requirements from the 1983 accepted Standards to the proposed 1997 revisions. NPS requested that VA utilize the 1983 published Standards; VA is using NPS’s guidance.</td>
</tr>
</tbody>
</table>

**Feasibility of Using the Greenhouse**

<table>
<thead>
<tr>
<th>Action</th>
<th>Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>VA should allow groups to consider feasibility of reusing greenhouses after campus is mothballed.</td>
<td>VA cannot allow use of the greenhouse once the campus is mothballed due to safety liabilities. Additionally, if the mothballing plan requires, VA may have to reduce or shut off utilities around the campus.</td>
</tr>
</tbody>
</table>

**Additional Measures Suggested in Comments on the draft Measures**

<table>
<thead>
<tr>
<th>Action</th>
<th>Implementation</th>
</tr>
</thead>
<tbody>
<tr>
<td>VA should fund documentation of all historic campus buildings to HABS Level I standards.</td>
<td>This suggestion has been partially incorporated into the final Measures. HABS-like documentation, including digital large-format photography and laser scanning, as well as HABS Level II documentation has been incorporated into the measures of some alternatives.</td>
</tr>
<tr>
<td>VA should use the HABS documentation to define character-defining features of campus exteriors and interiors. This data should be used to inform the redevelopment and mothballing plans.</td>
<td>The documentation will be used to the extent feasible. If plans must be developed prior to conclusion of the HABS documentation, VA will reference the NHL nomination.</td>
</tr>
<tr>
<td>VA should fund documentation of Hot Springs campus to HALS Level I standards.</td>
<td>This suggestion has been partially incorporated into the Final Measures; HABS-like documentation, including digital large-format photography and laser scanning, as well as HALS Level II documentation has been incorporated into the measures of some alternatives.</td>
</tr>
</tbody>
</table>

VA should consider establishing a fund for small business creation, developing a comprehensive economic development plan for the city, or developing a heritage tourism plan for the area.

VA agrees that these measures are good ideas, and would address adverse effects to the Hot Springs Historic District; however, VA has chosen to follow the suggestions to address adverse effects to this resource through the Preserve America application, the resurvey of the Hot Springs NRHD, and the establishment of a Main Street program.

VA should consider establishing a revolving loan fund for façade restoration of downtown.

VA agrees that this measure would address adverse effects to the Hot Springs Historic.
buildings. District; however, VA has chosen to follow the suggestions to address adverse effects to this resource through the Preserve America application, the resurvey of the Hot Springs NRHD, and the establishment of a Main Street program.

<table>
<thead>
<tr>
<th>Timelines</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>VA should provide timeline concurrent with issuance of the ROD.</td>
<td>Development of the timeline to implement measures will require discussions that are not appropriate until VA has issued the ROD. VA will distribute a more detailed timeline within 120 days of the ROD being issued.</td>
</tr>
<tr>
<td>VA should include a timeline of all measures in the ROD.</td>
<td>VA has included a timeline in this document.</td>
</tr>
<tr>
<td>VA should provide timeline to all Consulting Parties once developed.</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
<tr>
<td>VA should use milestones for timeframes rather than arbitrary numbers such as “at least 3 months.”</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Anticipated Projects</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>VA should seek to develop a programmatic agreement to comply with Section 106 under Alternatives E and F.</td>
<td>VA has incorporated this suggestion into the final Measures. VA would continue to follow 36 CFR Part 800 if Alternative E or F is selected; a PA is a possible compliance option under that guidance.</td>
</tr>
<tr>
<td>VA should consult about demolition of buildings under Alternatives E and F.</td>
<td>No alternatives analyzed in the EIS include demolition of any Hot Springs campus structures; thus demolition is not included in the current NEPA/NHPA process, nor is it reasonably anticipated to occur at this NHL as a result of the current proposal. VA would continue to follow 36 CFR Part 800 if Alternative E or F is selected; demolition would require additional consultation under 36 CFR Part 800.</td>
</tr>
<tr>
<td>VA should require use of the SOI Treatment Standards for Rehabilitation under Alternatives A, C, E, &amp; F (when retaining a presence on campus).</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
<tr>
<td>VA should develop programmatic agreements with SHPOs in Wyoming and Nebraska.</td>
<td>VA invited both of those SHPOs to participate in this consultation, and neither chose to do so.</td>
</tr>
<tr>
<td>VA should invite the NPS to participate in developing a programmatic agreement for routine maintenance in South Dakota.</td>
<td>VA will invite the NPS to participate in the development of a programmatic agreement for historic VA properties in South Dakota if VA remains on the Hot Spring campus; no other VA properties in South Dakota are NHLs.</td>
</tr>
<tr>
<td>Alternative E- VA should expand Design Review Committee to include all CPs.</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
<tr>
<td>Alternative E- VA should clarify role and authority of Design Review Committee.</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
<tr>
<td><strong>Archaeological Investigations</strong></td>
<td></td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------------------------</td>
</tr>
<tr>
<td>VA should notify all Consulting Parties of upcoming archaeological work and associated NRHP determinations.</td>
<td>Archaeological sites contain sensitive materials that are often the subject of looting; federal agencies therefore do not alert groups or individuals that are not preservation professionals when archaeological work is planned.</td>
</tr>
<tr>
<td>VA should require archaeological investigations for all alternatives.</td>
<td>All alternatives include plans for archaeological investigations.</td>
</tr>
<tr>
<td>VA should develop a staging plan to minimize adverse effects or the potential for adverse effects to historic properties including archaeological resources.</td>
<td>VA will establish protocols to protect archaeological properties prior to moving large construction/demolition equipment onto the campus.</td>
</tr>
</tbody>
</table>

### Miscellaneous

| **VA should maintain a presence on the campus.** | This suggestion is best addressed through commenting on the alternatives and analysis in the EIS. |
| **VA should revise language of Anti-Deficiency clause.** | VA has incorporated this suggestion into the final Measures. |
| **VA should change the law reference for SD Codified law.** | VA has incorporated this suggestion into the final Measures. |
| **VA should develop new/modern facilities on campus.** | This suggestion is best addressed through commenting on the alternatives and analysis in the EIS. |
| **VA should designate management of the property to an elected board of veterans.** | VA cannot delegate its responsibilities for the management of capital assets. VA could, unless otherwise prohibited, enter into a management contract under NHPS Section 111: 54 USC § 306122. **Contracts for management of historic property** The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Council, enter into a contract for the management of the property. The contract shall contain terms and conditions that the head of the agency considers necessary or appropriate to protect the interests of the United States and ensure adequate preservation of the historic property. |
| **VA should develop separate plan for unanticipated discoveries & human remains.** | VA has included the unanticipated discoveries and human remains clauses in the measures to resolve adverse effects. |
Timeline

Once VA issues a ROD, several timelines start. If VA selects the preferred alternative, plans to either lease new facilities or to plan and execute renovation in Building 12 begin. In either case, this process is expected to last 3 to 5 years. The issuance of the ROD also begins timelines for a comprehensive maintenance plan, an internal VA marketing plan, and implementation of the mitigation measures. These timelines are listed below. It is anticipated that each of these timelines will operate independently, so they are listed as such here. However, in the interest of providing as much information as possible, the overall timeline is: implementing a lease or new construction of a CBOC in Building 12, which will include removing other services from the Hot Springs campus -- 3-5 years, removal of those services from the campus triggers the implementation of the mothballing process, 5 -10 years; internal VA marketing would happen throughout the period that VA is transitioning to reconfigured services; when the VA implements the mothballing process, if VA has not found a suitable redevelopment partner through its internal IPT, VA will seek to excess the property to GSA. Total time: approximately 10-15 years.
### Timeline to Lease New Buildings or Renovate Building 12

<table>
<thead>
<tr>
<th>Activity</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Procurement package prepared and submitted to GSA for Delegation of Authority</td>
<td>180-365 days</td>
</tr>
<tr>
<td>VHA Request for Lease Proposals or RFP for design and construction advertised</td>
<td>30-60 days</td>
</tr>
<tr>
<td>Proposals received and evaluated</td>
<td>90-180 days</td>
</tr>
<tr>
<td>Lease/contract awarded</td>
<td>180-365 days</td>
</tr>
<tr>
<td>Design and construction completed</td>
<td>365 days (lease)</td>
</tr>
<tr>
<td>Facility activation</td>
<td>30-90 days</td>
</tr>
<tr>
<td><strong>Total Period:</strong></td>
<td><strong>3-5 years</strong></td>
</tr>
</tbody>
</table>

### Mothballing Timeline

<table>
<thead>
<tr>
<th>Activity</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design Solicitation</td>
<td>180 days</td>
</tr>
<tr>
<td>Design Proposals received and evaluated</td>
<td>60-90 days</td>
</tr>
<tr>
<td>Construction Solicitation</td>
<td>180 days</td>
</tr>
<tr>
<td>Construction Proposals received and evaluated</td>
<td>60-90 days</td>
</tr>
<tr>
<td>Construction</td>
<td>365 days</td>
</tr>
<tr>
<td><strong>Total Period:</strong></td>
<td><strong>2.5-3 years</strong></td>
</tr>
</tbody>
</table>

### Mitigation Measures—Many of these steps will be concurrent

<table>
<thead>
<tr>
<th>Activity</th>
<th>Duration</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Greenhouse</td>
<td>90 days</td>
<td>Can be offered to responsible entity within 90 days of receiving a request by that entity.</td>
</tr>
<tr>
<td>Statewide PA</td>
<td></td>
<td>This process can be initiated within 90 days of issuance of the ROD.</td>
</tr>
<tr>
<td>Preserve America application</td>
<td></td>
<td>Will depend on receiving a request from Hot Springs Historic Preservation Commission for support; support will be forthcoming as soon as request is received.</td>
</tr>
<tr>
<td>Annual Reunion with Oral Histories</td>
<td></td>
<td>This program will be initiated within one year of issuance of the ROD.</td>
</tr>
<tr>
<td>Book</td>
<td></td>
<td>A contract to design, research and produce this book will be issued within 2 years of issuance of the ROD. It is estimated that the book will take an additional 2 years to research and write, and can be turned over to the VCS for sale within 5 years of ROD.</td>
</tr>
<tr>
<td>Photo Display</td>
<td></td>
<td>It is anticipated this will be developed by the Project Manager, with support from the Federal Preservation office and VHA Historian’s office.</td>
</tr>
<tr>
<td>App</td>
<td></td>
<td>A contract to develop this app will be procured within two years of the oral history program being implemented, and will take approximately 6 months to develop.</td>
</tr>
<tr>
<td>Resurvey of Hot Springs</td>
<td></td>
<td>Will depend on receiving a request from Hot Springs Historic Preservation Commission for support; support will be forthcoming as soon as request is received.</td>
</tr>
<tr>
<td>Main Street Funding</td>
<td></td>
<td>Will depend on receiving a request from Hot Springs Historic Preservation Commission for support; support will be forthcoming as soon as request is received.</td>
</tr>
<tr>
<td>Hiring an SOI-qualified Project Manager</td>
<td></td>
<td>VA will advertise for this position within 6 months of issuing the ROD.; VA cannot commit to how long it will take to identify and hire a fully qualified individual. It is anticipated that this position will continue until all ROD measures have been completed.</td>
</tr>
<tr>
<td><strong>Total Period:</strong></td>
<td><strong>7-10 years</strong></td>
<td></td>
</tr>
</tbody>
</table>
Marketing Timeline Internal VA IPT—Many of these steps will be concurrent

<table>
<thead>
<tr>
<th>Step</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identification of team members and roles</td>
<td>30 days</td>
</tr>
<tr>
<td>Outreach to VA entities nationwide to identify potential uses</td>
<td>365 days</td>
</tr>
<tr>
<td>Outreach to other Federal entities nationwide to identify potential uses</td>
<td>365 days</td>
</tr>
<tr>
<td>Engagement of Real Estate broker to conduct market research</td>
<td>120 days</td>
</tr>
<tr>
<td>Publishing of newspaper ads, RFI, Expressions of Interest</td>
<td>365 days</td>
</tr>
<tr>
<td>Coordination with local Hot Springs stakeholders</td>
<td>365 days</td>
</tr>
<tr>
<td><strong>Total Period:</strong></td>
<td><strong>3-5 years</strong></td>
</tr>
</tbody>
</table>

Marketing Timeline GSA

<table>
<thead>
<tr>
<th>Step</th>
<th>Duration</th>
</tr>
</thead>
<tbody>
<tr>
<td>CFM seeks SECVA approval to declare the property excess, and delegation to CFM to execute deeds and other agreements needed to effectuate a disposal</td>
<td>180 days</td>
</tr>
<tr>
<td>VA declares the property excess to GSA</td>
<td>90 days</td>
</tr>
<tr>
<td>GSA first assesses the property for compliance with McKinney Act regarding HUD use for the homeless. During this time, government entities can offer to purchase the property as well, as long as the intended use is for homeless care – 90-365 days</td>
<td></td>
</tr>
<tr>
<td>If no responses are received, GSA then offers the property in the following order: (720 days)</td>
<td></td>
</tr>
<tr>
<td>• other federal agencies</td>
<td></td>
</tr>
<tr>
<td>• tribal governments</td>
<td></td>
</tr>
<tr>
<td>• state and local municipalities</td>
<td></td>
</tr>
<tr>
<td>• public</td>
<td></td>
</tr>
<tr>
<td>If, after this process (approximately 5 years), GSA finds no buyer/lessor/donation recipient, GSA may release the property back to VA.</td>
<td></td>
</tr>
<tr>
<td><strong>Total Period:</strong></td>
<td><strong>5-10 years</strong></td>
</tr>
</tbody>
</table>

Thank you for your continued participation in this process. We appreciate the insight and guidance provided by your staff. If you have any questions or require any additional information, please do not hesitate to contact Katy Coyle (kcoyle@rcgoodwin.com, (504) 837-1940 ext 344).

Sincerely,

Sandra L. Horsman, MBM
Director, VA Black Hills Health Care System

CC: Kathleen Schamel, Federal Preservation Officer
    Doug Pulak, Deputy Federal Preservation Officer
    Chris Daniel, VA Liaison
Measures to Resolve Adverse Effects to Historic Properties Related to Alternatives for the Proposed Reconfiguration of the VA Black Hills Health Care System Administration

- VA shall send and accept receipt of official notices, comments, requests for further information and documentation, and other communications as required by this Record of Decision (ROD) by email.

- Time designations shall be in calendar days. VA may proceed with its schedule if comments are not received within the specified timeframes.

- VA shall provide written reports via email to all consulting parties about the implementation of measures to resolve adverse effects to historic properties every six months from the date of execution of this ROD until all measures have been enacted or for at least ten years.

- Within 120 days of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure. VA shall email the final timeline to all consulting parties.

- This ROD is subject to the Anti-Deficiency Act (31 U.S.C. Section 1341). VA’s responsibilities to implement these measures are contingent upon the availability of appropriated funds from which payment, if any, can be made. Should funds not be available to allow VA to meet its responsibilities, VA shall resume consultation to resolve unfunded measures pursuant to 36 CFR §800.4 through §800.7, as applicable.

Dispute Resolution

- Should any consulting party to this process or member of the public object to the implementation of the mitigation measures for impacts to historic properties to which VA committed in this ROD, the consulting party or member of the public will notify in writing the VA dedicated project manager who will seek to resolve such objection through consultation with the objector and, as deemed appropriate by VA, the South Dakota State Historic Preservation Office (SHPO), and the National Park Service (NPS).

- If the dispute cannot be resolved through consultation within 60 days, VA will forward all documentation relevant to the dispute to the ACHP, including any proposed resolution identified during consultation. Within 30 days after receipt of all pertinent documentation, the ACHP may:
  - Provide VA with recommendations to consider in reaching a final decision regarding the dispute; or
  - Notify VA that it will comment on the subject of the dispute pursuant to 36 CFR §800.7(c).

- If the ACHP does not provide VA with recommendations within 30 days, VA may assume that the ACHP does not object to its recommended approach and will proceed accordingly.

- Any recommendation provided by ACHP will pertain only to the subject of the dispute. The responsibilities of VA to implement all mitigation measures that are not the subject of the dispute will remain unchanged.
Any dispute regarding National Register of Historic Places eligibility that is not resolved pursuant to this stipulation will be resolved in accordance with 36 CFR §800.4(c)(2).

Modification of Measures to Resolve Adverse Effects

- VA, ACHP, South Dakota SHPO, NPS, and any Native American tribes that have potential traditional, historic or current ties to the affected resource may request modification to the historic property impact mitigation measures. The party seeking modification must formally notify the other parties listed here. These parties may consult in person or via written communications. The historic property mitigation measures in the ROD may be modified when such an amendment is agreed to in writing by the ACHP and the Secretary of Veterans Affairs (SECVA). The modification shall become effective immediately upon signature by the SECVA. A copy of the modified ROD will be provided to all consulting parties. VA will review any modification to determine the need for additional NEPA analysis, and conduct such analysis as required.

General Stipulations

- Publication of this ROD and implementation of the mitigation included in this ROD evidences that VA has afforded the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the undertaking and its effects on historic properties, that VA has taken into account the effects of the undertaking on historic properties, and, therefore, that VA has satisfied its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and applicable implementing regulations.

All Alternatives

- Historic preservation measures, including architectural design, carried out pursuant to this undertaking shall meet the Secretary of the Interior’s (SOI’s) Standards for Archaeology and Historic Preservation (www.nps.gov/history/local-law/arch_stnds_0.htm), taking into account the suggested approaches to exterior rehabilitation and new construction in the SOI’s Standards for Treatment of Historic Properties. For all new construction, both on and off the VA Hot Springs campus, specific projects may trigger additional consultation pursuant to 36 CFR §800 if the Design Review Committee clause included in this ROD does not apply.

- VA shall ensure that all mitigation measures carried out pursuant to this Undertaking shall be done by or under the direct supervision of historic preservation professionals who meet the SOI’s Professional Qualifications Standards (www.nps.gov/history/local-law/arch_stnds_9.htm). VA shall ensure that consultants retained for services pursuant to the ROD meet these standards.

- VA shall not re-number or otherwise change the existing campus building numbers. New construction shall not copy any extant or past building numbers.

- VA shall assign a dedicated project manager at the Network level or higher within the VA to coordinate, monitor, and report on progress implementing the historic preservation mitigation measures outlined in this ROD. This individual will have at least three years of project management experience and be experienced in the treatment of historic buildings or districts. This individual will serve as the direct point of contact with consulting parties and the public for matters related to preservation mitigation.
- VA shall give preference to persons who meet or exceed the SOI’s Professional Qualification Standards for Historic Architects; have experience with the SOI Treatment Standards; and, have experience with the National Environmental Policy Act and National Historic Preservation Act.

- VA will advertise for this position within 6 months of issuing the ROD.

- This position will continue until all ROD measures have been completed.

- VA will inform the consulting parties of the appointment or replacement of this individual within 30 days of selection or replacement.

**Unexpected Discoveries**

- VA shall follow these procedures in the case of discovering human remains at any location under any alternative.

  - If human remains are uncovered in the course of construction, landscaping, maintenance, or other activities, and the property remains under the authority of VA, VA will stop work immediately within 100 feet of the discovery.

    If human remains are uncovered and are determined to be non-Native American, VA shall treat the remains in a manner that is consistent with South Dakota Codified Law (SDCL) 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

    If the uncovered human remains are determined to be Native American, VA will require consideration of the ACHP’s 2007 “Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects” or any subsequent policy statements that are issued after the execution of this ROD, and will comply with relevant requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations (43 CFR §10.4).

  - If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of another federal agency, that agency will stop work immediately within 100 feet of the discovery and implement its own policies and procedures, including those for complying with NAGPRA.

  - If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of a state agency or private entity, that agency will stop work immediately within 100 feet of the discovery and treat the remains in a manner that is consistent with SDCL 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

- VA shall follow these procedures in the case of discovering historic properties or unanticipated effects to previously identified historic properties under any alternative.

  - If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property is still under VA authority, VA will follow the requirements of 36 CFR §800.13 and, as applicable, NAGPRA and its implementing regulations.

  - If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed to another federal agency, that agency shall be responsible for following the 36 CFR §800.13 requirements and, as applicable, NAGPRA and its implementing regulations.
If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed to a state agency or private entity, it shall be the responsibility of that agency to follow the requirements of SDCL 1-19A-11.1.

**Alternative A (CBOC offsite)**

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
    Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.
  - This plan will address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS and implement the plan.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
  - VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. VA will include costs for non-recurring maintenance and repair of the buildings while in an unoccupied state, in VA’s annual Strategic Capital Planning.
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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.

- Once Buildings 1-12 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

  After these five years, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

  If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan.

- The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.

- VA may loan commemorative materials in accordance with federal law and VA protocols.

- VA is not obligated to care for materials owned by other agencies or private citizens currently on display in the Battle Mountain Sanitarium Museum.

- Neither VA nor the Hot Springs Preservation Commission will be monetarily obligated to fund a new display.

- If an appropriate site cannot be found within the Town of Hot Springs, VA may look at other VA sites or pursue an agreement with the South Dakota State Museum or State Archives.

### Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make the greenhouse available to a local group or organization so that group may determine if it is feasible to reactivate, operate, and maintain it, and to use it to grow vegetation for the campus or town landscape.

- VA shall seek to develop a statewide programmatic agreement (PA) for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
- This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

- VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.

- VA shall establish an oral history booth/tent so participants may record oral histories.

  VA shall utilize a qualified historian to oversee development of the oral history program.

  VA, in coordination with the Hot Springs Preservation Commission and other interested consulting parties, shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.

  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

  VA shall archive at least one copy of the digital oral histories and the transcripts at the South Dakota State Archives and one copy with a publicly accessible archive in Hot Springs.

- VA shall host this annual event for at least five years following publication of the ROD. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

- Within applicable laws and regulations, VA shall produce or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs.

  - This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.

  - VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.

  - VA shall develop an e-reader version of the book, and make it available commercially

  - VA shall produce or contract for the production of not less than 250 copies and not more than 2,500 copies of the book. Any profits realized by the sale of this book will be managed in accordance with applicable laws and regulations.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this alternative.

  - This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain
Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.

All photographs submitted shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

- VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium. VA shall reference the design and purpose of the app designed for the Clement J. Zablocki Veterans Affairs Medical Center (Milwaukee VAMC)/Northwestern Branch of the National Home for Disabled Volunteer Soldiers.
  - VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission’s efforts to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA shall provide funding not to exceed $300,000 in a lump sum to fund staffing and implementation following publication of the ROD.
  - This person shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- VA shall conduct a survey that uses the protocols of a Level I Historic American Buildings (HABS) Survey of all buildings in the Battle Mountain National Historic Landmark District
that have not been recorded to HABS standards. This study will consist of laser scanning, rather than measured drawings, and large format, high resolution digital photography. The digital products of this survey will be made available locally at an appropriate repository, as well as with the State Archives, the State Historic Preservation Office and the National Park Service.

- VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey (HALS) Level II survey, since the documentation necessary to produce a Level I survey is not believed to be extant.
Alternative A (CBOC offsite) with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan shall be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.
  - This plan shall address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
  - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
  - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.
- Once Buildings 1-12 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

If, after these five years, no feasible reuse for the campus has been reached, identified and implemented, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.

- VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as an enhanced-use lease and NHPA Section 111 leasing. This process will be distributed to consulting parties via email within 120 days of issuance of the ROD.

- VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. The dedicated project manager will serve on the integrated project team. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties on a semi-annual basis. Additionally, VA will accept comments and suggestions on the marketing plan within 30 days of reporting. As necessary, the team will present decision points to SECVA or his/her designee.

    The IPT will be composed of VA employees from several departments within VA including, but not limited to, Real Property Service, the Office of Asset Enterprise Management, the Office of Construction and Facilities Management, the Federal Preservation Office, VISN 23, and the Dedicated Project Manager. Members will be selected for their experience and areas of expertise.

- To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage the General Services Administration (GSA) in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.
Steps taken to identify federal partners shall include: correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.
- If VA chooses to excess or dispose of the campus, VA will require preservation conditions be attached to the property.

Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that is consistent with 36 CFR §800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years from the date of transfer.

- The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.
  - VA may loan commemorative materials in accordance with federal law and VA protocols.
  - VA is not obligated to care for materials owned by other agencies or private citizens currently on display in the Battle Mountain Sanitarium Museum.
  - Neither VA nor the Hot Springs Preservation Commission will be monetarily obligated to fund a new display.
  - If an appropriate site cannot be found within the Town of Hot Springs, VA may look at other VA sites or pursue an agreement with the South Dakota State Museum or State Archives.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make the greenhouse available to a local group or organization so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
- This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

- VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.

- VA shall establish an oral history booth/tent so participants may record oral histories.
  
  VA shall utilize a qualified historian to oversee development of the oral history program.
  
  VA, in coordination with the Hot Springs Preservation Commission and other interested consulting parties, shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
  
  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
  
  VA shall archive at least one copy of the digital oral histories and the transcripts at the South Dakota State Archives and one copy with a publically accessible archive in Hot Springs.

- VA shall host this annual event for at least five years following publication of the ROD. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

- Within applicable laws and regulations, VA shall produce or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs
  
  - This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.
  
  - VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.
  
  - VA shall develop an e-reader version of the book, and make it available commercially
  
  - VA shall produce or contract for the production of not less than 250 copies and not more than 2,500 copies of the book. Any profits realized by the sale of this book will be managed in accordance with applicable laws and regulations.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this alternative.

  - This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain
Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.

All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium. VA shall reference the design and purpose of the app designed for the Clement J. Zablocki Veterans Affairs Medical Center (Milwaukee VAMC)/Northwestern Branch of the National Home for Disabled Volunteer Soldiers.
  - VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

• VA shall support the Hot Springs Historic Preservation Commission in completing a re-survey of the Hot Springs Historic District and submitting an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

• VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA shall provide funding not to exceed $300,000 in a lump sum to fund staffing and implementation following publication of the ROD.
  - This person shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

• VA shall conduct a survey that uses the protocols of a 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. This study will consist of laser scanning, rather than measured drawings, and large format, high resolution digital photography. The digital products of this survey will be made available locally at an appropriate repository, as well as with the State Archives, the State Historic Preservation Office and the National Park Service.

- VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey (HALS) Level II survey, since the documentation necessary to produce a Level I survey is not believed to be extant.
Alternative A (CBOC in Building 12)
Measures to Avoid or Minimize Adverse Effects, including Potential Future Effects

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.
- When off-site renovation or new construction will trigger additional consultation under 36 CFR §800, VA and its development partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction on the Hot Springs campus associated with this alternative.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
    - VA will include the intended scope of work in the notification.
    - VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
  - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.
    - VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.
    - Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.
- VA shall conduct an archaeological survey to detect archaeological properties and to determine the eligibility of any discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of the survey at least seven days prior to initiating it.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
- If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to resolve adverse effects.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
    Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.
  - This plan will address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and annual consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
    Once Buildings 1-11 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.
    After these five years, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the
comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan implementation.

- The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.
  - VA may loan commemorative materials in accordance with federal law and VA protocols.
  - VA is not obligated to care for materials owned by other agencies or private citizens currently on display in the Battle Mountain Sanitarium Museum.
  - Neither VA nor the Hot Springs Preservation Commission will be monetarily obligated to fund a new display.
  - If an appropriate site cannot be found within the Town of Hot Springs, VA may look at other VA sites or pursue an agreement with the South Dakota State Museum or State Archives.

### Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO, the NPS, and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission to complete an application for the Preserve America program for the town of Hot Springs.
  - This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

- VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.
  - VA shall establish an oral history booth/tent so participants may record oral histories.
  - VA shall utilize a qualified historian to oversee development of the oral history program.
  - VA, in coordination with the Hot Springs Preservation Commission and other interested consulting parties, shall develop a plan to annually record oral histories of patients,
Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.

VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

VA shall archive at least one copy of the digital oral histories and the transcripts at the South Dakota State Archives and one copy with a publicly accessible archive in Hot Springs.

- VA shall host this annual event for at least five years following publication of the ROD. VA will host the annual event within the boundaries of Hot Springs.

- Within applicable laws and regulations, VA shall produce or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs
  - This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.
  - VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.
  - VA shall develop an e-reader version of the book, and make it available commercially
  - VA shall produce or contract for the production of not less than 250 copies and not more than 2,500 copies of the book. Any profits realized by the sale of this book will be managed in accordance with applicable laws and regulations.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of Building 12 or any new construction associated with this alternative.
  - This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.
    - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.
    - All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

- VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium. VA shall reference the design and purpose of the app designed for the Clement J. Zablocki Veterans Affairs Medical Center (Milwaukee VAMC)/Northwestern Branch of the National Home for Disabled Volunteer Soldiers.
- This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
- The app platform compatibility will be determined at the time of development based on current industry standards.
- Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
Alternative A (CBOC in Building 12) with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- When off-site renovation or new construction will trigger additional consultation under 36 CFR §800, VA and its development partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction on the Hot Springs campus associated with this alternative.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
    - VA will include the intended scope of work in the notification.
    - VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
    - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.
      - VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.
      - Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- VA shall conduct an archaeological survey to detect archaeological properties and to determine the eligibility of any discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of the survey at least seven days prior to initiating it.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
- If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to resolve adverse effects.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
    Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.
  - This plan will address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS and implement the plan.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
  - VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.
  - Once Buildings 1-11 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

If, after these five years, no feasible reuse for the campus has been reached, identified and implemented, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic
buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing. This process will be distributed to consulting parties via email within 120 days of issuance of the ROD.
  - VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. The dedicated project manager will serve on the integrated project team. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties on a semi-annual basis. Additionally, VA will accept comments and suggestions on the marketing plan within 30 days of reporting. As necessary, the team will present decision points to the SECVA or his/her designee.

    The IPT will be composed of VA employees from several departments within VA including, but not limited to, Real Property Service, the Office of Asset Enterprise Management, the Office of Construction and Facilities Management, the Federal Preservation Office, VISN 23, and the Dedicated Project Manager. Members will be selected for their experience and areas of expertise.

    - To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney–Vento Act as to offering the campus for homeless housing.

    - Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue
through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.
- If VA chooses to excess or dispose of the campus, VA will require preservation conditions be attached to the property.

Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that is consistent with 36 CFR §800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years from the date of transfer.

- The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.
  - VA may loan commemorative materials in accordance with federal law and VA protocols.
  - VA is not obligated to care for materials owned by other agencies or private citizens currently on display in the Battle Mountain Sanitarium Museum.
  - Neither VA nor the Hot Springs Preservation Commission will be monetarily obligated to fund a new display.
  - If an appropriate site cannot be found within the Town of Hot Springs, VA may look at other VA sites or pursue an agreement with the South Dakota State Museum or State Archives.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the buildings not being used are transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO, the NPS, and the ACHP.

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- VA shall establish an oral history booth/tent so participants may record oral histories.
  VA shall utilize a qualified historian to oversee development of the oral history program.
  VA, in coordination with the Hot Springs Preservation Commission and other interested consulting parties, shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.
  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.
  VA shall archive at least one copy of the digital oral histories and the transcripts at the South Dakota State Archives and one copy with a publically accessible archive in Hot Springs.
- VA shall host this annual event for at least five years following publication of the ROD. VA will host the annual event within the boundaries of Hot Springs.

- Within applicable laws and regulations, VA shall produce or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs.
  - This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.
  - VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.
  - VA shall develop an e-reader version of the book, and make it available commercially.
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- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this alternative.
  - This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.
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• VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.
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  - VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than 3 years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.
• VA shall support the Hot Springs Historic Preservation Commission in completing a re-survey of the Hot Springs Historic District and submitting an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
Alternative B

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
    Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.
  - This plan will address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS and implement the plan.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
  - VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the...
buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.

- Once Buildings 1-12 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

After these five years, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan.

- The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.
  - VA may loan commemorative materials in accordance with federal law and VA protocols.
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  - If an appropriate site cannot be found within the Town of Hot Springs, VA may look at other VA sites or pursue an agreement with the South Dakota State Museum or State Archives.

**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

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  VA shall archive at least one copy of the digital oral histories and the transcripts at the South Dakota State Archives and one copy with a publically accessible archive in Hot Springs.
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  - This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.
  - VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.
  - VA shall develop an e-reader version of the book, and make it available commercially.
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  - This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.
All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

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  - VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA shall provide funding not to exceed $300,000 in a lump sum to fund staffing and implementation following publication of the ROD.
  - This person shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- VA shall conduct a survey that uses the protocols of a Level I Historic American Buildings Survey of all buildings in the Battle Mountain National Historic Landmark District that have not been recorded to HABS standards. This study will consist of laser scanning, rather than measured drawings, and large format, high resolution digital photography. The digital products of this survey will be made available locally at an appropriate repository, as well as with the State Archives, the State Historic Preservation Office and the National Park Service.
VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey (HALS) Level II survey, since the documentation necessary to produce a Level I survey is not believed to be extant.
Alternative B with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
    Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.
  - This plan will address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS and implement the plan.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with preserving historic buildings in South Dakota and similar climates.
  - VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.
The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS, and recorded in reports to the consulting parties.

Once Buildings 1-12 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

If, after these five years, no feasible reuse for the campus has been reached, identified and implemented, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan. VA shall develop and implement a marketing strategy to identify redevelopment partners.

VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing. This process will be distributed to consulting parties via email within 120 days of issuance of the ROD.

VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. The dedicated project manager will serve on the integrated project team. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties on a semi-annual basis. Additionally, VA will accept comments and suggestions on the marketing plan within 30 days of reporting. As necessary, the team will present decision points to the SECVA or his/her designee.

The IPT will be composed of VA employees from several departments within VA including, but not limited to, Real Property Service, the Office of Asset Enterprise Management, the Office of Construction and Facilities Management, the Federal Preservation Office, VISN 23, and the Dedicated Project Manager. Members will be selected for their experience and areas of expertise.

To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.
Steps taken to identify federal partners shall include: correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.
- If VA chooses to excess or dispose of the campus, VA will require preservation conditions be attached to the property.

Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that is consistent with 36 CFR §800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years from the date of transfer.

- The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.
  - VA may loan commemorative materials in accordance with federal law and VA protocols.
  - VA is not obligated to care for materials owned by other agencies or private citizens currently on display in the Battle Mountain Sanitarium Museum.
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- VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey (HALS) Level II survey, since the documentation necessary to produce a Level I survey is not believed to be extant.
Alternative C

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- When off-site renovation or new construction will trigger additional consultation under 36 CFR §800, VA and its development partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction on the Hot Springs campus associated with this alternative.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.

    VA will include the intended scope of work in the notification.

    VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.

  - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.

    VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.

  - Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- VA shall conduct an archaeological survey to detect archaeological properties and to determine the eligibility of any discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.

  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of the survey at least seven days prior to initiating it.

  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to resolve adverse effects.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
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Alternative C with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- When off-site renovation or new construction will trigger additional consultation under 36 CFR §800, VA and its development partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction on the Hot Springs campus associated with this alternative.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
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  - VA will include the intended scope of work in the notification.
  - VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
  - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.
    - VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.
  - Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- VA shall conduct an archaeological survey to detect archaeological properties and to determine the eligibility of any discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of the survey at least seven days prior to initiating it.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
- If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to resolve adverse effects.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.

  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.

    Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.

  - This plan will address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.

  - VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.

    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.

    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS and implement the plan.

  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

  - VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.

  - Once Buildings 1-11 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

    If, after these five years, no feasible reuse for the campus has been reached, identified and implemented, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic
buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

- If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing. This process will be distributed to consulting parties via email within 120 days of issuance of the ROD.

  - VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. The dedicated project manager will serve on the integrated project team. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties on a semi-annual basis. Additionally, VA will accept comments and suggestions on the marketing plan within 30 days of reporting. As necessary, the team will present decision points to the SECVA or his/her designee.

    The IPT will be composed of VA employees from several departments within VA including, but not limited to, Real Property Service, the Office of Asset Enterprise Management, the Office of Construction and Facilities Management, the Federal Preservation Office, VISN 23, and the Dedicated Project Manager. Members will be selected for their experience and areas of expertise.

  - To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.

  - Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.
- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.
- If VA chooses to excess or dispose of the campus, VA will require preservation conditions be attached to the property.

Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that is consistent with 36 CFR §800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years from the date of transfer.

- The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.
  - VA may loan commemorative materials in accordance with federal law and VA protocols.
  - VA is not obligated to care for materials owned by other agencies or private citizens currently on display in the Battle Mountain Sanitarium Museum.
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- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO, the NPS, and the ACHP.
- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
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VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

VA shall archive at least one copy of the digital oral histories and the transcripts at the South Dakota State Archives and one copy with a publically accessible archive in Hot Springs.

- VA shall host this annual event for at least five years following publication of the ROD. VA will host the annual event within the boundaries of Hot Springs.

• Within applicable laws and regulations, VA shall produce or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs.

- This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.

- VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.

- VA shall develop an e-reader version of the book, and make it available commercially.

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- This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

   VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.

   All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium. VA shall reference the design and purpose of the app designed for the Clement J. Zablocki Veterans Affairs Medical Center (Milwaukee VAMC)/Northwestern Branch of the National Home for Disabled Volunteer Soldiers.

VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app.

This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.

The app platform compatibility will be determined at the time of development based on current industry standards.

Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.

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- VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
Alternative D

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
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After these five years, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

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  - This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.
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  - VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA shall provide funding not to exceed $300,000 in a lump sum to fund staffing and implementation following publication of the ROD.
  - This person shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- VA shall conduct a survey that uses the protocols of a Level I Historic American Buildings Survey of all buildings in the Battle Mountain National Historic Landmark District that have not been recorded to HABS standards. This study will consist of laser scanning, rather than measured drawings, and large format, high resolution digital photography. The digital products of this survey will be made available locally at an appropriate repository, as well as with the State Archives, the State Historic Preservation Office and the National Park Service.
• VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey (HALS) Level II survey, since the documentation necessary to produce a Level I survey is not believed to be extant.
Alternative D with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

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- VA shall host this annual event for at least five years following publication of the ROD. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

- Within applicable laws and regulations, VA shall produce or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs.

  This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.

  VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.

- VA shall develop an e-reader version of the book, and make it available commercially

- VA shall produce or contract for the production of not less than 250 copies and not more than 2,500 copies of the book. Any profits realized by the sale of this book will be managed in accordance with applicable laws and regulations.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this alternative.

  This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain
Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.

All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

- VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium. VA shall reference the design and purpose of the app designed for the Clement J. Zablocki Veterans Affairs Medical Center (Milwaukee VAMC)/Northwestern Branch of the National Home for Disabled Volunteer Soldiers.
  - VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position
  - VA shall provide funding not to exceed $300,000 in a lump sum to fund staffing and implementation following publication of the ROD.
  - This person shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- VA shall conduct a survey that uses the protocols of a Level I Historic American Buildings Survey of all buildings in the Battle Mountain National Historic Landmark District that have not been
recorded to HABS standards. This study will consist of laser scanning, rather than measured
drawings, and large format, high resolution digital photography. The digital products of this survey
will be made available locally at an appropriate repository, as well as with the State Archives, the
State Historic Preservation Office and the National Park Service.

- VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey
  (HALS) Level II survey, since the documentation necessary to produce a Level I survey is not
  believed to be extant.
Alternative E

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to detect archaeological properties and to determine the eligibility of any discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of the survey at least seven days prior to initiating it.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to resolve adverse effects.

- VA and its partners shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the interior spaces of the Battle Mountain Sanitarium listed below.
  - Building 1- Entry (stairs, round room open to dome)
  - Building 1- Director’s Office (Rooms 100B, 107B)

- When new construction will trigger additional consultation under 36 CFR §800, VA and its development partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction on the Hot Springs campus associated with this alternative.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
    - VA will include the intended scope of work in the notification.
    - VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
  - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 days to review
the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.

VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.

- Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.

- The Dedicated Project Manager shall be responsible for ensuring preservation of the VA-owned materials on display in the Battle Mountain Sanitarium Museum during renovation or rehabilitation. The Dedicated Project Manager shall work with VA BHHCS leadership to find a suitable location on the VA Hot Springs campus for display after construction is complete.

### Measures to Mitigate Adverse Effects

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO, the NPS, and the ACHP.

- VA shall create in a publicly accessible area, prior to commencing any new construction on the Hot Springs VA medical center campus, a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs. This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.
  - All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.
Alternative F (No Action Alternative)

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

- VA shall conduct an archaeological inventory and evaluation wherever construction activities will cause ground disturbance.
- VA shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to interior spaces of the Battle Mountain Sanitarium listed below.
  - Building 1– Entry (stairs, round room open to dome)
  - Building 1– Director’s Office (Rooms 100B, 107B)
- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.
- The Dedicated Project Manager shall be responsible for ensuring preservation of the VA-owned materials on display in the Battle Mountain Sanitarium Museum during renovation or rehabilitation. The Dedicated Project Manager shall work with VA BHHCS leadership to find a suitable location on the VA Hot Springs campus for display after construction is complete.

Measures to Mitigate Adverse Effects

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO, the NPS, and the ACHP.
- VA shall create a photographic display of the campus in the entryway of Building 1. This photographic display will be related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs. This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.
  - All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.
- If application of the SOI’s Standards for Treatment of Historic Properties is not sufficient to eliminate any adverse effects to a historic property from construction/renovation and the effect to the Hot Springs Historic District is significant, VA shall support the Hot Springs Historic Preservation Commission to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the SD SHPO for consideration.
- This support may include, but is not limited to, hiring a SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.

- VA shall allow the Hot Springs Historic Preservation Commission to photographs of the VA Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA staff will accompany the photographer to ensure all patient privacy requirements are met.
June 16, 2016

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

Re: National Trust Supplemental Objection Letter and Comments on Revised Mitigation Measures for Battle Mountain Sanitarium ROD

Dear Ms. Horsman:

Attached please find two documents: 1) a letter that supplements our 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), which we submitted to the VA on May 5, 2016 and 2) redline comments on the Revised Mitigation Measures for the Battle Mountain Sanitarium Record of Decision, which were provided to consulting parties on May 18, 2016.

VA’s cover letter that accompanied the Mitigation Measures document describes the Measures as “final measures” that VA has “decided upon,” and states that “VA has elected not to implement some suggestions made by the consulting parties.” However, the accompanying email offered that “[t]he revised measures are open to Consulting Party comment and suggestion as part of the public comment period.” As a result, we are taking the opportunity to provide additional comments. As with our previous comments, since the document repeats numerous concepts, a comment offered regarding one subject should be applied to the same subject matter every time it appears throughout.

We appreciate that the VA responded to comments provided by the National Trust and others on the Draft Mitigation Measures. In particular, we were pleased to see that additional specificity was provided for some individual measures, as well as the fact that the document now more clearly identifies responsibilities for carrying out those measures.

However, we were disappointed that a number of our comments either received no acknowledgement or response or were rejected outright. For example, the document only addresses mitigation, ignoring avoidance and minimization of adverse effects, which should be prioritized above mitigation, particularly for a National Historic Landmark (NHL) such as Battle Mountain Sanitarium. In fact, the document contains no reference whatsoever to the fact that the property subject to the undertaking is a National Historic Landmark. There is no evidence offered that the VA has met the special requirements for NHLs under Section 110(f) of the NHPA. This “requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any [NHL]
that may be directly and adversely affected by an undertaking.” 54 U.S.C. § 306107; 36 C.F.R. § 800.10(a) (emphasis added).

In addition, when the draft measures were presented, we were very surprised to see ideas in the document that had never been discussed between the VA and consulting parties. We certainly agree that some of those ideas have merit and could be potentially meaningful in mitigating adverse effects, but since they were never even discussed, it is yet another example of the VA’s failure to engage in meaningful consultation on this matter. We have not been able to seek, discuss, and consider the views of the other participants, and, where feasible, seek agreement with them regarding these measures, as the regulations require. 36 C.F.R. §§ 800.8(c)(1)(v), 800.16(f). For example, it is our understanding that the Hot Springs Historic District has been recently resurveyed, per conversations with several other consulting parties. The VA indicates that is not the case. In addition, the VA offers that assistance with a Preserve America application would be a meaningful mitigation measure. We respectfully disagree. In our view, other mitigation ideas would be much more effective and meritorious, since any potential financial benefits of that program are now defunct.1 We should discuss these matters as a group of consulting parties, determine whether a re-survey or Preserve America community designation is actually needed, and if so, whether those actions would represent a good uses of funds and would adequately address adverse effects.

Because of these concerns, we urge the VA to conduct at least one additional consultation meeting - which could be held in person or via webinar (assuming the technology is functional and all consulting parties are able to participate) – to engage in consultation about the proposed mitigation measures before they are finalized and included in the ROD.

Thank you for considering our comments.

Sincerely,

Amy Cole
Senior Field Officer and Attorney

Elizabeth S. Merritt
Deputy General Counsel

1 Other mitigation ideas include establishing a fund for small business creation, establishing a revolving loan fund for façade restoration of downtown Hot Springs buildings, developing a comprehensive economic development plan for the city, developing a heritage tourism plan for the area, developing campus design guidelines, conducting historic structures assessments and preparing rehabilitation plans for the BMS buildings.
Attachments:

- Attachment 1 - Supplemental Objection Letter
- Attachment 2 - Redline of proposed Mitigation Measures

cc:  Dena Sanford, Midwest Regional Office, National Park Service  
     Chris Daniel, Tom McCulloch and Reid Nelson,  
     Advisory Council on Historic Preservation  
     Stella Fiotes, Executive Director, Office of Construction and Facilities  
     Management, Department of Veterans Affairs  
     Kathleen Schamel, Federal Preservation Officer,  
     Department of Veterans Affairs  
     Doug Pulak, Deputy Federal Preservation Officer,  
     Department of Veterans Affairs  
     Jay Vogt, Ted Spencer and Paige Olson,  
     South Dakota State Historic Preservation Office  
     Pat Russell and Bob Nelson, Save the VA Committee
Attachment 1

June 16, 2016

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

Re: Supplement to the 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:

On May 5, 2016, the National Trust for Historic Preservation (National Trust) filed a formal objection to the Section 106 consultation for the Battle Mountain Sanitarium National Historic Landmark (BMS) in Hot Springs, SD, which has been carried out by the Department of Veterans Affairs (VA) pursuant to the “NEPA Substitution” procedures under 36 C.F.R. § 800.8(c).

Since filing our objection, additional documents have been provided to the consulting parties—the final Measures to Resolve Adverse Effects to Historic Properties Related to Alternatives for the Proposed Reconfiguration of the VA Black Hills Health Care System Administration (“Mitigation Measures”), which are slated for inclusion in the Record of Decision, and electronic access to the draft of Appendix C to the DEIS.

In our previous objection correspondence, we outlined the process described in 36 C.F.R. § 800.8(c), so we will not restate that here; rather, we will explain how the additional documents relate to issues raised in our earlier objection.

We appreciate that in Appendix C the VA has collected a large volume of materials documenting the administrative record of the consultation, and in this updated Appendix has now included materials that cover what has happened since the publication of the DEIS in October 2015.

On April 28, 2016, we submitted extensive comments on the 41-page draft of the Mitigation Measures. We have received the VA’s response to those comments, but we continue to believe that the measures fall short of the NEPA substitution requirements, both procedurally and substantively. 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 . . . DEIS.” 36
C.F.R. § 800.8(c)(1)(v) (emphasis added). Furthermore, “[t]he substantive resolution of the effects on historic properties proposed in [the DEIS] is inadequate.” Id. § 800.8(c)(2)(ii).

When the draft Mitigation Measures were presented, six months after the publication of the DEIS, we were very surprised to see ideas in the document that had never been discussed between the VA and the consulting parties, but were presented unilaterally by the VA, in violation of the consultation requirement in § 800.8(c)(1)(v). Furthermore, these Mitigation Measures only take into account possible mitigation, not how adverse effects may be avoided or minimized, as is required under the regulations. Because no consultation has taken place about the Mitigation Measures document, we have not been able to seek, discuss, and consider the views of the other participants, and, where feasible, seek agreement with them, as the regulations require. Id. § 800.16(f).

In response to the comments we submitted on the Mitigation Measures, the VA provided some affirmative responses, some negative responses, and in some cases, no response at all. What was absent in this process was any consultation about these ideas. As a result, we do not believe the proposed Mitigation Measures will be sufficient to mitigate the adverse effects. In many cases, the consulting parties presented mitigation ideas that would be much more effective than the ideas offered unilaterally by the VA, but these ideas were dismissed by the VA without explanation. Moreover, the future of the campus remains in question and the direst possible adverse effect on this National Historic Landmark – the abandonment and deterioration of the campus in the event that another user cannot be found – remains unresolved. In order to address these regulatory requirements, we should discuss these matters in consultation, and attempt to substantively resolve all possible adverse effects, not just through mitigation, but also avoidance and minimization of harm.

We believe that a supplemental DEIS is needed, which would include a revised Appendix C, and changes to the DEIS narrative to address new information that has become available since it was published, including analysis of the addition of Alternative A with the CBOC in Building 12, accounts of consultation that has taken place in the last six months, and the proposed Mitigation Measures, modified to reflect the outcome of what we hope will be forthcoming consultation on that document.

In order to resolve the National Trust’s objections, the VA is required to “refer the matter to the Council” for its review and opinion, § 800.8(c)(2)(ii), and we request that the VA forward this supplemental objection to the Council as well. We appreciate the opportunity to participate as the process of this objection and referral moves forward, pursuant to 36 C.F.R. § 800.8(c)(2)-(3).

Thank you for your consideration.

1 Other mitigation ideas include establishing a fund for small business creation, establishing a revolving loan fund for façade restoration of downtown Hot Springs buildings, developing a comprehensive economic development plan for the city, developing a heritage tourism plan for the area, developing campus design guidelines, conducting historic structures assessments and preparing rehabilitation plans for the BMS buildings.
Sincerely,

Amy Cole
Senior Field Officer and Attorney

Elizabeth S. Merritt
Deputy General Counsel

cc:  Dena Sanford, Midwest Regional Office, National Park Service
     Chris Daniel, Tom McCulloch and Reid Nelson,
         Advisory Council on Historic Preservation
     Stella Fiotes, Executive Director, Office of Construction and Facilities
         Management, Department of Veterans Affairs
     Kathleen Schamel, Federal Preservation Officer,
         Department of Veterans Affairs
     Doug Pulak, Deputy Federal Preservation Officer,
         Department of Veterans Affairs
     Jay Vogt, Ted Spencer and Paige Olson,
         South Dakota State Historic Preservation Office
     Pat Russell and Bob Nelson, Save the VA Committee
Dear Ms. Horsman,

Last week, I attended a Section 106 consultation meeting with the Department of Veterans Affairs regarding the Milwaukee Soldiers’ Home. During that meeting, VA staff informed us that the criteria for the Strategic Capital Investment Plan (SCIP) program have recently undergone a dramatic change. Apparently, under the new VHA Guidance on SCIP, issued June 3, 2016, only five spending categories will be allowed: safety projects; sites where the number of patients at primary care facilities are growing by at least 20% annually; repairing usable and needed space where the infrastructure has a rating of D or F; converting semi-private patient spaces to private rooms; and enhancing or providing appropriate women’s health space. The VA representatives also advised us that “non-recurring maintenance” projects will no longer be funded.

In the Revised Mitigation Measures for the Battle Mountain Sanitarium, the SCIP and non-recurring maintenance funding are a crucial source of funds for mothballing at BMS. For example, page 4 includes the following statement:

“VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.”

After what was presented in Milwaukee, we are concerned that the non-recurring maintenance funding that the VA plans to rely on will no longer be available, and that the new SCIP criteria will also prohibit the allocation of funding for the mothballing or maintenance of BMS.

We would appreciate if you would clarify these new changes to the SCIP program and the non-recurring maintenance program, and provide additional information regarding other sources of funding that the VA can seek to fund the mothballing and maintenance, a very complicated yet critical part of VA’s proposal for the BMS campus.
Until such time as reliable funding sources are identified, we must object to this language in the proposed Mitigation Measures as inadequate.

Sincerely,
Elizabeth Merritt

Elizabeth S. Merritt, Deputy General Counsel
National Trust for Historic Preservation
2600 Virginia Ave. NW, Suite 1100
Washington, DC 20037
(202) 297-4133 (mobile)
(202) 588-6035 (Law Dep't)
Note my new e-mail address:
emerri3@savingplaces.org

From: Amy Cole
Sent: Thursday, June 16, 2016 3:44 PM
To: Sandra.Horsman@va.gov
Cc: Sanford, Dena <dena_sanford@nps.gov>; Chris Daniel <cdaniel@achp.gov>; Tom McCulloch <tmcculloch@achp.gov>; Reid Nelson <rnelson@achp.gov>; stella.fiotes@va.gov; Schamel, Kathleen (CFM) <Kathleen.Schamel2@va.gov>; Pulak, Douglas D. (CFM) <Douglas.Pulak@va.gov>; Jay D Vogt <jay.vogt@state.sd.us>; Ted M. Spencer <ted.spencer@state.sd.us>; Paige Olson <paigeolson@state.sd.us>; Russell Pat <prussell@gwtc.net>; Nelson Bob Sr <sodakvet@icloud.com>; Betsy Merritt <emerri3@savingplaces.org>; Jennifer Buddenborg <JBuddenborg@savingplaces.org>; Katy Coyle <kcoyle@rcgoodwin.com>; Kelly Wittie <kwittie@rcgoodwin.com>
Subject: National Trust comments attached

Dear Sandra:

Attached are comments from the National Trust on the Revised Mitigation Measures document, as well as materials supplementing the “NEPA substitution” objection we filed on May 5th.

Sincerely,
Amy

Amy Cole
National Trust for Historic Preservation
1420 Ogden Street, Suite 203
Denver, CO 80218
acole@savingplaces.org
720-634-5115
June 16, 2016

Attachment 2

National Trust Comments on:

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

- VA shall send and accept receipt of official notices, comments, requests for further information and documentation, and other communications as required by this Record of Decision (ROD) by email.
- Time designations shall be in calendar days. VA may proceed with its schedule if comments are not received within the specified timeframes.
- VA shall provide written reports via email to all consulting parties about the implementation of measures to resolve adverse effects to historic properties every six months from the date of execution of this ROD until all measures have been enacted or for at least ten years.
- Within 120 days of issuing the ROD, VA shall develop a timeline of major milestones with deadlines for implementing each measure. VA shall email the final timeline to all consulting parties.
- This ROD is subject to the Anti-Deficiency Act (31 U.S.C. Section 1341). VA’s responsibilities to implement these measures are contingent upon the availability of appropriated funds from which payment, if any, can be made. Should funds not be available to allow VA to meet its responsibilities, VA shall resume consultation to resolve unfunded measures pursuant to 36 CFR §800.4 through §800.7, as applicable.

Dispute Resolution

- Should any consulting party to this process or member of the public object to the implementation of the mitigation measures for impacts to historic properties to which VA has committed in this ROD, the consulting party or member of the public will notify in writing the VA dedicated project manager who will seek to resolve such objection through consultation with the objector and, as deemed appropriate by VA, the South Dakota State Historic Preservation Office (SHPO), and the National Park Service (NPS).
- If the dispute cannot be resolved through consultation within 60 days, VA will forward all documentation relevant to the dispute to the ACHP, including any proposed resolution identified during consultation. Within 30 days after receipt of all pertinent documentation, the ACHP may:
  - Provide VA with recommendations to consider in reaching a final decision regarding the dispute; or
  - Notify VA that it will comment on the subject of the dispute pursuant to 36 CFR §800.7(c). Should this refer to 800.8(c)(3) instead?
- If the ACHP does not provide VA with recommendations within 30 days, VA may assume that the ACHP does not object to its recommended approach and will proceed accordingly.

Commented [A1]: Thank you for agreeing to provide written reports.
Commented [A2]: We believe that developing a timeline now, rather than months after the ROD is signed, would be a better practice.
Commented [A3]: Should this refer to 800.8(c)(3) instead?
Any recommendation provided by ACHP will pertain only to the subject of the dispute. The responsibilities of VA to implement all mitigation measures that are not the subject of the dispute will remain unchanged.

Modification of Measures to Resolve Adverse Effects

- VA, ACHP, South Dakota SHPO, NPS, and any Native American tribes that have potential traditional, historic or current ties to the affected resource may request modification to the historic property impact mitigation measures. The party seeking modification must formally notify the other all consulting parties listed here. Consultation regarding the proposed modification may take place consult in person or via written communications. The historic property mitigation measures in the ROD may be modified when such an amendment is agreed to in writing by the ACHP and the Secretary of Veterans Affairs (SECVA), following consultation. The modification shall become effective immediately upon signature by the SECVA. A copy of the modified ROD will be provided to all consulting parties. VA will review any modification to determine the need for additional NEPA analysis, and conduct such analysis as required.

General Stipulations

- Publication of this ROD and implementation of the mitigation included in this ROD evidences that VA has afforded the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on the undertaking and its effects on historic properties, that VA has taken into account the effects of the undertaking on historic properties, and, therefore, that VA has satisfied its responsibilities under Section 106 of the National Historic Preservation Act (NHPA) and applicable implementing regulations.

All Alternatives

- Historic preservation measures, including architectural design, carried out pursuant to this undertaking shall meet the Secretary of the Interior's (SOI's) Standards for Archaeology and Historic Preservation (www.nps.gov/history/local-law/arch_stnds_0.htm), taking into account the suggested approaches to exterior rehabilitation and new construction in the SOI's Standards for the Treatment of Historic Properties. For all new construction, both on and off the VA Hot Springs campus, specific projects may trigger additional consultation pursuant to 36 CFR §800 if the Design Review Committee clause included in this ROD does not apply.
- VA shall ensure that all mitigation measures carried out pursuant to this Undertaking shall be done by or under the direct supervision of historic preservation professionals who meet the SOI’s proposed Historic Preservation Professional Qualifications Standards published at 62 Fed. Reg. 33,707 (June 20, 1997). (www.nps.gov/history/local-law/arch_stnds_3.htm). VA shall ensure that consultants retained for services pursuant to the ROD meet these standards.
- VA shall not re-number or otherwise change the existing campus building numbers. New construction shall not copy any extant or past building numbers.
- VA shall assign a dedicated project manager at the Network level or higher within the VA to coordinate, monitor, and report on progress implementing the historic preservation mitigation measures outlined in this ROD. This individual will have at least three years of project management experience and be experienced in the treatment of historic buildings or districts. This...
individual will serve as the direct point of contact with consulting parties and the public for matters related to preservation mitigation, including implementation of the commitments in this document.

- VA shall give preference to persons who meet or exceed the SOI’s 1997 draft Professional Qualification Standards for Historic Architects; have experience with the SOI Treatment Standards; and, have experience with the National Environmental Policy Act and National Historic Preservation Act.
- VA will advertise for this position within one month of issuing the ROD.
- This position will continue until all ROD measures have been completed.
- VA will inform the consulting parties of the appointment or replacement of this individual within 30 days of selection or replacement.

Unexpected Discoveries

- VA shall follow these procedures in the case of discovering human remains at any location under any alternative.
  - If human remains are uncovered in the course of construction, landscaping, maintenance, or other activities, and the property remains under the authority of VA, VA will stop work immediately within 100 feet of the discovery in all directions.
    - If human remains are uncovered and are determined to be non-Native American, VA shall treat the remains in a manner that is consistent with South Dakota Codified Law (SDCL) 34-27-25, SDCL 34-27-28, SDCL 34-27-31.
    - If the uncovered human remains are determined to be Native American, VA will require consideration of the ACHP’s 2007 “Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects” or any subsequent policy statements that are issued after the execution of this ROD, and will comply with relevant requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations (43 CFR §10.4).
  - If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of another federal agency, that agency will stop work immediately within 100 feet of the discovery and implement its own policies and procedures, including those for complying with NAGPRA.
    - If human remains are uncovered in the course of construction, landscaping, maintenance or other activities, and the property is under the authority of a state agency or private entity, that agency will stop work immediately within 100 feet of the discovery and treat the remains in a manner that is consistent with SDCL 34-27-25, SDCL 34-27-28, SDCL 34-27-31.

- VA shall follow these procedures in the case of discovering historic properties or unanticipated effects to previously identified historic properties under any alternative.
  - If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property is still under VA authority, VA will follow the requirements of 36 CFR §800.13 and, as applicable, NAGPRA and its implementing regulations.
  - If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property has passed under the authority of another federal agency, that agency shall be responsible for
following the 36 CFR §800.13 requirements and, as applicable, NAGPRA and its implementing regulations.

• If historic properties are discovered or unanticipated effects on historic properties are found during construction, maintenance, landscaping, or other activities, and the property is under the authority of a state agency or private entity, it shall be the responsibility of that entity to follow the requirements of SDCL 1-19-A-11.1.

Alternative A (CBOC offsite)

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

• VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR Part 800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

• If any historic building(s) on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such building(s).

• VA shall hire an SOI-qualified Historic Architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.

  Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.

• VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.

  VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.

  VA shall forward a copy of the final plan to the South Dakota SHPO and NPS and implement the plan.

• This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

• The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

• VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. VA will include costs for non-recurring maintenance and repair of the buildings while in an unoccupied state, in VA’s annual Strategic Capital Budget.

Commented [A10]: Why only those two entities?

Commented [A11]: Seems like it is late in the process to document this – these experiences should inform whether alternatives are viable to begin with.
Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make the greenhouse available to a local group or organization so that group may determine if it is feasible to reactivate, operate, and maintain it, and to use it to grow vegetation for the campus or town landscape.

- VA shall seek to develop a statewide programmatic agreement (PA) for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.

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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA's efforts to seek such funding.

- The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.

- VA may loan commemorative materials in accordance with federal law and VA protocols. VA is not obligated to care for materials owned by other agencies or private citizens currently on display in the Battle Mountain Sanitarium Museum.

- Neither VA nor the Hot Springs Preservation Commission will be monetarily obligated to fund a new display.

- If an appropriate site cannot be found within the Town of Hot Springs, VA may look at other VA sites or pursue an agreement with the South Dakota State Museum or State Archives.

- VA may loan commemorative materials in accordance with federal law and VA protocols. VA is not obligated to care for materials owned by other agencies or private citizens currently on display in the Battle Mountain Sanitarium Museum.

- VA shall seek to develop a statewide programmatic agreement (PA) for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.

Commented [A12]: We understand that the VA may be reconsidering the use of the SCIP planning process in the future. If this occurs, the Mitigation Measures will need to be revised.

Commented [A13]: We appreciate the addition of an opportunity to renew the plan, and potentially double its implementation term, but in all likelihood 10 years is not enough time. As we have raised before, at other VA sites, like Milwaukee, buildings have been empty for nearly 30 years. We suggest extending “renewal” for additional 5 year increments, as needed.

Commented [A14]: We previously asked why there is not consideration of other measures discussed previously during consultation that would support economic vibrancy in Hot Springs, such as establishing a fund for small business creation, establishing a revolving loan fund for façade restoration of downtown buildings, developing a comprehensive economic development plan for the city, or developing a heritage tourism plan for the area. Other measures could include campus design guidelines, historic structure assessments or rehab plans for the buildings, etc. These suggestions can apply to all of the alternatives that include abandonment of the campus in whole or part.

We appreciated that in VA’s response to comments, the agency acknowledged that these ideas were good ones, but there has been no discussion among consulting parties about these ideas and their merit, and the VA has declined to include them as mitigation measures. VA says in its response to comment table that it will be doing other things instead, including helping with a Preserve America community designation, but before unilaterally deciding this is a good choice, we should consult about it.

Commented [A15]: We do not believe this to be a significant mitigation measure because the program has not been funded in years, and mere designation and the installation of signage does little to further heritage tourism.
• This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.

• VA shall establish an oral history booth/tent so participants may record oral histories.

  VA shall utilize a qualified historian to oversee development of the oral history program.

  VA, in coordination with the Hot Springs Preservation Commission and other interested consulting parties, shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.

  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

  VA shall archive at least one copy of the digital oral histories and the transcripts at the South Dakota State Archives and one copy with a publically accessible archive in Hot Springs.

• VA shall host this annual event for at least five years following publication of the ROD. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• Within applicable laws and regulations, VA shall produce, or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs.

  • This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.

  • VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.

  • VA shall develop an e-reader version of the book, and make it available commercially.

  • VA shall produce or contract for the production of not less than 250 copies and not more than 2,500 copies of the book. Any profits realized by the sale of this book will be managed in accordance with applicable laws and regulations.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this alternative.

  • This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain
Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.

All photographs submitted shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

• VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
  • This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium. VA shall reference the design and purpose of the app designed for the Clement J. Zablocki Veterans Affairs Medical Center (Milwaukee VAMC)/Northwestern Branch of the National Home for Disabled Volunteer Soldiers.
  • VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app.
  • This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  • The app platform compatibility will be determined at the time of development based on current industry standards.
  • Once completed, no updates to the app will be planned.

• VA shall support the Hot Springs Historic Preservation Commission’s efforts to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  • This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  • VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

• VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  • VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  • VA shall provide funding not to exceed $300,000 in a lump sum to fund staffing and implementation following publication of the ROD.
  • This person shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.
  • VA shall conduct a survey that uses the protocols of a Level I Historic American Buildings (HABS) Survey of all buildings in the Battle Mountain National Historic Landmark District.
that have not been recorded to HABS standards. This study will consist of laser scanning, rather than measured drawings, and large format, high resolution digital photography. The digital products of this survey will be made available locally at an appropriate repository, as well as with the State Archives, the State Historic Preservation Office and the National Park Service.

- VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey (HALS) Level II survey, since the documentation necessary to produce a Level I survey is not believed to be extant.
Alternative A (CBOC offsite) with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
    Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.
  - This plan shall address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.
  - This plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
  - VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.
Once Buildings 1-12 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

If, after these five years, no feasible reuse for the campus has been reached, identified and implemented, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
- VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as an enhanced-use lease and NHPA Section 111 leasing. This process will be distributed to consulting parties via email within 120 days of issuance of the ROD.
- VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. The dedicated project manager will serve on the integrated project team. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported to the consulting parties on a semi-annual basis. Additionally, VA will accept comments and suggestions on the marketing plan within 30 days of reporting. As necessary, the team will present decision points to SECVA or his/her designee.

The IPT will be composed of VA employees from several departments within VA including, but not limited to, Real Property Service, the Office of Asset Enterprise Management, the Office of Construction and Facilities Management, the Federal Preservation Office, VISN 23, and the Dedicated Project Manager. Members will be selected for their experience and areas of expertise.

To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage the General Services Administration (GSA) in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act. Prior to offering the campus for homeless housing.

Commented [A20]: As we have repeatedly pointed out, any marketing strategy should first be informed by a real estate market demand analysis. This is the appropriate way to arrive at the decision to market the buildings for re-use in the first place. VA indicated it would do a market study but that is not mentioned here. We do not agree that a market analysis cannot be done until after a decision is reached. Other than saying it can’t be done, VA does not offer a reason why. The VA is obligated to seek this data because it “is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant.” See 40 CFR § 1502.22(a).

Commented [A21]: Other consulting parties have an interest in this and can provide useful input. We encourage you to include input from all consulting parties throughout the document.

Commented [A22]: This should be undertaken as part of the analysis of alternatives before a ROD is signed.

Commented [A23]: There are many steps in the disposal process—please list them all, including an external link to the process such as:

http://www.gsa.gov/portal/content/101694. or don't list any.
Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

If VA chooses to excess or dispose of the campus, VA will require preservation conditions be attached to the property.

Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that is consistent with 36 CFR §800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years from the date of transfer.

The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.

VA may loan commemorative materials in accordance with federal law and VA protocols.

VA is not obligated to care for materials owned by other agencies or private citizens currently on display in the Battle Mountain Sanitarium Museum.

Neither VA nor the Hot Springs Preservation Commission will be monetarily obligated to fund a new display.

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Measures to Mitigate Adverse Effects

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VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
• This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

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  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

  VA shall archive at least one copy of the digital oral histories and the transcripts at the South Dakota State Archives and one copy with a publicly accessible archive in Hot Springs.

• VA shall host this annual event for at least five years following publication of the ROD. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• Within applicable laws and regulations, VA shall produce or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs.

  This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.

  VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.

  VA shall develop an e-reader version of the book, and make it available commercially.

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• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this alternative.

  This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain
Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.

All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

* VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.

  * This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium. VA shall reference the design and purpose of the app designed for the Clement J. Zablocki Veterans Affairs Medical Center (Milwaukee VAMC)/Northwestern Branch of the National Home for Disabled Volunteer Soldiers.
  
  * VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app.
  
  * This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  
  * The app platform compatibility will be determined at the time of development based on current industry standards.
  
  * Once completed, no updates to the app will be planned.

* VA shall support the Hot Springs Historic Preservation Commission in completing a re-survey of the Hot Springs Historic District and submitting an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.

  * This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  
  * VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

* VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.

  * VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  
  * VA shall provide funding not to exceed $300,000 in a lump sum to fund staffing and implementation following publication of the ROD.
  
  * This person shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

* VA shall conduct a survey that uses the protocols of a 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. This study will consist of laser scanning, rather than measured
drawings, and large format, high resolution digital photography. The digital products of this survey
will be made available locally at an appropriate repository, as well as with the State Archives, the
State Historic Preservation Office and the National Park Service.

- VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey
(HALS) Level II survey, since the documentation necessary to produce a Level I survey is not
believed to be extant.
Alternative A (CBOC in Building 12)

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- When off-site renovation or new construction will trigger additional consultation under 36 CFR §800, VA and its development partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction on the Hot Springs campus associated with this alternative.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
    - VA will include the intended scope of work in the notification.
    - VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
  - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.
    - VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.
  - Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- VA shall conduct an archaeological survey to detect archaeological properties and to determine the eligibility of any discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.

- VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of the survey at least seven days prior to initiating it.

- VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
• If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to resolve adverse effects.

• If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.

   • VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.

   Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.

   • This plan will address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and annual consultation with the South Dakota SHPO and the NPS.

   • VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.

   VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.

   • VA shall forward a copy of the final plan to the South Dakota SHPO and NPS.

   • This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

   • VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA's efforts to seek such funding.

   • The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

   Once Buildings 1-11 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

   After these five years, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the

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comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan implementation.

- The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.
  - VA may loan commemorative materials in accordance with federal law and VA protocols.
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**Measures to Mitigate Adverse Effects**

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape.
- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO, the NPS, and the ACHP.
- VA shall support the Hot Springs Historic Preservation Commission to complete an application for the Preserve America program for the town of Hot Springs.
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  - VA shall establish an oral history booth/tent so participants may record oral histories.
  - VA shall utilize a qualified historian to oversee development of the oral history program.
  - VA, in coordination with the Hot Springs Preservation Commission and other interested consulting parties, shall develop a plan to annually record oral histories of patients,
Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.

VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

VA shall archive at least one copy of the digital oral histories and the transcripts at the South Dakota State Archives and one copy with a publicly accessible archive in Hot Springs.

- VA shall host this annual event for at least five years following publication of the ROD. VA will host the annual event within the boundaries of Hot Springs.

- Within applicable laws and regulations, VA shall produce or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs.

- This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.

- VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.

- VA shall develop an e-reader version of the book, and make it available commercially.

- VA shall produce or contract for the production of not less than 250 copies and not more than 2,500 copies of the book. Any profits realized by the sale of this book will be managed in accordance with applicable laws and regulations.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of Building 12 or any new construction associated with this alternative.

- This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

- VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.

- All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

- VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.

- This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium. VA shall reference the design and purpose of the app designed for the Clement J. Zablocki Veterans Affairs Medical Center (Milwaukee VAMC)/Northwestern Branch of the National Home for Disabled Volunteer Soldiers.
• This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
• The app platform compatibility will be determined at the time of development based on current industry standards.
• Once completed, no updates to the app will be planned.

VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.

• This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.

• VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
Alternative A (CBOC in Building 12) with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- When off-site renovation or new construction will trigger additional consultation under 36 CFR §800, VA and its development partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction on the Hot Springs campus associated with this alternative.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
    - VA will include the intended scope of work in the notification.
    - VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
  - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.
    - VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.
  - Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- VA shall conduct an archaeological survey to detect archaeological properties and to determine the eligibility of any discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of the survey at least seven days prior to initiating it.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to resolve adverse effects.

If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.

VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.

Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.

This plan will address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.

VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.

VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.

VA shall forward a copy of the final plan to the South Dakota SHPO and NPS and implement the plan.

This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.

The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.

VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA's efforts to seek such funding.

Once Buildings 1-11 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

If, after these five years, no feasible reuse for the campus has been reached, identified and implemented, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic

Commented [A27]: See comment immediately preceding about what buildings are to be used vs. closed under Alternative C.
buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan.

- VA shall develop and implement a marketing strategy to identify redevelopment partners.
  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPs in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing. This process will be distributed to consulting parties via email within 120 days of issuance of the ROD.
  - VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. The dedicated project manager will serve on the integrated project team. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties on a semi-annual basis. Additionally, VA will accept comments and suggestions on the marketing plan within 30 days of reporting. As necessary, the team will present decision points to the SECVA or his/her designee.

The IPT will be composed of VA employees from several departments within VA including, but not limited to, Real Property Service, the Office of Asset Enterprise Management, the Office of Construction and Facilities Management, the Federal Preservation Office, VISN 23, and the Dedicated Project Manager. Members will be selected for their experience and areas of expertise.

- To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.
- Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue
through the period of transition for the campus, and be reported in, at minimum, reports to
the consulting parties.

- If VA determines that it will excess the campus through GSA, GSA will follow its own disposal
process, subject to the requirements of the NHPA.
- If VA chooses to excess or dispose of the campus, VA will require preservation conditions be
attached to the property.

Disposal preservation conditions will include, at minimum, required consultation with
local tribal representatives and other appropriate consulting parties, required SOI-qualified
personnel to plan and oversee any construction projects, archaeological studies overseen
by SOI-qualified personnel where any ground disturbance will take place, adherence to the
SOI Standards for the Treatment of Historic Properties, a process to account for
unexpected discoveries that is consistent with 36 CFR §800.13, and a process of annual
reporting and consultation with the South Dakota SHPO and the NPS for a period of at
least five years from the date of transfer.

- The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs
Historic Preservation Commission to find a suitable display location for VA-owned materials
currently in the Battle Mountain Sanitarium Museum.
  - VA may loan commemorative materials in accordance with federal law and VA protocols.
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other VA sites or pursue an agreement with the South Dakota State Museum or State
Archives.

Measures to Mitigate Adverse Effects

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another entity or the campus is mothballed, VA shall make available to a local group or
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and maintain it, and to use it to grow vegetation for the campus or town landscape.
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Veterans, staff members, and community residents related to the history of the Battle
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Alternative B

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
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buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.

- Once Buildings 1-12 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

After these five years, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

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- VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA shall provide funding not to exceed $300,000 in a lump sum to fund staffing and implementation following publication of the ROD.
  - This person shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.

- VA shall conduct a survey that uses the protocols of a Level I Historic American Buildings Survey of all buildings in the Battle Mountain National Historic Landmark District that have not been recorded to HABS standards. This study will consist of laser scanning, rather than measured drawings, and large format, high resolution digital photography. The digital products of this survey will be made available locally at an appropriate repository, as well as with the State Archives, the State Historic Preservation Office and the National Park Service.
• VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey (HALS) Level II survey, since the documentation necessary to produce a Level I survey is not believed to be extant.
Alternative B with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
    Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.
  - This plan will address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS and implement the plan.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with preserving historic buildings in South Dakota and similar climates.
  - VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.
The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS, and recorded in reports to the consulting parties.

Once Buildings 1-12 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

If, after these five years, no feasible reuse for the campus has been reached, identified and implemented, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan. VA shall develop and implement a marketing strategy to identify redevelopment partners.

VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing. This process will be distributed to consulting parties via email within 120 days of issuance of the ROD.

VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. The dedicated project manager will serve on the integrated project team. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties on a semi-annual basis. Additionally, VA will accept comments and suggestions on the marketing plan within 30 days of reporting. As necessary, the team will present decision points to the SECVA or his/her designee.

The IPT will be composed of VA employees from several departments within VA including, but not limited to, Real Property Service, the Office of Asset Enterprise Management, the Office of Construction and Facilities Management, the Federal Preservation Office, VISN 23, and the Dedicated Project Manager. Members will be selected for their experience and areas of expertise.

To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.
Steps taken to identify federal partners shall include: correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

If VA chooses to excess or dispose of the campus, VA will require preservation conditions be attached to the property. Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that is consistent with 36 CFR §800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years from the date of transfer.

The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.

- VA may loan commemorative materials in accordance with federal law and VA protocols.
- VA is not obligated to care for materials owned by other agencies or private citizens currently on display in the Battle Mountain Sanitarium Museum.
- Neither VA nor the Hot Springs Preservation Commission will be monetarily obligated to fund a new display.
- If an appropriate site cannot be found within the Town of Hot Springs, VA may look at other VA sites or pursue an agreement with the South Dakota State Museum or State Archives.

Measures to Mitigate Adverse Effects

- Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape.

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO and the ACHP.

- VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.
• This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation's Veterans.

• VA shall establish an oral history booth/tent so participants may record oral histories.

  VA shall utilize a qualified historian to oversee development of the oral history program.

  VA, in coordination with the Hot Springs Preservation Commission and other interested consulting parties, shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.

  VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

  VA shall archive at least one copy of the digital oral histories and the transcripts at the South Dakota State Archives and one copy with a publically accessible archive in Hot Springs.

• VA shall host this annual event for at least five years following publication of the ROD. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

• Within applicable laws and regulations, VA shall produce or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs

  This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.

  VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.

  VA shall develop an e-reader version of the book, and make it available commercially

  VA shall produce or contract for the production of not less than 250 copies and not more than 2,500 copies of the book. Any profits realized by the sale of this book will be managed in accordance with applicable laws and regulations.

• VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this alternative.

  This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain
Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.

All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

- VA shall develop a mobile application ("app") to memorialize the Battle Mountain Sanitarium.
  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium. VA shall reference the design and purpose of the app designed for the Clement J. Zablocki Veterans Affairs Medical Center (Milwaukee VAMC)/Northwestern Branch of the National Home for Disabled Volunteer Soldiers.
  - VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.

- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

- VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA shall provide funding not to exceed $300,000 in a lump sum to fund staffing and implementation following publication of the ROD.
  - This person shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.
  - VA shall conduct a survey that uses the protocols of a Level I Historic American Buildings Survey of all buildings in the Battle Mountain National Historic Landmark District that have not been
recorded to HABS standards. This study will consist of laser scanning, rather than measured drawings, and large format, high resolution digital photography. The digital products of this survey will be made available locally at an appropriate repository, as well as with the State Archives, the State Historic Preservation Office, and the National Park Service.

- VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey (HALS) Level II survey, since the documentation necessary to produce a Level I survey is not believed to be extant.
Alternative C

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- When off-site renovation or new construction will trigger additional consultation under 36 CFR §800, VA and its development partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction on the Hot Springs campus associated with this alternative.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
    - VA will include the intended scope of work in the notification.
    - VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
  - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.
    - VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.
  - Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- VA shall conduct an archaeological survey to detect archaeological properties and to determine the eligibility of any discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of the survey at least seven days prior to initiating it.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
• If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to resolve adverse effects.

• If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  
  VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  
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• Once Buildings 1-11 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.
  
  After these five years, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the
comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

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  - This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.

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- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this alternative.

  - This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

    VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.

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VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.

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• VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
Alternative C with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- When off-site renovation or new construction will trigger additional consultation under 36 CFR §800, VA and its development partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction on the Hot Springs campus associated with this alternative.
  
  The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.

- VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
  
  VA will include the intended scope of work in the notification.

- VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.

- VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 days to review the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.
  
  VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.

- Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- VA shall conduct an archaeological survey to detect archaeological properties and to determine the eligibility of any discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.

- VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of the survey at least seven days prior to initiating it.

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  - VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing. This process will be distributed to consulting parties via email within 120 days of issuance of the ROD.
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• If VA chooses to excess or dispose of the campus, VA will require preservation conditions be attached to the property.

  Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that is consistent with 36 CFR §800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years from the date of transfer.

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• Neither VA nor the Hot Springs Preservation Commission will be monetarily obligated to fund a new display.

• If an appropriate site cannot be found within the Town of Hot Springs, VA may look at other VA sites or pursue an agreement with the South Dakota State Museum or State Archives.

Measures to Mitigate Adverse Effects

• Following publication of the ROD and until the property is transferred to another entity or the campus is mothballed, VA shall make available to a local group or organization the greenhouse, so that group may determine if it is feasible to reactivate, operate and maintain it, and to use it to grow vegetation for the campus or town landscape.

• VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO, the NPS, and the ACHP.

• VA shall support the Hot Springs Historic Preservation Commission in completing an application for the Preserve America program for the town of Hot Springs.

  This support may include, but is not limited to, technical assistance, staff support, shipping fees, copy fees, and photography.

• VA shall host an annual reunion for patients, staff, and other community residents to commemorate the history of the Battle Mountain Sanitarium and celebrate the service of the residents of Hot Springs to our nation and our nation’s Veterans.

  VA shall establish an oral history booth/tent so participants may record oral histories.
VA shall utilize a qualified historian to oversee development of the oral history program.

VA, in coordination with the Hot Springs Preservation Commission and other interested consulting parties, shall develop a plan to annually record oral histories of patients, Veterans, staff members, and community residents related to the history of the Battle Mountain Sanitarium and the spirit of service in the Hot Springs area.

VA shall solicit assistance from the local schools to develop questions and transcribe all recorded histories.

VA shall archive at least one copy of the digital oral histories and the transcripts at the South Dakota State Archives and one copy with a publicly accessible archive in Hot Springs.

- VA shall host this annual event for at least five years following publication of the ROD. VA will host the annual event within the boundaries of Hot Springs.

- Within applicable laws and regulations, VA shall produce or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs

  - This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.

  - VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.

  - VA shall develop an e-reader version of the book, and make it available commercially

  - VA shall produce or contract for the production of at least 250 copies and not more than 2,500 copies of the book. Any profits realized by the sale of this book will be managed in accordance with applicable laws and regulations.

- VA shall create a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs in a public area of any new construction associated with this alternative.

  - This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

    VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.

    All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

- VA shall develop a mobile application (“app”) to memorialize the Battle Mountain Sanitarium.
This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium. VA shall reference the design and purpose of the app designed for the Clement J. Zablocki Veterans Affairs Medical Center (Milwaukee VAMC)/Northwestern Branch of the National Home for Disabled Volunteer Soldiers.

VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app.

This app will be made available to the public, free of charge (excluding personal user fees as charged by the user’s service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.

The app platform compatibility will be determined at the time of development based on current industry standards.

Once completed, no updates to the app will be planned.

VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.

This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.

VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
Alternative D

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
    Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.
  - This plan will address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
    VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
    VA shall forward a copy of the final plan to the South Dakota SHPO and NPS and implement the plan.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and be recorded in reports to the consulting parties.
  - VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the
buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA’s efforts to seek such funding.

- Once Buildings 1-12 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

  After these five years, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

  If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan.

- The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.

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Measures to Mitigate Adverse Effects

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VA shall host this annual event for at least five years following publication of the ROD. If VA has left the campus, VA may host the annual event at another site within the boundaries of Hot Springs.

Within applicable laws and regulations, VA shall produce or contract for the production of, a book about the historical significance of the Battle Mountain Sanitarium/VA Hot Springs campus, the Hot Springs Historic District, and the spirit of service to country in Hot Springs.

This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.

VA shall provide the consulting parties an opportunity to review and comment on the book outline and text. The consulting parties may provide documentation of the Battle Mountain Sanitarium at their discretion to support VA in development of the book.

VA shall develop an e-reader version of the book, and make it available commercially.

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This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.
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  - This app will include historic photos of the campus, oral histories, and historic context related to the Battle Mountain Sanitarium. VA shall reference the design and purpose of the app designed for the Clement J. Zablocki Veterans Affairs Medical Center (Milwaukee VAMC)/Northwestern Branch of the National Home for Disabled Volunteer Soldiers.
  - VA will begin development of the app after the second reunion in order to incorporate relevant pieces of oral histories into the app.
  - This app will be made available to the public, free of charge (excluding personal user fees as charged by the user's service provider), prior to VA vacating the Battle Mountain Sanitarium campus and remain available for a period not less than three years.
  - The app platform compatibility will be determined at the time of development based on current industry standards.
  - Once completed, no updates to the app will be planned.
- VA shall support the Hot Springs Historic Preservation Commission in an effort to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the South Dakota SHPO for consideration.
  - This support may include, but is not limited to, hiring an SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.
  - VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.
- VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  - VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position.
  - VA shall provide funding not to exceed $300,000 in a lump sum to fund staffing and implementation following publication of the ROD.
  - This person shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.
- VA shall conduct a survey that uses the protocols of a Level I Historic American Buildings Survey of all buildings in the Battle Mountain National Historic Landmark District that have not been recorded to HABS standards. This study will consist of laser scanning, rather than measured drawings, and large format, high resolution digital photography. The digital products of this survey will be made available locally at an appropriate repository, as well as with the State Archives, the State Historic Preservation Office and the National Park Service.
• VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey (HALS) Level II survey, since the documentation necessary to produce a Level I survey is not believed to be extant.
Alternative D with Alternative G

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- If any historic building on the Hot Springs campus shall be unoccupied for a period of at least three months, VA shall develop a comprehensive plan for the long-term preservation of such buildings.
  - VA shall hire an SOI-qualified historic architect with experience in mothballing plans to design and oversee this comprehensive plan. This plan will be in keeping with the standards outlined in NPS Preservation Brief 31, Mothballing Historic Buildings.
  - Preference will be given to an individual or team that has experience developing plans for the preservation of multiple unoccupied historic buildings.
  - This plan will address any stabilization issues and include a schedule of preservation and inspection, full system monitors, onsite security, emergency repairs such as for damage from a fire or roof collapse, a preservation plan for building interiors, a plan to preserve the campus landscape, and ongoing (annual) consultation with the South Dakota SHPO and the NPS.
  - VA shall provide a draft of the plan to the consulting parties for a 30-day review and comment period, highlighting any deviations from the recommendations in Preservation Brief 31.
  - VA shall take into account the comments from the South Dakota SHPO and NPS when finalizing the plan.
  - VA shall forward a copy of the final plan to the South Dakota SHPO and NPS and implement the plan.
  - This plan will make explicit reference to other federal agency experiences with preserving historic buildings in an unoccupied state, as well as specific experiences with maintaining historic buildings in South Dakota and similar climates.
  - The plan will include annual inspections, which will be open to the South Dakota SHPO and the NPS and recorded in reports to the consulting parties.
  - VA recognizes the importance of fully funding a comprehensive program for the maintenance of historic buildings in an unoccupied state. VA also recognizes the extraordinary cost of mothballing a campus of this size and acknowledges that such cost is not easily absorbed in an annual maintenance budget. 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. If VA must leave all or part of the historic buildings of the Hot Springs campus unoccupied, and upon issuance of the ROD, VA shall seek funding at least annually for recurring maintenance and repair of the
buildings while in an unoccupied state. VA shall include in its required six month written reports to all consulting parties, the results of any and all of VA's efforts to seek such funding.

• Once Buildings 1-12 of the campus have closed, preservation of the campus according to the tenets of the comprehensive plan will continue for a minimum of five years.

If, after these five years, no feasible reuse for the campus has been reached, identified and implemented, VA, in consultation with ACHP, NPS, SHPO, and the Town of Hot Springs, may elect to renew the comprehensive plan for the preservation of historic buildings for a period not to exceed five additional years. If VA elects to renew the comprehensive plan, this plan must be updated by an SOI-qualified historic architect, to account for extant conditions.

If, after either five (if VA does not renew the comprehensive plan) or ten (if VA renews the comprehensive plan) years, VA elects not to renew the comprehensive plan for the preservation of historic buildings, VA shall re-engage in consultation with respect to the VA Hot Springs campus and shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800. This process must be initiated prior to the end of the comprehensive preservation plan. VA shall develop and implement a marketing strategy to identify redevelopment partners.

• VA shall develop a vigorous process to identify possible redevelopment partners for the Battle Mountain Sanitarium campus. This process will include alternative VA uses, other federal agency uses, state or local government uses, Native American uses, and private developer projects, as well as mixed use or multiuser coalitions. VA shall seek input from the South Dakota SHPO and NPS in developing this redevelopment process and will examine available public-private partnership authorities such as enhanced-use lease and NHPA Section 111 leasing. This process will be distributed to consulting parties via email within 120 days of issuance of the ROD.

• VA shall establish an integrated project team at appropriate levels across the VA enterprise to evaluate possible alternative VA uses of the Battle Mountain Sanitarium campus that are not related to the delivery of Veteran health care services. The dedicated project manager will serve on the integrated project team. This process will include outreach to Veterans Health Administration programs that deliver administrative support services, Veterans Benefit Administration programs, National Cemetery Administration program needs, and VA staff office needs. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties on a semi-annual basis. Additionally, VA will accept comments and suggestions on the marketing plan within 30 days of reporting. As necessary, the team will present decision points to the SECVA or his/her designee.

The IPT will be composed of VA employees from several departments within VA including, but not limited to, Real Property Service, the Office of Asset Enterprise Management, the Office of Construction and Facilities Management, the Federal Preservation Office, VISN 23, and the Dedicated Project Manager. Members will be selected for their experience and areas of expertise.

• To the extent SECVA determines to seek an external user for all or a portion of the campus, VA shall either seek a federal agency partner who can take over the property, or engage GSA in the property excessing process. The first step in either process is to satisfy requirements under the McKinney-Vento Act as to offering the campus for homeless housing.
Steps taken to identify federal partners shall include correspondence from SECVA to federal agency officials, consultation and outreach to federal preservation officers throughout the federal family, and consultation and outreach to real property acquisition personnel throughout the federal family. While this outreach work may be facilitated by a contractor, the process will remain the responsibility of VA. This process will be documented, continue through the period of transition for the campus, and be reported in, at minimum, reports to the consulting parties.

If VA determines that it will excess the campus through GSA, GSA will follow its own disposal process, subject to the requirements of the NHPA.

If VA chooses to excess or dispose of the campus, VA will require preservation conditions be attached to the property.

Disposal preservation conditions will include, at minimum, required consultation with local tribal representatives and other appropriate consulting parties, required SOI-qualified personnel to plan and oversee any construction projects, archaeological studies overseen by SOI-qualified personnel where any ground disturbance will take place, adherence to the SOI Standards for the Treatment of Historic Properties, a process to account for unexpected discoveries that is consistent with 36 CFR §800.13, and a process of annual reporting and consultation with the South Dakota SHPO and the NPS for a period of at least five years from the date of transfer.

The Dedicated Project Manager shall work with the VHA Historian and the Hot Springs Historic Preservation Commission to find a suitable display location for VA-owned materials currently in the Battle Mountain Sanitarium Museum.

- VA may loan commemorative materials in accordance with federal law and VA protocols.
- VA is not obligated to care for materials owned by other agencies or private citizens currently on display in the Battle Mountain Sanitarium Museum.
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Measures to Mitigate Adverse Effects

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  This book shall be authored by a professional writer with experience writing commemorative history books; it shall not exceed 300 pages. This book shall contain photos of the Battle Mountain Sanitarium prior to implementing any mothballing plan. At least one chapter of the book will be devoted to the National Homes for Disabled Volunteer Soldiers. This book shall include information gathered from the oral history project established at the annual Battle Mountain Sanitarium/VA Hot Springs reunions.

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  This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain
Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.

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  • VA shall allow the Hot Springs Historic Preservation Commission to submit photographs of the VA BHHCS Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA BHHCS staff will accompany the photographer to ensure all patient privacy requirements are met.

• VA shall support the South Dakota SHPO by reimbursing the cost of one staff position to recreate the South Dakota Main Street Program.
  • VA and the South Dakota SHPO shall collaborate to select a qualified candidate for the position
  • VA shall provide funding not to exceed $300,000 in a lump sum to fund staffing and implementation following publication of the ROD.
  • This person shall actively pursue a Main Street designation for Hot Springs if requested by the Town of Hot Springs.
  • VA shall conduct a survey that uses the protocols of a Level I Historic American Buildings Survey of all buildings in the Battle Mountain National Historic Landmark District that have not been
recorded to HABS standards. This study will consist of laser scanning, rather than measured
drawings, and large format, high resolution digital photography. The digital products of this survey
will be made available locally at an appropriate repository, as well as with the State Archives, the
State Historic Preservation Office and the National Park Service.

- VA shall conduct a survey that uses the protocols of a Historic American Landmarks Survey
  (HALS) Level II survey, since the documentation necessary to produce a Level I survey is not
  believed to be extant.
Alternative E

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

- VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to select a site and prepare that site for any construction not contained within the boundaries of the Hot Springs campus.

- VA shall conduct an archaeological survey to detect archaeological properties and to determine the eligibility of any discovered archaeological sites for listing in the National Register of Historic Places in areas planned for ground disturbance related to new construction on campus.
  - VA shall notify the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area of the survey at least seven days prior to initiating it.
  - VA shall invite the South Dakota SHPO and the NPS to consult on determinations of eligibility for all identified archaeological loci not related to Native American lifeways and cultural practices. VA shall invite the South Dakota SHPO, the NPS, and all Native American tribes that have potential traditional, historic, or current ties to the VA BHHCS service area to consult on determinations of eligibility for all identified archaeological loci related to Native American lifeways and cultural practices.
  - If archaeological properties are located and determined to be eligible for listing in the National Register of Historic Places, VA shall follow the tenets of the NHPA and its implementing regulations at 36 CFR §800 to resolve adverse effects.

- VA and its partners shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to the interior spaces of the Battle Mountain Sanitarium listed below:
  - Building 1- Entry (stairs, round room open to dome)
  - Building 1- Director’s Office (Rooms 100B, 107B)

- When new construction will trigger additional consultation under 36 CFR §800, VA and its development partners shall work with a Design Review Committee regarding non-recurring maintenance projects, including infrastructure improvements, renovations, and new construction on the Hot Springs campus associated with this alternative.
  - The Design Review Committee will consist of the SD SHPO, the NPS, and the Hot Springs Historic Preservation Commission.
  - VA and its partners will notify the Design Review Committee of plans for new construction prior to initiating design development documents.
    - VA will include the intended scope of work in the notification.
    - VA and its partners will take into account comments from the Design Review Committee in finalizing the scope of work and schematic designs.
  - VA and its partners will submit draft schematic designs to the Design Review Committee for review and comment. All parties to the Design Review Committee shall have 21 days to review...
the draft schematic designs and provide comments on ways to improve the design to best minimize effects to contributing elements to the Battle Mountain Sanitarium.

VA shall respond to Design Review Committee comments in writing, by conference call, or in person. The terms of response shall be the purview of VA BHHCS.

- Following response to comments, VA and its partners may proceed with design and begin construction so long as all requirements of this ROD governing the protection of archaeological properties have been met.

- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.

- The Dedicated Project Manager shall be responsible for ensuring preservation of the VA-owned materials on display in the Battle Mountain Sanitarium Museum during renovation or rehabilitation. The Dedicated Project Manager shall work with VA BHHCS leadership to find a suitable location on the VA Hot Springs campus for display after construction is complete.

Measures to Mitigate Adverse Effects

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO, the NPS, and the ACHP.

- VA shall create in a publicly accessible area, prior to commencing any new construction on the Hot Springs VA medical center campus, a photographic display related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs. This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.
  
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.
  
  - All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

Commented [A31]: This statement should apply to all of the alternatives but appears only here and in Alt. F. Please move to the “All Alternatives” section at the front of the document.

Commented [A32]: This statement should apply to all of the alternatives but appears only here and in Alt. F. Please move to “All Alternatives” section at the front of the document.
Alternative F (No Action Alternative)

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

- VA shall conduct an archaeological inventory and evaluation wherever construction activities will cause ground disturbance.

- VA shall follow the SOI’s Standards for Treatment of Historic Properties in all changes to interior spaces of the Battle Mountain Sanitarium listed below.
  - Building 1 • Entry (stairs, round room open to dome)
  - Building 1 • Director’s Office (Rooms 100B, 107B)

- No demolition of historic building(s) is planned or anticipated at this time. If VA determines such an undertaking is necessary in fulfillment of its mission, VA will proceed in accordance with federal laws and internal guidance, including but not limited to, NHPA and NEPA.

- The Dedicated Project Manager shall be responsible for ensuring preservation of the VA-owned materials on display in the Battle Mountain Sanitarium Museum during renovation or rehabilitation. The Dedicated Project Manager shall work with VA BHHCS leadership to find a suitable location on the VA Hot Springs campus for display after construction is complete.

Measures to Mitigate Adverse Effects

- VA shall seek to develop a statewide PA for routine maintenance of the historic VA facilities owned or operated in the state of South Dakota by the VA Black Hills Health Care System and the Sioux Falls VA Health Care System in consultation with the South Dakota SHPO, the NPS, and the ACHP.

- VA shall create a photographic display of the campus in the entryway of Building 1. This photographic display will be related to the history of the Battle Mountain Sanitarium and the importance of the mineral springs in Hot Springs. This photographic display is intended to be a documentation of Battle Mountain Sanitarium through the years, and shall include at least three photographs of the Battle Mountain Sanitarium prior to executing this ROD. There is no limit on the number of historical photos that may be included in this display.
  - VA shall accept photograph recommendations from the South Dakota SHPO and the NPS, as well as other consulting parties.
  - All photographs shall be fully labeled, cited, dated, and archivally stable to allow for VA scanning.

- If application of the SOI’s Standards for Treatment of Historic Properties is not sufficient to eliminate any adverse effects to a historic property from construction/renovation and the effect to the Hot Springs Historic District is significant, VA shall support the Hot Springs Historic Preservation Commission to complete a re-survey of the Hot Springs Historic District and submit an amendment to the National Register of Historic Places nomination to the SD SHPO for consideration.
• This support may include, but is not limited to, hiring a SOI-qualified historic preservation consultant, advertising for volunteer photographers, and printing/shipping costs. VA shall not provide more than $10,000 in monetary or in-kind support.

• VA shall allow the Hot Springs Historic Preservation Commission to photograph the VA Hot Springs Campus for inclusion in the amended National Register nomination. The Hot Springs Historic Preservation Commission shall request access not less than 14 days prior to the intended survey. VA staff will accompany the photographer to ensure all patient privacy requirements are met.
From: Chris Daniel
To: Katy Coyle; Paige Olson; Dena Sanford; Patrick; Russell@va.gov; cdonnell@hs-sd.org; Peggy Sanders; Mike Ortner; Brian Powers; Amy Cole; Jennifer Buddenborg; campbell_amandaj@yahoo.com; sodakvet@gmail.com; Jay D Vogt; johns@oglala.org; Michael Catches Enemy; Perry Little; Corinne Headley; Yufna Soldier Wolf; atahbone@kiowatribe.org; cultres@nemontel.net; sdlegion@dailypost.com; ackerman@gwtc.net; brad.otten@mail.house.gov; Ted M. Spencer; michael_bekaert@rounds.senate.gov; sandy.marlette@mail.house.gov; joyce_haney@thune.senate.gov; Kate Nelson; vidal_davila@nps.gov; tom_farrell@nps.gov; k.meston@yahoo.com; Pat Lyke
Cc: Kelly S Wittie; Chris Modovsky; ‘Susan Smillie’; Tom McCulloch; Douglas Pulak; Kathleen Schamel
Subject: RE: VA Measures to Mitigate Adverse Effects to Historic Properties in the EIS
Date: Thursday, June 16, 2016 1:43:21 PM

Katy,

At this time, the ACHP will not be providing comments on the revised draft measures to resolve adverse effects or updated Appendix C for the proposed reconfiguration of the VA Black Hills Health Care System. The ACHP is aware of the objection filed by the National Trust for Historic Preservation (NTHP), and VA’s intent, following the end of the comment period on June 20, 2016, to refer the objection and any others received to us in accordance with our regulations at §800.8(c)(2)(ii).

Once referred to the ACHP for review under 36 CFR § 800.8(c)(3), we will have 30 days to notify the VA whether we agree or disagree with the objection(s) and provide our advisory opinion. At that time, we will also include any additional comments and recommendations related the revised measures and updated Appendix C documents that we may have.

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
(o) 202.517.0223
cdaniel@achp.gov
and suggestions on the draft measures to resolve adverse effects. VA carefully considered each of your comments
and the suggestions provided at the past historic property consultation meetings to develop a revised draft of the
measures.

The attached document provides a substantively complete series of measures to avoid, minimize, and/or mitigate
adverse effects for each of the proposed alternatives. These measures will be integrated into the analysis in the final
EIS. The Record of Decision will include the measures related to the selected alternative as binding commitments.
VA also has included a letter with responses to comments made on the draft measures. The revised measures are
open to Consulting Party comment and suggestion as part of the public comment period. You may submit
comments directly to me at kcoyle@rcgoodwin.com or to vablackhillsfuture@va.gov.

As suggested, VA has revised Appendix C of the draft EIS to include an up-to-date historic property administrative
record. This record is quite large, therefore VA has made those documents relevant to the traditional steps of NHPA
compliance available in a printed form, and included all additional correspondence on a digital SharePoint site for
your review. Please note that the Administrative Record will continue to grow until the release of the Record of
Decision. Instructions for accessing this SharePoint data is located below my signature on this email.

VA will close the public comment period on the draft EIS on June 20th, 2016. This news will be shared with the
greater public through public notices in the newspaper and on the VA Black Hills Health Care System website. If you
have not submitted comments on the draft EIS, or if you have but would like to submit additional comments, please
submit your comments by email to vablackhillsfuture@va.gov; online through http://www.blackhillseis.com; or by
mail to Staff Assistant to the Director, VA Black Hills Health Care System, 113 Comanche Road, Fort Meade, SD
57741.

Per 36 CFR §800.8(c)(2)(ii) and guidance from the ACHP, the period for Consulting Party objection also will close on
June 20, 2016.

Please contact me if you have any questions or require any additional information,

Katy
Katy Coyle
Assistant Vice President
R. Christopher Goodwin & Associates, Inc.
Office 504-837-1940
Facsimile 504-837-1550

A SharePoint site has been set up online to provide access to the administrative record and revised
Appendix C for the EIS:

Please go to https://labatenv.sharesrvr.com/VABHHCS106AR/

The login name is bhhcs.ar@sharesrvr.com and the password (case-sensitive) is NHPA106docs.

The files are organized and named to reflect their content. The main folder contains an index, updated
through today, of the EIS administrative record files specific to the Section 106 consultation process and
impact assessment for cultural resources. The revised draft Appendix C is also provided in the main
folder. If you have any questions or difficulty accessing files on this SharePoint, please contact Chris
Modovsky directly at (248) 821-370 or chris.modovsky@labatenv.com.
From: Katy Coyle <kcoyle@rcgoodwin.com>
Date: Wednesday, March 23, 2016 at 5:18 PM
To: "Olson, Paige" <Paige.Olson@state.sd.us>, <dena_sanford@nps.gov>, <Patrick.Russell@va.gov>, <cdaniel@achp.gov>, <cconnell@hs-sd.org>, <peggy@peggysanders.com>, <ortner1942@yahoo.com>, <bpowers6@goldenwest.net>, <acole@savingplaces.org>, <jbuddenborg@savingplaces.org>, <campbell_amandaj@yahoo.com>, <sodakvet@gmail.com>, "Vogt, Jay" <Jay.Vogt@state.sd.us>, <johns@oglala.org>, <oglalathpo@goldenwest.net>, <yst.thpo@gmail.com>, <nathpo@northernarapaho.com>, <yufnasoldierwolf@gmail.com>, <atahbone@kiowatribe.org>, <cultres@nemontel.net>, <sdlegion@dailypost.com>, <ackerman@gwtc.net>, <brad.otten@mail.house.gov>, "Spencer, Ted" <Ted.Spencer@state.sd.us>, <michael_bekaert@rounds.senate.gov>, <sandy.marlette@mail.house.gov>, <joyce_haney@thune.senate.gov>, "Nelson, Kate" <Kate.Nelson@state.sd.us>, <vidal_davila@nps.gov>, <tom_farrell@nps.gov>, <k_meston@yahoo.com>, <minmerc@gwtc.net>
Cc: Kelly S Wittie <kwittie@rcgoodwin.com>, Chris Modovsky <chris.modovsky@labatenv.com>
Subject: RE: Ongoing consultation

Paige,

Thanks for the question. I was sure we went over this at the first meeting, but can’t find it in the transcript, so maybe it was all in my head! The language of the 2013 Appropriations Bill required VA to submit a report to both Houses of Congress detailing several levels of analyses prior to authorizing additional funds for the VA Black Hills realignment during the period in which that bill applied. VA did not expend any funds during that period on the realignment of the VA Black Hills Health Care System. This requirement remains in effect through FY 2016 and there were no similar riders in subsequent appropriation bills. At the beginning of FY 2017 on October 1, 2016, VA again will be authorized to expend funds in realignment of the VA Black Hills Health Care System. At that time, VA may elect to conduct additional studies related to the VA BHHCS realignment if it chooses.

Repurposing within VA: As stated in the January and February 2016 consultation meetings, VA BHHCS cannot reasonably offer the facility to any other entity, inside or outside VA, before deciding to vacate the campus. This decision will be made by the Secretary following publication of the final EIS. The mitigation measures package will include information about the process VA will undertake to seek a reuse partner inside the agency, inside the federal family, or with an external developer.

Hope this answers your questions.

Katy

Katy Coyle
Assistant Vice President
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
(605) 773-6004
Subject: Ongoing consultation

Dear Consulting Parties,

On March 10, 2016, VA responded to questions from the ACHP in the attached letter. This letter answers many of the “hanging questions” regarding the administrative record. It will be included in the revised Appendix to the EIS.

Thank you for your patience regarding the mitigation measures. I hope to forward the measures for your review soon.

Sincerely,
Katy

Katy Coyle
Assistant Vice President
R. Christopher Goodwin & Associates, Inc.
Voice: 504-837-1940 ext 344
Facsimile: 504-837-1550
www.rcgoodwin.com

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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 (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 evaluation 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 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
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”
• 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.
• 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
• 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
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
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 Save the VA Committee (STVA) files the following objection to the Section 106 consultation for the Battle Mountain Sanitarium National Historic Landmark (BMS) in Hot Springs, SD, which has been carried out by the Department of Veterans Affairs (VA) pursuant to the “NEPA Substitution” procedures under 36 C.F.R. § 800.8(c).

STVA has been involved in efforts to protect BMS since December of 2011 when the VA first announced plans to close the facility without any consideration to veterans, employees, the community, and without compliance with the requirements of the National Environmental Policy Act (NEPA) or the National Historic Preservation Act (NHPA). In April 2012, STVA called attention to then Secretary, Mr. Eric Shinseki that the VA had yet to initiate the NEPA process. Since the process was initiated in 2014, STVA has been a recognized consulting part for the NEPA and NHPA process implemented regarding the announced closure of the BMS campus in Hot Springs.

For the last 4 ½ years, STVA has participated in every NHPA Section 106 meeting and attended nearly every NEPA public meeting, repeatedly and consistently voicing our opposition to the various approaches that the VA has used to purportedly comply with the NHPA, and the failure to seriously consider any alternative that would continue to use existing historic resources in Hot Springs to medically serve veterans.

Since the VA announced their plans to use “NEPA Substitution” under 36 C.F.R. § 800.8(c), all consulting partings, including STVA, have dissented and disagreed with this combination/substitution process, stating that it appeared the VA would be neglectful in their due diligence in fulfilling legal requirements. This methodology implied the VA was just "checking the boxes" while pushing the process through as quickly as possible. The VA’s lack of experience conducting NEPA, the lack of knowledge regarding the substitution process, as well as poor timing in combining the NEPA and NHPA has resulted in confusion, miscommunication, a paucity of data and information, and a general disregard for discussion brought forth by consulting parties.
Due to our ongoing, unresolved concerns with this process, STVA 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.

a. 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).

b. 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)(ii).

The VA has been negligent in identifying additional historic properties within the Area of Potential Effect (APE). This includes the Battle Mountain Landform, potential archaeological sites, and historic sites such as structures associated with the historic Michael J Fitzmaurice State Veterans Home, and the historic Hot Springs district, of which BMS is the cornerstone. The communication and consultation from the VA regarding these potential properties has been insufficient. The communication has been neither clear nor proactive regarding the identification of potentially eligible or significant sites with the tribes. Despite discussion at 106 meetings and recognition by the VA’s former sub-contractor (SWCA) of BMS as a Traditional Cultural Property (TCP), to veterans, the TCP status has not been further investigated or discussed. When will the VA conduct adequate assessment to identify other significant historic properties within the APE that will be impacted by the
outlined actions? How has the VA sought out information from the tribes or cultural groups or documented that information?

STVA does not feel the list of effects in the DEIS includes all potential effects, and it displays a lack of initiative, follow through and comprehensiveness on the part of the VA. As clearly stated by the National Trust for Historic Preservation in their Objection letter:

*For example, the DEIS states that physical modifications could cause adverse effects, but the closure of the campus itself (which will invariably lead to the 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.*

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).

STVA disagrees with the description in the DEIS regarding the status of Section 106 consultation. Specifically, we feel the VA did not proceed far enough with Section 106 consultation to describe in the DEIS that the consultation, identification, and resolution of adverse effects were documented. The three consultation meetings held and the timeline in which they were held in were not successful in informing “scoping, environmental analysis and the preparation of NEPA documents,” As previously stated by the National Trust for Historic Preservation, 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. Issues were brought up by consulting parties and quickly put in the “Parking Lot” never to be revisited again. Discourse did not occur, rather lectures from the contractor. Since no real discussion or consultation occurred during the three meetings cited above, it is not possible to have genuine consultation, or to have it reflected in the DEIS.

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 several meaningful milestones of associated with the Section 106 process were not met, including definition of the APE, resolution of adverse effects, or even communication regarding mitigation measures. Furthermore, the discourse
for the last two meetings focused on mitigation measures associated with effects for the preferred alternative. Discussion of any other alternative at length was void.

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).

STVA finds the VA’s attempt to minimize or mitigate adverse effects insufficient. It is a huge concern of the STVA that the VA does not recognize any alternatives or mitigation that include rehabilitation or continued use of the current facility as a medical care institution. Furthermore, an assessment of the cost effectiveness of rehabilitation still has not been conducted, yet the VA continues to assert that rehabilitation would be cost prohibitive. In a consultation meeting on January 21, 2016, BHHCS Director Sandra Horsman did admit that the facility could be rehabilitated, yet no further discussion was considered. How does the VA know that such rehabilitation would be cost prohibitive, or cost more than other alternatives without conducting a viable assessment? While STVA appreciates the discussion toward mitigation measures, we believe these measures are severely insufficient to meet the degree of adverse effect. A picture book and annual reunion for aging and ailing patients and employees does not embody or reflect the legacy of care, history of healing, or power of that legacy that the facility continues to build and output as it actively heals patients to this day. That legacy, while intangible, is an intertwined and mammoth element of the identity of BMS. That legacy, reputation for stellar care, importance placed on the facility by veterans, and “sense of place” that the buildings possess have not been matched in the mitigation measures. Rather, the VA has suggested that a book, a memorial, and gathering are better solutions than continuing care to a population of national heroes, which consistently demonstrate a need for and request the facility.

III. Conclusion

STVA considers the VA’s use of “NEPA Substitution” as legally prohibitive, cost prohibitive, socially isolating, and ineffective in actually substituting any legal process. By implementing this process, NHPA and NEPA has been done a disservice, as have thousands of veterans, employees, communities, the VA, and future veterans to come. Meaningful discourse, the spirit of consultation, and the history that built the VA over the last 107 years has been disregarded by tactics of bullying, lack of experience, and uninformed decisions.

In order to resolve the Save the VA Committee’s 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).

Thank you for your consideration.

Sincerely,

Robert Nelson
Co-Chair Save the VA Committee
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.
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)(ii).

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.
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).
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).
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
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.
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.
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)(ii).

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.
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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).
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).
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
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.” 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.
July 11, 2016

Mr. John Fowler
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637
Phone: (202) 517-0200


Dear Mr. Fowler,

VA is considering the reconfiguration of services in the Black Hills Health Care System (VA BHHCS) to better care for the Veterans in this region. VA has chosen to fulfill its obligations under Section 106 of the National Historic Preservation Act of 1966 (NHPA) through the substitution process described in 36 CFR §800.8(c). VA intends to incorporate the final resolution of adverse effects to historic properties in the National Environmental Policy Act (NEPA) Record of Decision (ROD) following publication of the Final Environmental Impact Statement (EIS). Four consulting parties (the National Park Service, the National Trust for Historic Preservation, the Hot Springs Historic Preservation Commission, and the Save the VA committee) objected during the Draft EIS public comment period to VA’s use of NEPA in lieu of Section 106 (letters attached). VA is referring these objections for your consideration as required by 36 CFR §800.8 (2)(ii).

In addition to the requirement for VA to take into account the effects of its undertaking on historic properties and provide the ACHP a reasonable opportunity to comment, 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. Throughout the NEPA process, VA has thoroughly considered prudent and feasible alternatives that will minimize harm to the NHL.

As outlined in 36 CFR §800.8(c):

an agency official may use the process and documentation required for the preparation of an EIS/ROD to comply with section 106 in lieu of the procedures set forth in §§ 800.3 through 800.6 if the agency official has notified, in advance, the SHPO/THPO and the Council that it intends to do so and the following standards are met:
(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 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 and Native Hawaiian organizations 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 DEIS.

After seeking input from the ACHP on this process, VA notified both the SHPO and the ACHP on May 13, 2014, that it intended to substitute the NEPA process for the Section 106 consultation process. Over the course of twenty-five months, VA has taken great care and effort to meet the standards outlined in 36 CFR §800.8(c). VA is confident it has met the required standards, as discussed in more detail below.

Identification of Consulting Parties (i)

Concurrently with the beginning of its NEPA process, VA BHHCS identified potential consulting parties in a letter to stakeholders dated May 13, 2014, that communicated the agency’s intent to prepare an EIS that would substitute the NEPA process for the Section 106 consultation process. At ten different public scoping meetings held during June 2014, VA described the substitution process. Attendees were invited to submit written requests to VA to be considered as a consulting party. All agencies and organizations that submitted written requests to be consulting parties during the scoping period were accepted. By letter dated October 9, 2014, VA notified stakeholders of the preliminary list of consulting parties (11 organizations with the potential for additional Tribes) identified from the scoping process. VA added six additional consulting parties as more tribal responses were received and other parties requested inclusion; no request to be a consulting party was denied.
VA also conducted additional outreach to Native American tribes. In furtherance of its responsibilities under both NHPA and Executive Order 13175 “Consultation and Coordination with Indian Tribal Governments,” VA’s Office of Tribal Government Relations (OTGR) initiated consultation on this proposal with 41 Native American tribes that have cultural affiliations within the states of the VA Midwest Health Care Network service area on August 18, 2014. In the interest of fostering communication with Tribes, calls were made subsequently to Tribal representatives to gauge interest in the reconfiguration proposal and participation in the consultation process on historic properties. The follow-up contacts included phone calls to both tribal leadership (chairpersons, presidents, and governors) and tribal historic preservation officers (as applicable). Contact was attempted until the person was reached or a message could be left with an administrative assistant or on voicemail. Additional outreach to the tribes residing within the VA BHHC service area and within the State of South Dakota was conducted. As a result of the additional outreach, five Tribes elected to participate as consulting parties: the Assiniboine and Sioux Tribes of the Fort Peck Reservation, the Kiowa Tribe of Oklahoma, the Northern Arapahoe Tribe, the Oglala Sioux Tribe of the Pine Ridge Reservation, and the Yankton Sioux Tribe.

On October 15, 2014, OTGR sent a second letter inviting Tribal leaders and government representatives to attend an in-person tribal consultation session related to the proposed realignment of the VA BHHC. The invitation included a copy of the Notice of Intent to prepare an EIS. The November 19, 2014, tribal consultation session was held on the Pine Ridge Indian Reservation in Pine Ridge, South Dakota. Only members of the Pine Ridge Reservation elected to attend the meeting. Participants provided many valuable comments on the proposed reconfiguration; however, none were related to cultural resources. Tribal members unable to attend could submit written comments via email by December 19, 2014.

The Oglala Sioux Tribe of the Pine Ridge Reservation, the Yankton Sioux Tribe, the Northern Arapahoe Tribe, the Kiowa Tribe of Oklahoma, and the Assiniboine and Sioux Tribes of the Fort Peck Reservation have been included on all emails related to historic properties consultation and invited to all historic property consultation meetings. Despite these efforts and the inclusion of five Tribes as consulting parties, only one Tribal representative attended any of the historic properties consultation meetings designed specifically to discuss issues related to historic preservation: a representative of the Oglala Sioux Tribe of the Pine Ridge Reservation attended the first historic property consultation on November 18-19, 2014.

When the Draft EIS was released in October 2015, VA sent that document on a compact disc to each of the five Tribes and invited Tribal representatives to comment. Additionally, a Notice of Availability of
the Draft EIS was published on November 5, 2015, in Lakota Country Times (on Pine Ridge Reservation in Martin, SD), the “official legal newspaper for Oglala Lakota County, Bennette County, Oglala Sioux Tribe, Rosebud Sioux Tribe, and Lakota Nation Invitational”; and another was published on November 18, 2015, in Native Sun News (Rapid City, SD), a weekly paper focusing on news/editorials of interest to Native Americans (as well as 13 other newspapers throughout the service area). A hard copy of the Draft EIS was made available for public review at the Oglala Lakota College in Pine Ridge since there is no public library there (as well as seven other public libraries in the service area). On April 17, 2016, VA BHHCS sent a letter to all 41 Tribes inviting participation in historic property consultation, requesting comments on the Draft EIS and issues related to cultural resources. To date, no comments relating to cultural resources, including Traditional Cultural Properties, have been received from any Tribal representatives. (As described below in the discussion of “public involvement (iv),” the public comment period for the Draft EIS was extended several times and officially closed on June 20, 2016.)

Identification of Historic Properties and Assessment of Effects (ii) and Consultation Regarding the Effects of the Undertaking on Historic Properties (iii)

VA initiated the identification of historic properties during the historic property consultation on November 18 – 19, 2014. Representatives of nine consulting parties, including the ACHP, attended one or both of these meetings. Consulting party suggestions and related discussion of historic property identification resulted in VA expanding the list of affected properties to include the campus springhouse and the Hot Springs Historic District. Consultation was continued in the February 2015 meeting. Representatives of your office joined nine other consulting parties at this meeting. The discussion included a summary of the expanded APE and introduced potential impacts of the alternatives on historic properties. On April 27, 2015, VA provided additional information about effects and introduced potential measures to avoid, minimize, or mitigate these effects in a teleconference with consulting parties. Your office and nine other consulting parties joined this meeting. Technical issues unfortunately limited discussion; however, VA provided additional materials about effects and proposed resolutions to all consulting parties following the teleconference to better inform the process. A robust summary of the consultation efforts was provided in Appendix C of the Draft EIS, and a working draft of a revised and updated Appendix C was provided to all consulting parties in May 2016.

Following the publication of the Draft EIS in October 2015, VA accepted a recommendation of consulting parties and the public to consider a variation of the preferred alternative. This variation, Alternative A-2, locates the Hot Springs CBOC in Building 12, thus incorporating a continued VA presence on the Hot Springs campus.
VA held two additional in-person historic property consultation meetings (January 21 and February 17, 2016). Both meetings lasted all day (approximately eight hours each day) and were attended by the ACHP’s Director of Federal Programs, Reid Nelson, and the ACHP’s VA Liaison, Christopher Daniel. At the January 21, 2016, historic property consultation, VA introduced the variation Alternative A-2, described above. As discussed with and agreed to by the consulting parties, including this variation does not require changes to the Area of Potential Effect (APE) or the affected historic properties. The bulk of the meeting was devoted to a presentation of additional revisions to the effects analysis of each alternative based on consulting party input. Additionally, at the suggestion of several consulting parties during the meeting, VA agreed to revise the APE for the undertaking to include the Ft. Meade campus. This meeting also included discussion with consulting parties on the effects of various alternatives on historic properties in the APEs. Building on the discussion of adverse effects in the January meeting, the February 17, 2016, historic property consultation meeting focused on property-specific effects of each alternative, and measures to avoid, minimize, or mitigate (collectively referred to as “mitigation” within the NEPA process) these effects and is discussed below on pages 7 and 8.

As shown above, VA’s identification of historic properties and assessment of effects were discussed at length in person with the consulting parties and through written materials and correspondence, including PowerPoint presentations that were shown during the consulting party meetings, updated to reflect the discussions and revisions, and distributed electronically after each meeting. The following materials can be referenced to more fully describe VA’s efforts:

- transcripts of the January and February 2016 consulting party meetings (distributed electronically to all consulting parties after each meeting)
- VA’s summary letter to all consulting parties dated March 9, 2016, which outlined how and when VA fulfilled each step of the ACHP/CEQ Guidance on integrating NEPA and NHPA
- a working draft (in preparation for the Final EIS) of EIS Appendix C “NEPA/NHPA Substitution Process,” that was distributed to all consulting parties with the revised mitigation measures
- the entire NHPA Administrative Record to May 18, 2016, was made available on a SharePoint site for the consulting parties’ reference during the final 30 days of the Draft EIS comment period, which ended on June 20, 2016

Through these actions, VA provided documents, analysis, process summaries, and reference information to support the consulting parties’ review of the Draft EIS and allow for meaningful participation in developing measures to address effects to historic properties.
Lastly, VA consulted directly with ACHP on February 5, 2016, regarding the public review and objection process. During this meeting and in a subsequent letter dated February 10, 2016, ACHP agreed with VA that an additional public comment period following the publication of the final EIS was not required. VA followed ACHP’s recommendation that the public comment period for the Draft EIS be extended to provide sufficient time for continued consultation and comment. VA also agreed to include in Appendix C of the Final EIS, discussion of any agreed upon changes and substantial outcomes of the continued consultation effort, as revisions to the working draft of the revised Appendix C that was sent to the consulting parties in May 2016. The primary focus of this continued consultation was resolution of adverse effects, as further discussed below on page 7 and 8.

Public Involvement (iv)

Section 6.1 of the Draft EIS outlines VA’s efforts to involve the public in the NEPA process up to release of the Draft EIS in October 2015. Since that time, additional public participation and outreach has occurred and will be documented in the Final EIS. The public involvement efforts incorporated multiple mechanisms for the public to provide comments, questions, and input on the proposed action, including concerns related to historic properties, and overall NHPA compliance.

VA published the Notice of Availability (NOA) of the draft EIS in the Federal Register on October 30, 2015. The Environmental Protection Agency also published a NOA in the Federal Register on November 6, 2015, officially starting a 60-day public comment period. The VA BHHCS Reconfiguration Draft EIS was available for viewing on the VA BHHCS Web site www.blackhills.va.gov/vablackhillsfuture/ and at the Hot Springs, Rapid City Downtown, Sturgis, Chadron, Alliance, Lied Scottsbluff, and Pierre (Rawlins Municipal) public libraries; as well as in Pine Ridge at the Oglala Lakota College Pine Ridge Center library on the high school campus. CDs containing the entire Draft EIS were mailed to 28 recipients: consulting parties (including Tribes) and federal/state/local government agencies and elected officials. Notices were published in 15 newspapers throughout the service area announcing the availability of the Draft EIS.

Public meeting dates, locations, and times were made available online at the VA BHHCS website. At any of six public comment meetings (with court reporter and transcripts) held between November 30 and December 3, 2015, the public had the opportunity to speak and provide verbal or written comments on the Draft EIS. The meeting locations and dates were as follows:
Rapid City, SD: November 30, 2015; 5:30 pm (Best Western Ramkota Hotel)
Hot Springs, SD: December 1, 2015; 5:30 pm (Red Rock River Resort)
Pine Ridge, SD: December 2, 2015; 1:30 pm (Pine Ridge School)
Chadron, NE: December 2, 2015; 6:30 pm (Chadron State College)
Alliance, NE: December 3, 2015; 1 pm (Newberry’s)
Scottsbluff, NE: December 3, 2015; 6:30 pm (Gering Civic Center in Gering, NE)

Throughout the public comment period, comments could also be submitted in writing by mail to VA BHHCS, by email to VA BHHCS, through the federal regulations docket, or through a website managed by the EIS contractor.

The public comment period was extended 30 days to February 5, 2016, due to public requests and because the original comment period included three major holidays. The comment period was then extended to March 6, 2016, and subsequently again to May 5, 2016, in response to requests from the public and other stakeholders. A final extension was given to June 20, 2016 to provide for a 30-day review period of the revised mitigation measures.

Development of Alternatives and Proposed Measures that Might Avoid, Minimize or Mitigate Any Adverse Effects (v)

The Draft EIS details six (A-F) alternatives to address the purpose of and need for action, including a No Action alternative (F) (required by NEPA). Four of the alternatives may be paired with the Supplemental Alternative (G) for reuse of the Hot Springs campus, essentially providing 10 different potential courses of action. One of the six alternatives (E) consists wholly of a proposal developed by the Save the VA committee. Following publication of the Draft EIS, VA agreed to consider, at the request of the consulting parties and members of the public, a variation of its preferred alternative (A). This variation (A-2) would incorporate an element analyzed under Alternative C, specifically, maintaining an outpatient clinic on the Hot Springs campus instead of another location in the town of Hot Springs. This variation will be identified and evaluated in the Final EIS, as will the possibility of enacting this variation along with the Supplemental Alternative (G) for reuse of the remaining campus area. In total, the Final EIS will describe, analyze, and consider 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 preferred alternative.
VA sought and obtained significant consulting party input on the resolution of adverse effects to historic properties in each alternative after the Draft EIS was published for public comment. As discussed on page 5, the historic property consultation meeting held on February 17, 2016, included consultation on ways to avoid and minimize adverse effect to historic properties for each alternative. Prior to the meeting, VA proposed to minimize effects of some alternatives by implementing a marketing strategy for campus redevelopment and also developing a mothballing plan. Consulting parties offered several helpful suggestions to better define these initiatives and provided personal “lessons learned” from other federal projects.

The February 17th meeting also included a long and productive consultation on measures that VA could consider to mitigate the adverse effects of each alternative. This was essentially a “brainstorming” session to identify other measures not identified in the Draft EIS. Consulting parties suggested several measures to mitigate adverse effects including patients/community residents using the Hot Springs campus greenhouse, a statewide programmatic agreement for non-recurring maintenance at VA facilities in South Dakota, establishing a statewide Main Street program, creating an annual reunion for Hot Springs patients and staff, developing an oral history program, and creating an app and memorial book. Following the meeting, a presentation slide deck was distributed to all consulting parties, along with the list of suggested mitigation measures generated during the historic property consulting party meeting and a transcript of the meeting. (Most of the draft mitigation measures first distributed by VA to consulting parties on April 14, 2016, were a result of this brainstorming session.)

VA took the information gained from the February 17th meeting and refined the list of suggested mitigation measures for each alternative. Following ACHP’s preliminary review of such measures with Ms. Stella Fiotes on March 4, 2016, VA distributed the draft mitigation measures to consulting parties for comment on April 15, 2016. VA received comments from your staff, the South Dakota SHPO, the National Park Service, the Hot Springs Historic Preservation Commission, the National Trust for Historic Preservation, and the Save the VA committee. In response to those comments and suggestions, VA significantly revised the draft mitigation measures. In addition, VA answered the questions raised in those comments and explained the basis for not including certain mitigation measures suggested by consulting parties. These revised mitigation measures were then distributed to the consulting parties on May 18, 2016. VA anticipates that the mitigation measures associated with the alternative selected for implementation by VA will be included in the ROD.
Conclusion

VA initiated the substitution process for this proposal just over two years ago, and VA worked intently and diligently to meet the requirements of 36 CFR 800.8(c). VA is confident it has met those requirements and more importantly, fulfilled its obligation under Section 110(f) of the NHPA to undertake such planning and actions to the maximum extent possible to minimize harm to a NHL. VA relied heavily on input from the consulting parties throughout this process. VA incorporated many of the consulting parties’ comments and offered reasoned explanations where it deviated. While VA is not required to agree with all the consulting parties’ views, VA gave their views full and reasoned consideration.

Thank you for your continued participation in this process. We appreciate the insight and guidance provided by your staff. If you have any questions or require any additional information, please do not hesitate to contact me by email at Sandra.horsman@va.gov or by phone at (605) 720-7170.

Sincerely,

Sandra L. Horsman, MBM
Director

CC: Stella Fiotes, Executive Director for the Office of Construction and Facilities Management
Kathleen Schamel, Federal Preservation Officer
Doug Pulak, Deputy Federal Preservation Officer
Chris Daniel, VA Liaison
Dear Consulting Parties,

The attached documents include our signed Objection Referral letter addressed to Mr. Fowler of the Advisory Council on Historic Preservation and objections received from four of our Consulting Parties. VA Black Hills Health Care System thanks each of you for your continued involvement in this project. Several Consulting Parties provided comments and suggestions on the draft Environmental Impact Statement (EIS). We have carefully considered your comments and the suggestions provided at the consultation meetings to develop a strong and effective plan for our proposed reconfiguration. As a result of your input, we are closely considering the A-2 variation as well as incorporating Supplemental Alternative G, as we proceed to finalize the EIS. Please contact me if you have any questions or require any additional information.

Sandra L. Horsman, MBM
Director, VA Black Hills Health Care System

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July 20, 2016

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


Mr. Vogt,

The Department of Veterans Affairs (VA) is considering the reconfiguration of services in the VA Black Hills Health Care System (VA BHHCS) to better care for the Veterans in this region. VA has chosen to fulfill its obligations under Section 106 of the National Historic Preservation Act of 1966 (NHPA) through the substitution process described in 36 CFR §800.8(c). VA intends to incorporate the final resolution of adverse effects to historic properties in the National Environmental Policy Act (NEPA) Record of Decision (ROD) following publication of the Final Environmental Impact Statement (EIS).

During the historic property consultation meeting, on February 17, 2016, VA outlined the timeline for consultation on mitigation measures to be included in the ROD. This timeline was designed to adhere to the CEQ-ACHP guidance, NEPA and NHPA: A Handbook for Integrating NEPA and Section 106 regarding the opportunity for Review and Objections (36 C.F.R. § 800.8(c)(2-3)).

Following that timeline, VA submitted a document containing draft mitigation measures to historic property consulting parties for review and comment on April 13, 2016. Several participants in the historic property consultation efforts, including your office, submitted comments by April 28, 2016. In response to that input, VA revised the mitigation measures, and provided a cover letter outlining VA’s reasons for accepting or rejecting consulting party suggestions. On May 17, 2016, VA submitted the revised mitigation measures, designed to be substantively the same language that VA anticipates incorporating into the ROD. This letter responds to the comments and suggestions provided in your letter.

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<tr>
<th>Comment</th>
<th>Response</th>
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<tbody>
<tr>
<td>Since the Hot Springs facility is located in South Dakota and is one of only fifteen National Historic Landmarks in our state, the SD SHPO requests to be a signatory to any amendments made to the mitigation measures.</td>
<td>VA has invited specific entities with designated responsibilities under the NHPA to request modifications if necessary. Consulting Parties not named who wish to request a modification may speak to these entities in accordance with the legal responsibilities they bear under NHPA.</td>
</tr>
<tr>
<td>Please include &quot;and interior&quot;, so the first sentence reads &quot;...taking into account the suggested approaches to exterior and interior rehabilitation&quot;</td>
<td>VA is concerned that application of the Treatment Standards to all building interiors will unnecessarily limit adaptive reuse opportunities, and therefore did...</td>
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VA HEALTH CARE | Defining EXCELLENCE in the 21st Century
<table>
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<th>Comment</th>
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<tr>
<td>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?</td>
<td>VA anticipates that the project manager will be hired prior to any construction activities taking place.</td>
</tr>
<tr>
<td>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?</td>
<td>VA incorporated additional information in the mitigation measures that refers to state laws, which have timelines included in them: notifying appropriate law enforcement within 48 hours of determining that human remains are present, and notifying the state archeologist within 15 days. Securing the site from vandalism cannot be outlined here, because the circumstances and geographic locations are not yet identified; however VA has added a clause to the mitigation measures asserting that it will secure human remains or funerary objects from vandalism.</td>
</tr>
<tr>
<td>SDCL 1-19 A-111.1 is not designed to be triggered during an inadvertent discovery situation.</td>
<td>VA cannot assert a process for inadvertent discoveries for state agencies; VA was referring to the legal statutes that would pertain to the case of a state owned redevelopment.</td>
</tr>
<tr>
<td>Where will the VA seek annual funding for recurring maintenance and repairs of the buildings while in an unoccupied state?</td>
<td>VA will utilize NRM funds to ensure the continued maintenance and repairs of buildings if they are unoccupied. VA BHHCS and VISN 23 will follow VA procedures, specific to each fiscal year, for requesting funds.</td>
</tr>
<tr>
<td>What is the timeline for the development of the programmatic agreement?</td>
<td>VA will work with SD SHPO on establishing a timeline for the Programmatic Agreement (PA). VISN 23 has initiated internal discussions with both the VA BHHCS and Sioux Falls Health Care System.</td>
</tr>
<tr>
<td>As mentioned in our last letter, the Preserve America Program has been unfunded. We recommend removing this mitigation measure from all of the alternatives.</td>
<td>Preserve America no longer offers grants; however, the designation still exists, and can be used as a tool by the City of Hot Springs to help market contributing elements in the Hot Springs Historic District.</td>
</tr>
<tr>
<td>Replace Hot Springs Preservation Commission with Hot Springs Historic Preservation Commission. This change should be made throughout the entire document.</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
<tr>
<td>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.</td>
<td>When the VA creates this oral history program, VA will consider donating these recordings to an archival repository to preserve the interviews. The Oral History Association indicates best practices are for repositories to transcribe these; moreover, there are programs that transcribe recordings which can automate the transcription process, and many archives have this technology.</td>
</tr>
<tr>
<td>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 are not elect to include them. However, the Design Review Committee will have the opportunity to suggest appropriate redevelopment strategies.</td>
<td>VA has reviewed its ability to fulfill commitments described in the mitigation measures and is confident this will be a viable mitigation measure.</td>
</tr>
<tr>
<td>Comment</td>
<td>Response</td>
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<tr>
<td>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?</td>
<td>VA has reviewed its ability to fulfill commitments described in the mitigation measures and is confident this will be a viable mitigation measure. VA cannot at this time outline the process that will be used for the publication of this book.</td>
</tr>
<tr>
<td>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.</td>
<td>The process for producing the book is not yet known, and thus, VA cannot commit to how profits will be utilized; however, applicable laws and regulations will be followed.</td>
</tr>
<tr>
<td>Given that the photographic display is a mitigation measure, more detail should be added.</td>
<td>VA is unable to elaborate any further on this program, as the full array of photographs and the location of such a display are not known at this time.</td>
</tr>
<tr>
<td>Replace &quot;SOI-qualified historic preservation consultant&quot; with SOI-qualified Architectural Historian.</td>
<td>VA does not wish to place too many restrictions on this position, in order to ensure that the position can be filled. It is anticipated that the preferred candidate would be a Secretary of the Interior (SOI)-qualified Architectural Historian, an Architect, or an Historic Architect; however, VA cannot commit to who will respond to its job postings in this region.</td>
</tr>
<tr>
<td>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.</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
<tr>
<td>Change Historic American Landmark Survey to Historic American Landscape Survey.</td>
<td>VA has incorporated this suggestion into the final Measures.</td>
</tr>
<tr>
<td>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.</td>
<td>VA has incorporated this Suggestion into the final Measures</td>
</tr>
<tr>
<td>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.</td>
<td>VA has incorporated this Suggestion into the final Measures</td>
</tr>
<tr>
<td>Does the Design Review Committee have 21 calendar or work days to review draft schematic designs and provide comments?</td>
<td>Calendar days; VA has incorporated this clarification into the final Measures</td>
</tr>
<tr>
<td>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?</td>
<td>VA mitigation measures assert that it “will take into account comments from the Design Review Committee in finalizing the scope of work and schematic.” Additionally, VA has committed, in the section applying to All Alternatives that “Historic preservation measures, including architectural design, carried out pursuant to this undertaking shall meet the SOI’s Standards for Archaeology and Historic Preservation (<a href="http://www.nps.gov/history/local-law/arch_stnds_0.htm">www.nps.gov/history/local-law/arch_stnds_0.htm</a>),</td>
</tr>
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<td>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.</td>
<td>VA recognizes that different Alternatives result in different adverse effects to historic properties, and therefore will require different levels of mitigation. These measures are designed to mitigate the higher level of adverse effect that would result from these alternatives.</td>
</tr>
</tbody>
</table>

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 1 OOB, 107B). The SO I’s Standards should apply to all spaces, interior and exterior, of all buildings at Battle Mountain Sanitarium. | As noted above, VA is concerned that application of the Treatment Standards to all building interiors will unnecessarily limit adaptive reuse opportunities, and therefore did not elect to include them. However, the Design Review Committee will have the opportunity to suggest appropriate redevelopment strategies in the event that this alternative is selected. |

Thank you for your continued participation in this process. We appreciate the insight and guidance provided by you and your staff. If you have any questions or require any additional information, please do not hesitate to contact me by email at Sandra.horsman@va.gov or by phone at (605) 720-7170.

Sincerely,

[Signature]
Sandra L. Horsman, MBM
Director

CC: Stella Fioles, Executive Director for the Office of Construction and Facilities Management  
Kathleen Schamel, Federal Preservation Officer  
Doug Pulak, Deputy Federal Preservation Officer  
Chris Daniel, VA Liaison
July 28, 2016

Elizabeth S. Merritt
National Trust for Historic Preservation
2600 Virginia Ave. NW, Suite 1100
Washington, DC 20037

Dear Ms. Merritt,

Thank you for your recent communication on June 20, 2016, regarding changes to criteria for the Department of Veterans Affairs (VA) Strategic Capital Investment Plan (SCIP). I was not in attendance at the meeting in Milwaukee and I cannot offer specific information about any projects related to that particular undertaking. The contents of this letter are specific to VA Black Hills Health Care System (VA BHHCS) and the proposed reconfiguration of services.

Veterans Integrated Service Network (VISN) funding for non-recurring maintenance (NRM) projects is part of the larger SCIP process and the new FY18 guidance does not prevent prioritization of projects at the VISN level. As such, I believe the proposed measures to resolve adverse effects are viable.

NRM projects requirements totaling less than $1 million do not require business cases in the SCIP process. These cases will be handled as below-threshold VISN/VAMC projects. The FY18 SCIP guidance does not affect these types of projects.

NRM project budgets greater than $1 million do require SCIP business cases. High priority projects receive VA Central Office (VACO)-allocated NRM funding equal to 10% of the total cost. The remaining cost is supported by the VISN NRM allocation. Based on the FY18 SCIP guidance, I agree that projects for stabilization/long-term maintenance of VA BHHCS Hot Springs’ buildings may not receive VACO-allocated funding in FY18. Nevertheless, VA BHHCS and VISN 23 will plan to utilize the SCIP process for planning and to request VACO funds. If the projects are not funded at the VACO level, however, VISN 23 has the authority, as part of the SCIP process, to prioritize and fund NRM projects within network. VISN 23 is committed to protecting the Hot Springs campus, and has historically received adequate funding to supplement the operating budget in support of the Hot Springs campus.

Thank you for your continued participation in this process. We appreciate your feedback. If you have any questions or require any additional information, please do not hesitate to contact me by email at Sandra.Horsman@va.gov or by phone at (605) 720-7170.

Sincerely,

Sandra L. Horsman
Director

VA HEALTH CARE I Defining EXCELLENCE in the 21st Century
From: Katy Coyle  
To: dena_sanford@nps.gov; cdaniel@achp.gov; cdonnell@hs-sd.org; peggy@peggysanders.com; ortner1942@yahoo.com; bpowers6@goldenwest.net; j Buddenborg@savingplaces.org; campbell_amanda@yahoo.com; sodakvet@gmail.com; johns@loobala.org; ogilalightho@goldenwest.net; yet tho@gmail.com; nutto@northernmarapahocom; yufnasoldierwolf@gmail.com; cutres@inermontel.net; akemanig@gwtc.net; brad otten@mail.house.gov; michael_belkaert@rounds.senate.gov; sandy marlette@email.house.gov; Joyce Haney@thune.senate.gov; widal davila@nps.gov; tom farrell@nps.gov; k. menston@yahoo.com; minnerec@gwtc.net; Paige Olson@state.sd.us; ted.spencer@state.sd.us; Kate nelson@state.sd.us; jay vogt@state.sd.us; sdlegion@dailypost.com; Patrick Russell@va.gov; emerritt@savingplaces.org  
Cc: Kelly Sellers Wittie; billie.beal@va.gov; luke.epperson@va.gov  
Subject: Change in Contact Information for VA Black Hills Consultation  
Date: Monday, August 08, 2016 3:03:16 PM  

Dear Consulting Parties,

Please be aware that Kelly Wittie and I have recently opened our own firm, Row 10 Historic Preservation Solutions. We will be continuing on with the VA Black Hills consultation, supporting both VA and Labat Environmental. However, as a result of this change our contact information has changed. Please note the new email, and my phone number is listed below. Thanks very much, and we look forward to continuing our work with you on this important project.

Sincerely,

Katy Coyle  
Partner  
Row 10 Historic Preservation Solutions  
katy@Row10HPS.com  
504-210-9234

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August 12, 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, Objection Opinion
Hot Springs, South Dakota

Dear Ms. Fiotes:

On July 15, 2016, the Department of Veterans Affairs’ (VA) referred to the Advisory Council on Historic Preservation (ACHP) four objections regarding VA’s consultation on the proposed Black Hills Health Care System (BHHCS) reconfiguration and its effects on the Hot Springs VA Medical Center (VAMC) Battle Mountain Sanitarium (BMS), National Historic Landmark (NHL). The objections were referred to the ACHP for its advisory opinion on whether the preparation of the draft Environmental Impact Statement (DEIS), substituting for the standard Section 106 review process, has met the standards set out in the ACHP’s regulations (36 CFR § 800.8(c)(1)) for such documents.

The National Trust for Historic Preservation (NTHP), the National Park Service (NPS), the Hot Springs Historic Preservation Commission (HSHPC), and the Save the VA Committee provided these objections. Recognizing commonalities among the issues of concern to these parties, our response to these objections is arranged in a topical fashion. Pursuant to 36 CFR § 800.8(c)(3), the ACHP has reviewed the objections in the context of the VA’s record of Section 106 consultation to date, the October 2015 DEIS, and the results of the additional consultation that VA undertook following the release of the DEIS. We offer VA the following advisory opinions and recommendations.

Objection 1: the VA has not made a reasonable and good faith effort to identify historic properties that may be affected by the BHHCS reconfiguration.

The regulations (36 CFR § 800.8(c)(1)(ii)) call for the federal agency to “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.”

The consulting parties’ first objection to VA’s identification efforts focuses on the assessment of eligibility of certain known and unidentified properties within the Area of Potential Effects (APE) for Hot Springs, Rapid City, and Fort Meade. While VA and its contractors have undertaken several historic property identification efforts, it is our opinion that the complex and disjointed fashion in which surveys, results, and revisions have been reported has made it difficult for consulting parties and the public to...
assess the adequacy of VA’s identification efforts, including when and how certain areas were surveyed and determinations VA made regarding the eligibility of any properties encountered during these efforts.

Consulting parties also objected to the lack of detail and thoroughness of VA’s identification efforts concerning the Battle Mountain Landform (BML) and the traditional cultural property (TCP) status of BMS. VA has recognized the need for additional evaluation for both of these properties in the DEIS. The ACHP understands the limited information provided by federally-recognized Indian tribes thus far has circumscribed VA’s ability to examine in detail properties significant to the tribes, like the BML. The ACHP supports VA’s decision to recognize BML as an historic property, and we encourage VA to continue consultation with tribes in a manner that would allow for future input in identification efforts as the undertaking is implemented. With respect to the BMS TCP, VA’s assessment of BMS as significant to veterans is acknowledged within the DEIS identification efforts and the TCP’s significance and integrity can be distilled from the VA’s overall identification efforts on the NHL. While identified, we see additional opportunities for expanding upon this unique designation within VA’s resolution of effects as discussed under Objection #4.

It is the ACHP’s opinion that, overall, VA has made a reasonable and good faith effort to carry out appropriate identification efforts for this undertaking, which we believe would become evident were VA’s efforts described in a single, expanded historic properties identification summary included within the Final EIS. Further, VA has committed in the DEIS and in meetings to addressing the issue of unidentified historic properties through its proposed ongoing phased identification within the APE. The large scope and scale of the undertaking, and the various alternatives under consideration, limits its ability to identify historic properties at this time, and the phasing would allow for greater flexibility. In our view, VA’s renewed level of effort being made for historic property identification is on par with that being made for other resources in the NEPA process. Furthermore, VA has also indicated that any historic properties discovered as the project is implemented will be treated following the post-review discovery provision (see 36 CFR § 800.13). The ACHP agrees that this approach is reasonable and addresses the consulting party objections related to properties not yet identified or fully evaluated.

While the ACHP acknowledges that VA has met its responsibilities regarding the identification of historic properties, we encourage VA to take additional steps to clarify and refine its efforts going forward. First, VA should ensure the FEIS and the adverse effect resolution documents make clear which properties associated with the BHHCS are historically significant and which are not, while also clearly identifying their qualifying characteristics to support their assessment of effects and future identification efforts. Second, the VA should clarify and reiterate its commitment to utilizing phased identification for additional VA facilities and activities in the Hot Springs, Rapid City, or Fort Meade APE that have not been considered so far but may be affected by the undertaking. Third, the FEIS should reflect the expansion of the APE, which has been revised several times during consultation; a clear and delineated APE is essential for successful phased identification efforts. Finally, the ACHP recommends VA specifically revise and expand the EIS’ sections regarding historic properties of interest to tribes, particularly those related to the BML, and the potential for there to exist properties of traditional cultural significance to veterans, such as the BMS, to document the identification efforts undertaken while also highlighting where additional evaluation may be necessary, depending upon the alternative selected.

Objection 2: VA’s assessment of effects and adverse effects caused by any reconfiguration is inadequate.

The regulations (36 CFR § 800.8(c)(1)(ii-iii)) call for the federal agency to “Consult regarding the effects of the undertaking on historic properties … during NEPA scoping, environmental analysis, and the preparation of NEPA documents.”
The initial determination of effects within the DEIS reflected the incomplete and fragmented nature of the consultation efforts that had been undertaken prior to its publication. To remedy this, the ACHP provided VA with recommendations on how to address this issue and other challenges regarding the consideration of effects to historic properties. In response, VA renewed consultation with a series of consulting party meetings in early 2016 and extended the public comment period on the DEIS. In light of the comments received, VA made substantial commitments to revise its DEIS analysis and expand the discussion of the range of potential effects to historic properties that may result from the proposed undertaking.

The ACHP disagrees with consulting parties' overall objections on this point. We believe that VA's additional efforts following the DEIS publication have resulted in a more comprehensive assessment of effects to historic properties. However, we believe that potential adverse effects related to the proposed vacating of the campus, and the success/failure of any potential reuse, have not been thoroughly examined or described in the supplements to the DEIS. During recent consultation, VA acknowledged the potential adverse effects to historic properties that may result from vacating the campus as well as those associated with the varied potential reuse outcomes, but the documents provided do not present this information in a manner that is easily understood or that fully explains VA’s rationale. The ACHP sees both of these effects as reasonably foreseeable; the examples presented by the consulting parties of other VA facilities adversely affected by closure activities represent a strong harbinger for what could occur at the BMS were insufficient steps taken to reasonably examine and resolve such adverse effects.

The ACHP recommends that VA expand upon and clarify its assessment of potential adverse effects in the FEIS using input and additional information learned from the 2016 consultation meetings to highlight in particular those effects that are reasonably foreseeable over the duration of the proposed reconfiguration and under Supplemental Alternative G. This clear acknowledgement will provide an explanation of and support for VA’s proposed resolution of adverse effects.

**Objection 3: VA’s efforts to develop alternatives and proposed measures to avoid, minimize, or mitigate adverse effects in the DEIS are insufficient.**

The regulations (36 CFR § 800.8(c)(1)(v)) call for the federal agency 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”.

The ACHP agrees with the objections voiced by the consulting parties that, following the release of the DEIS, VA did not, in consultation, fully develop alternatives or propose adequate substantive measures to avoid, minimize, or mitigate adverse effects. While VA had begun to address these issues during the preparation of the DEIS, the fractious nature of early consultation meetings often hampered opportunities for consensus on meaningful resolution. Consulting parties supported numerous modifications and alternatives to the undertaking that VA could consider to avoid and minimize adverse effects to historic properties, and the DEIS and the voluminous body of supporting documentation attempts to respond to these proposals. While we recognize VA’s intent to address these issues, many of its efforts to do so became lost within the complex administrative record. We commend VA’s efforts during the 2016 meetings for their proposal to modify the preferred alternative to include reuse of Building 12; however, while this revision reflected a positive change in the tone of consultation, again the conversation was stymied as consulting parties pressed for clarification of VA’s proposal and VA was unable to fully respond, leaving questions unanswered at the end of the 2016 meetings.

The ACHP acknowledges that VA is not required to analyze each alternative for the proposed undertaking at the same level of detail; however, we find that its analysis of those alternatives which include the reuse or partial reuse of existing historic facilities does not adequately address the nature of adverse effects that might occur, nor do they fully acknowledge the extent to which such reuse might
better resolve such effects. We urge VA to review consulting party comments and give added attention in the FEIS to those discussions, studies, and analyses presented by consulting parties that examine the reuse or partial reuse of additional buildings in the Hot Springs campus. Particular attention should be given to the efforts, reports, and analyses provided and supported by STVA, NTTHP, and NPS. The FEIS should acknowledge how this input from consulting parties was considered and evaluated, and recognize any revisions that were made to the proposed undertaking or minimization strategies that stem from them. It is essential that VA be able to demonstrate conclusively within the FEIS that, pursuant to Section 110(f) of the NHPA and 36 CFR § 800.10(a), it undertook such planning and considered alternatives to meet its responsibility to minimize harm to the NHL to the maximum extent possible.

Objection 4: VA’s efforts to develop a substantive resolution of the effects to historic properties in the DEIS are inadequate.

The regulations (36 CFR § 800.8(c)(2)(ii)) require the federal agency, in accordance with the standards discussed above to reach “substantive resolution” of the effects on historic properties and to document these in the EA, DEIS, or EIS.

Following the release of the DEIS, VA sought to rectify the missteps and gaps in the consultation record; however, the ACHP agrees with consulting parties that even with the positive steps taken to supplement the DEIS, VA still has not substantively resolved adverse effects to historic properties that may result from this undertaking. This is so in part because VA only initiated a dialogue on resolving adverse effects shortly before closing the public comment period. Consulting parties worked extensively with VA during the February 2016 meeting to develop an array of potential approaches to resolving adverse effects. This resulted in VA developing a series of draft measures to resolve adverse effects, some of which the consulting parties were afforded the opportunity to comment on in these meetings. While VA subsequently attempted to address those outstanding concerns, the consulting parties continued to believe the measures did not adequately resolve the adverse effects to historic properties, and that VA’s process had not allowed sufficient opportunity for consultation.

In the ACHP’s opinion, the current proposed resolution measures are not commensurate with the magnitude of potential adverse effects that would result to historic properties. Much of this disparity might be remedied through expansion of the scope and objective of the current proposed mitigation measures. Additionally, consulting parties have indicated that some proposed measures should be reconsidered in light of their marginal overall public benefit. Consulting parties were encouraged by VA’s introduction of novel and innovative mitigation measures, but were not given adequate time to discuss their viability and relevance in connection with the adverse effects. Consulting parties also remained concerned regarding the viability of and the challenge inherent in VA attempting to find a new use for the vacated campus under Supplemental Alternative G. Furthermore, the need for additional consultation to resolve adverse effects and fully respond to consulting parties’ questions is also evident in the continued correspondence between VA and the SD SHPO aimed at addressing specific concerns still unresolved in the draft final documentation. Lastly, additional consultation would also afford an opportunity for VA to engage consulting parties in a discussion on how to resolve adverse effects to the TCP aspects of the BMS, which while acknowledged by VA in its identification efforts are not recognizably addressed through resolution measures.

VA intends to use the effects resolution document to inform the Record of Decision (ROD), which will satisfy its Section 106 responsibilities in place of an agreement document. In light of this approach, and given the magnitude of potential adverse effects inherent with nearly all the alternatives, the ACHP agrees with the consulting parties that this dialogue is still incomplete. The ACHP recommends that VA engage once more with consulting parties in a meaningful dialogue to strengthen and refine mitigation measures in order to adequately resolve adverse effects.
Overall recommendations & advisory opinion

In sum, the ACHP finds that VA has met or is meeting its responsibilities to identify historic properties and assess the effects of the proposed BHHCs reconfiguration on them. It has not yet met the standards for consideration of alternatives to avoid, minimize, or mitigate adverse effects, and its proposed substantive resolution of adverse effects to historic properties is inadequate. As noted above, the fragmented manner in which VA has conducted the substitution process resulted in the publication of a DEIS that failed to meet the standards described in 36 C.F.R. § 800.8(c)(1). During the early consultation meetings, the ACHP requested that VA define and document its approach for utilizing the substitution process because the format and methods being used at the time demonstrated “a clear separation and isolation” of the NEPA and Section 106 review processes. VA sought to rectify, through additional meetings and the extension of the public comment period, the deficiencies resulting from a clear separation of these processes. Over the course of the 2016 meetings and related correspondence, VA redoubled efforts to consult meaningfully regarding the effects of the proposed reconfiguration and address consulting party concerns and comments. The ACHP recognizes the efforts of VA staff from the BHHCs and the Midwest Health Care Network, and your personal involvement to remedy these procedural deficiencies.

The ACHP agrees with the consulting parties that more could have been done prior to publication of the DEIS to clearly document its efforts to consult on the identification of historic properties and assessment of adverse effects. The procedural challenges and initial lack of transparency plagued these efforts and resulted in consultation that lagged significantly behind the overall NEPA process. To its credit, VA, through the efforts described above, was able to correct many of these mistakes. To that end, the ACHP recommends that VA, in the FEIS, recognize the continued consultation that was done following the publication of the DEIS with a clear acknowledgement that these efforts were pursued to correct the earlier deficiencies in the substitution process. VA’s summary of these renewed efforts will be critical to presenting a complete record of consultation.

The ACHP agrees with the consulting party objections that, as currently presented in the DEIS and revised Appendix C, VA has not sufficiently developed alternatives and proposed measures that might avoid, minimize, or mitigate adverse effects, or adequately resolved reasonably foreseeable adverse effects to historic properties. VA’s analysis under the NEPA process, including consideration of alternatives, moved prematurely ahead of the 106 process, resulting in a restricted consideration of alternatives to avoid, minimize, and mitigate adverse effects to historic properties. VA’s failure to develop substantive and meaningful alternatives and resolutions of adverse effects on historic properties prior to the release of the DEIS led to VA carrying out too narrow of an analysis within the overall document. This analysis, if not rectified, will skew the overall outcome of the substitution process.

In order to meet the standards and substantive requirements of 36 CFR § 800.8(c)(1-2), the ACHP agrees with the NTHP and recommends that VA reengage consulting parties with the goal of addressing in the FEIS the consulting party concerns about resolution of adverse effects, including a discussion of the proposed mitigation measures and how they specifically address the adverse effects that would be caused by the reconfiguration. These discussions should also include recognition of how VA intends to revise the analysis of alternatives in light of the additional meetings and consulting party contributions and incorporate those changes into the FEIS. The ACHP believes that these recommendations above provide a framework for VA to resolve the objections presented by the consulting parties, and develop outcomes and deliverables that will demonstrate VA’s substantive resolution of adverse effects. While these recommendations do not represent all the avenues available to conclude this consultation, the ACHP believes they represent the most collaborative and expeditious options.

The regulations (36 CFR § 800.8(c)(3)(i)(A-B)) require you “take into account the Council’s opinion in
reaching a final decision on the issue of the objection ... and provide it to the Council.” We appreciate your consideration of our opinion, and look forward to your response as we move forward. If you or your staff have any questions or would like to discuss this matter, please contact Mr. Reid Nelson, Director of Federal Agency Programs, at 202-517-0206 or melson@achp.gov.

Sincerely,

John M. Fowler  
Executive Director
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

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

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 August 12, 2016, Mr. John Fowler, Executive Director of the Advisory Council on Historic Preservation (ACHP) provided to Ms. Stella Fiotes of your agency, an objection opinion regarding the proposed reconfiguration of the Department of Veterans Affairs (VA) Black Hills Health Care System. The genesis for this opinion was consulting party objections on the preparation of the draft Environment Impact Statement (DEIS), substituting for the standard National Historic Preservation Act (NHPA) Section 106 review process. Consulting parties expressed concerns that the process had not met the standards established in the ACHP regulations (36 CFR § 800.8(c)(1)). In light of the ACHP’s advisory opinions and recommendations for preparing the final Environmental Impact Statement (FEIS), the National Park Service (NPS) provides the following comments as they relate to the Battle Mountain Sanitarium National Historic Landmark (NHL).

We look forward to meaningful dialogue with the VA, the South Dakota State Historic Preservation office, the ACHP and the consulting parties to:

1) Understand how the VA intends to revise the analysis of alternatives in light of meetings and consulting party contributions since the release of the DEIS, and how such changes will be incorporated into the FEIS; and

2) Strengthen and refine mitigation measures in order to adequately resolve adverse effects. In this way, we will be able to “seek, discuss and consider the views of the other participants, and where feasible, seek agreement” (36 CFR § 800.8(c)(1) (v) and 800.16(f)). This would include expanding the scope and objective of the current mitigation measures.
In your July 20 letter to Mr. Jay Vogt, State Historic Preservation Office (SHPO), you state that the VA’s revised mitigation measures of May 17 were designed to be substantively the same language that VA anticipates incorporating into the ROD. Pursuant to the ACHP recommendations, such may not be the case, and continued dialogue to finalize the mitigation measures will include consideration of NPS comments dated June 16 and June 20. Among other issues, the NPS has concerns that draft mitigation measures do not include important specificity on certain actions, leaving open to interpretation the content, extent and effectiveness of such actions. Such a situation would seem to be in conflict with guidance provided by the Council on Environmental Quality (CEQ) in their January 14, 2011, memorandum to heads of federal agencies regarding the establishment, implementation and monitoring of mitigation commitments in NEPA documents. The CEQ advises that specific procedures should create systematic accountability and mechanisms necessary to accomplish these goals. The memorandum is available online at https://ceq.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf.

The following reiterate NPS concerns regarding draft mitigation measures:

- It is important to identify the status of the campus as the Battle Mountain Sanitarium NHL, and the requirements of Section 110(f) of the NHPA;
- It is important to establish a timeline of major milestones prior to issuing a Record of Decision (ROD). Per the CEQ guidelines, Section II, the establishment of major milestones as part of mitigation monitoring will facilitate the ability of the VA, consulting parties and the public to monitor the success of mitigation commitments:

  . . . mitigation commitments should be carefully specified in terms of measurable performance standards or expected results, so as to establish clear performance expectations. The agency should also specify the timeframe for the agency action and the mitigation measures in its decision documents, to ensure that the intended start date and duration of the mitigation commitments is clear.

- Specificity is warranted to define the authority and scope of responsibility of the proposed “Design Review Committee.” Within the draft mitigation measures, the committee’s role appears to address only new construction; however, the scope of projects to be reviewed is presumably broadened to include proposed rehabilitation or restoration projects, per your July 20 letter to Mr. Vogt: “. . . the Design Review Committee will have the opportunity to suggest appropriate redevelopment strategies.” Consistent and objective review requires design guidelines necessary for reference by the committee; such guidelines would be invaluable for any entities interested in the reuse of properties on the NHL campus. The current draft does not address the importance of developing design guidelines, or identify those who would develop such guidelines. There is no suggested timeline for the establishment and participation of a Design Review Committee, or if such a committee would exist in perpetuity;
- A VA Network level project manager chosen to coordinate, monitor and report on mitigation measures should meet the Secretary of the Interior’s Historic Preservation Professional Qualification Standards (Qualification Standards). If such a person does not meet the Qualification Standards, that person should receive such training and education as necessary to become familiar with the Secretary of the Interior’s Standards for the Treatment of Historic Properties (the Standards), the National Environmental Policy Act (NEPA) and NHPA;
- The production of condition assessments would support creation of a comprehensive and long-term preservation plan for unoccupied buildings. Condition assessments can facilitate the prompt identification and resolution of problems before they become major treatment challenges. Such assessments provide baseline information upon which best preservation practices and decisions can be made. Importantly, such baseline information is necessary to measure future conditions, and to determine the success or failure of interim preservation treatment. If another data management system is proposed, the scope and content of the system should be described, to ensure that it will capture all necessary information related to the condition of each resource’s character-defining features. Such an effort would achieve CEQ guidance Sections II.A. and Section II.C, establishing a
mitigation monitoring program, and monitoring the effectiveness of mitigation;

- Given the national significance of the campus, the comprehensive preservation plan should include more than standard mothballing techniques. It is important to address interim treatment for both building interiors and exteriors. Mitigation measures would benefit from inclusion of a specific inspection schedule for monitoring and maintenance;
- It is important to preserve important character-defining features of the NHL, both interior and exterior. The Secretary of the Interior’s Standards for Rehabilitation take into account the need for contemporary use through repair or alteration that nonetheless preserves those portions and features of the property which are significant to its historic, architectural, and cultural values. Consultation has yet to determine the extent of important interior spaces that must retain their character-defining features, or identify interior spaces that lend themselves to greater modification. Presuming that consistent application of the Standards for Rehabilitation on interior spaces would be too restrictive for potential new users appears an arbitrary conclusion, absent specific data;
- A plan to archive the Battle Mountain Sanitarium/VA historic records is needed;
- Appropriate mitigation documentation for NHLs is Level I. Information has not been presented in the draft mitigation measures to support a conclusion that Historic American Landscape Survey (HALS) Level I documentation cannot be undertaken. The appropriate archive for Historic American Buildings Survey/Historic American Engineering Record and HALS is the Library of Congress. See NHPA Section 110(b) and 54 U.S.C. 302.07(2);
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- Other campus resources that may be necessary to support of the reuse of Building 12 as a community-based outpatient clinic should be identified in the relevant alternative, potential impacts assessed, and appropriate mitigation measures proposed. Should there be a foreseeable need for potential for new construction associated with the reuse of Building 12, that should likewise be addressed and assessed;
- Mitigation should acknowledge that alternatives involving the continued use and or rehabilitation of historic resources following the Standards would avoid adverse effects.

Section II of the 2011 CEQ guidelines emphasizes the essential importance of a commitment to seek funding for implementation of mitigation commitments:

Federal agencies should take steps to ensure that mitigation commitments are actually implemented. Consistent with their authority, agencies should establish internal processes to ensure that mitigation commitments made on the basis of any NEPA analysis are carefully documented and that relevant funding, permitting or other agency approvals and decisions are made conditional on performance of mitigation commitments. . . CEQ recognizes that it may not be possible to identify funds from future budgets; however, a commitment to seek funding is considered essential and if it is reasonably foreseeable that funding for implementation of mitigation may be unavailable at any time during the life of the project, the agency should disclose in the EA or EIS the possible lack of funding and assess the resultant environmental effects. If the agency has disclosed and assessed the lack of funding, then unless the mitigation is essential to a mitigated FONSI or necessary to comply with another legal requirement, the action could proceed.

Given the VA’s acknowledgement that the cost of mothballing unused buildings would be high, the NPS would appreciate further assurances for VA commitment to seek funding for mitigation commitments. Mitigating the adverse impacts to the Battle Mountain Sanitarium NHL is essential to comply with Sections 106 and 110(f) of the NHPA.

Thank you for your consideration of these comments. The resolution of adverse effects and development of final mitigation actions through the consultation process is necessary to conclude the Section 106/Section 110(f) process, prior to issuing a Record of Decision. Following the recommendations of the ACHP, and toward the goal of reaching agreement on mitigation actions, development of final mitigation
actions seems best achieved in dialogue with all consulting parties at a face-to-face meeting.

Sincerely,

/s/

Dena Sanford, Architectural Historian

cc:

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

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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

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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
October 6, 2016

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

Dear Ms. Horsman:

On July 25, 2016, the South Dakota Office of the State Historic Preservation Officer (SHPO) received your letter dated July 20, 2016, addressing our June 17, 2016 comments concerning the 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. Based on our review of your letter and the September 20, 2016, telephone conversation, we wish to reiterate the following comments.

Battle Mountain Sanitarium is one of only sixteen National Historic Landmarks (NHLs) in South Dakota, and as such, merits a higher level of documentation to minimize adverse effects associated with the VA’s preferred alternative, Alternative A2 (CBOC in Building 12). As outlined in our June 17, 2016 letter, we recommend the VA conduct a survey that uses the protocols of the Level I Historic American Buildings Survey (HABS) of all buildings identified in the NHL that have not been recorded to HABS Standards. We further recommend the VA conduct a survey of the NHL that uses the protocols of a Historic American Landscapes Survey (HALS) Level II survey.

In addition, since your agency has chosen not to develop a memorandum of agreement, we recommend the Record of Decision (ROD) contain additional detailed mitigation measures, including but not limited to:

- development of design guidelines for the Design Review Committee;

- a commitment to developing an inadvertent discovery plan for cultural resources and human remains that takes into consideration such laws as the Archaeological Resource Protection Act and the Native American Grave and Repatriation Act;

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DEPARTMENT OF EDUCATION (DOE.SD.GOV)
• a general date for the completion of a Programmatic Agreement between the VA Black Hills Health Care System and the Sioux Falls VA Health Care System such as August 2018; and
• a commitment to using the Oral History Association’s best practices to develop an oral history program.

Finally, we would appreciate any available examples that illustrate the VA’s successful use of mothballing as a mitigation measure.

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

c: Chris Daniel and Reid Nelson, Advisory Council on Historic Preservation
   Cindy Donnell, City of Hot Springs
   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, Row 10 Historic Preservation Solutions
   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
From: Reid Nelson [rnelson@achp.gov]
Sent: Thursday, October 06, 2016 04:44 PM Eastern Standard Time
To: Fiotes, Stella S. (CFM)
Cc: Pulak, Douglas D. (CFM); Schamel, Kathleen (CFM); Chris Daniel; Tom McCulloch
Subject: [EXTERNAL] Resolution of Effects at BHHCS

Stella,

We note that recently NPS and SHPO provided comments and suggestions to the VA on its effect resolution document for the BHHCS (attached). Both responses provide valuable ideas for refining the existing measures, and I would encourage VA to consider them to the extent it can at this late date.

I am also attaching here a short list of our ideas/impressions on how VA might consider enhancing or expanding upon existing items as it works to move this process to the next step. We hope this is helpful.

Reid
Black Hills Reconfiguration Potential Effects Resolution Enhancement Recommendations

Communication to Consulting Parties & Public

- Implementation Website – Consider developing a VA hosted website for communicating on implementation of all effects resolution efforts, specifically campus reuse/redevelopment efforts. This would allow for greater transparency after the ROD is signed and underway. Example: GSA’s Website for St. Elizabeths Redevelopment [http://www.stelizabethsdevelopment.com/index.html]
- Annual Meetings (Digital or On-Site) – VA could host annual meetings for the first five years following the ROD that would provide updates the implementation of the effects resolution efforts. This could be facilitated by the new positon being created to oversee the resolution.

Historic Properties Identification

- TCP Determination – Recommend that any revisions to the existing TCP determination noted in the current DEIS be coordinated with NPS and SHPO. Including these parties in such discussion would help lend credibility to VA’s efforts to expanded analysis of its determination.
- VA TCP Study – The question of possible TCPs related to VA facilities was discussed at length during consultation. VA could undertake a larger study of its historic Soldiers Homes, to determine their historic significance as TCPs. This type of mitigation would provide a far-reaching benefit to VA and its historic property inventory and could address future TCP concerns.
- Mobile Application – Recommend considering/documenting ways the content in this app will be preserved beyond the lifetime of the proposed application. Because mobile technology is constantly evolving, the proposed application will likely become obsolete with changes in mobile operating software. One potential option would be to host the application’s content on the VA’s web space in connection with VA’s Historic Preservation Office. VA should clarify how much of the content will be drawn from other mitigation efforts and will be further preserved through those efforts.

Documentation

- HABS/HALS Survey – Recommend adding the HABS/HALS-level survey for vacant and unutilized buildings as part of Alternative A where VA retains usage of Building 12 for the CBOC. While VA is utilizing a portion of the properties through Building 12, the majority of the property (Buildings 1-11) will still be in a mothballed state pending other reuses. While VA is minimizing the adverse effect by using Building 12, the minimization only marginally lessens the overall adverse effect of the vacant campus. The inclusion of this mitigation for both versions of this alternative would signify a great commitment to document and preserve the properties.

South Dakota Main Street Program

- Similar to the HABS/HALS Survey, suggest VA consider keeping the South Dakota Main Street Program mitigation in both versions of Alternative A.
Black Hills Reconfiguration Potential Effects Resolution Enhancement Recommendations

Interpretation

- Soldiers Home Program – BMS is one of a unique collection of VA properties that related to the National Home for Disabled Volunteer Soldiers. A potential mitigation could focus on VA interpretation/celebration of these properties and their preservation needs. Like the TCP issue, this could be a larger study/plan, perhaps in response to the NTHP’s previous report.

Potential Nationwide Initiatives

- Section 111 Policy – Looking beyond the immediate historic properties to the larger challenge at hand of finding a reuse tool that can work effectively, VA could continue and reinforce its efforts to develop a Section 111 leasing policy agency wide. This would directly benefit Black Hills if successful.
- Broader Context Efforts – The reconfiguration at BBHCS represents a broader picture across VA of the challenges it is facing regarding its historic inventory. As a larger commitment to meet these new challenges, at the Central Office level, VA could consider forming a larger preservation working group within VA and with partner agencies and organizations to help respond to these challenges and support nationwide initiatives (Program Alternatives, Training Programs, Revisions to Existing Policies/Directives). Any such effort would help highlight the ongoing efforts at BHHCS and establish tools for future consultations.
In your July 20 letter to Mr. Jay Vogt, State Historic Preservation Office (SHPO), you state that the VA’s revised mitigation measures of May 17 were designed to be substantively the same language that VA anticipates incorporating into the ROD. Pursuant to the ACHP recommendations, such may not be the case, and continued dialogue to finalize the mitigation measures will include consideration of NPS comments dated June 16 and June 20. Among other issues, the NPS has concerns that draft mitigation measures do not include important specificity on certain actions, leaving open to interpretation the content, extent and effectiveness of such actions. Such a situation would seem to be in conflict with guidance provided by the Council on Environmental Quality (CEQ) in their January 14, 2011, memorandum to heads of federal agencies regarding the establishment, implementation and monitoring of mitigation commitments in NEPA documents. The CEQ advises that specific procedures should create systematic accountability and mechanisms necessary to accomplish these goals. The memorandum is available online at https://ceq.doe.gov/current_developments/docs/Mitigation_and_Monitoring_Guidance_14Jan2011.pdf.

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Thank you for your consideration of these comments. The resolution of adverse effects and development of final mitigation actions through the consultation process is necessary to conclude the Section 106/Section 110(f) process, prior to issuing a Record of Decision. Following the recommendations of the ACHP, and toward the goal of reaching agreement on mitigation actions, development of final mitigation actions.
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Mr. Steve Vance, THPO, Cheyenne River Sioux Tribe, Cultural Preservation Office, P.O. Box 590, 98 S. Willow St., Eagle Butte, SD  57625-0590
assess the adequacy of VA’s identification efforts, including when and how certain areas were surveyed and determinations VA made regarding the eligibility of any properties encountered during these efforts.

Consulting parties also objected to the lack of detail and thoroughness of VA’s identification efforts concerning the Battle Mountain Landform (BML) and the traditional cultural property (TCP) status of BMS. VA has recognized the need for additional evaluation for both of these properties in the DEIS. The ACHP understands the limited information provided by federally-recognized Indian tribes thus far has circumscribed VA’s ability to examine in detail properties significant to the tribes, like the BML. The ACHP supports VA’s decision to recognize BML as an historic property, and we encourage VA to continue consultation with tribes in a manner that would allow for future input in identification efforts as the undertaking is implemented. With respect to the BMS TCP, VA’s assessment of BMS as significant to veterans is acknowledged within the DEIS identification efforts and the TCP’s significance and integrity can be distilled from the VA’s overall identification efforts on the NHL. While identified, we see additional opportunities for expanding upon this unique designation within VA’s resolution of effects as discussed under Objection #4.

It is the ACHP’s opinion that, overall, VA has made a reasonable and good faith effort to carry out appropriate identification efforts for this undertaking, which we believe would become evident were VA’s efforts described in a single, expanded historic properties identification summary included within the Final EIS. Further, VA has committed in the DEIS and in meetings to addressing the issue of unidentified historic properties through its proposed ongoing phased identification within the APE. The large scope and scale of the undertaking, and the various alternatives under consideration, limits its ability to identify historic properties at this time, and the phasing would allow for greater flexibility. In our view, VA’s renewed level of effort being made for historic property identification is on par with that being made for other resources in the NEPA process. Furthermore, VA has also indicated that any historic properties discovered as the project is implemented will be treated following the post-review discovery provision (see 36 CFR § 800.13). The ACHP agrees that this approach is reasonable and addresses the consulting party objections related to properties not yet identified or fully evaluated.

While the ACHP acknowledges that VA has met its responsibilities regarding the identification of historic properties, we encourage VA to take additional steps to clarify and refine its efforts going forward. First, VA should ensure the FEIS and the adverse effect resolution documents make clear which properties associated with the BHHCS are historically significant and which are not, while also clearly identifying their qualifying characteristics to support their assessment of effects and future identification efforts. Second, the VA should clarify and reiterate its commitment to utilizing phased identification for additional VA facilities and activities in the Hot Springs, Rapid City, or Fort Meade APE that have not been considered so far but may be affected by the undertaking. Third, the FEIS should reflect the expansion of the APE, which has been revised several times during consultation; a clear and delineated APE is essential for successful phased identification efforts. Finally, the ACHP recommends VA specifically revise and expand the EIS’ sections regarding historic properties of interest to tribes, particularly those related to the BML, and the potential for there to exist properties of traditional cultural significance to veterans, such as the BMS, to document the identification efforts undertaken while also highlighting where additional evaluation may be necessary, depending upon the alternative selected.

Objection 2: VA’s assessment of effects and adverse effects caused by any reconfiguration is inadequate.

The regulations (36 CFR § 800.8(c)(1)(ii-iii)) call for the federal agency to “Consult regarding the effects of the undertaking on historic properties … during NEPA scoping, environmental analysis, and the preparation of NEPA documents.”
The initial determination of effects within the DEIS reflected the incomplete and fragmented nature of the consultation efforts that had been undertaken prior to its publication. To remedy this, the ACHP provided VA with recommendations on how to address this issue and other challenges regarding the consideration of effects to historic properties. In response, VA renewed consultation with a series of consulting party meetings in early 2016 and extended the public comment period on the DEIS. In light of the comments received, VA made substantial commitments to revise its DEIS analysis and expand the discussion of the range of potential effects to historic properties that may result from the proposed undertaking.

The ACHP disagrees with consulting parties’ overall objections on this point. We believe that VA’s additional efforts following the DEIS publication have resulted in a more comprehensive assessment of effects to historic properties. However, we believe that potential adverse effects related to the proposed vacating of the campus, and the success/failure of any potential reuse, have not been thoroughly examined or described in the supplements to the DEIS. During recent consultation, VA acknowledged the potential adverse effects to historic properties that may result from vacating the campus as well as those associated with the varied potential reuse outcomes, but the documents provided do not present this information in a manner that is easily understood or that fully explains VA’s rationale. The ACHP sees both of these effects as reasonably foreseeable; the examples presented by the consulting parties of other VA facilities adversely affected by closure activities represent a strong harbinger for what could occur at the BMS were insufficient steps taken to reasonably examine and resolve such adverse effects.

The ACHP recommends that VA expand upon and clarify its assessment of potential adverse effects in the FEIS using input and additional information learned from the 2016 consultation meetings to highlight in particular those effects that are reasonably foreseeable over the duration of the proposed reconfiguration and under Supplemental Alternative G. This clear acknowledgement will provide an explanation of and support for VA’s proposed resolution of adverse effects.

**Objection 3: VA’s efforts to develop alternatives and proposed measures to avoid, minimize, or mitigate adverse effects in the DEIS are insufficient.**

The regulations (36 CFR § 800.8(c)(1)(v)) call for the federal agency 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”.

The ACHP agrees with the objections voiced by the consulting parties that, following the release of the DEIS, VA did not, in consultation, fully develop alternatives or propose adequate substantive measures to avoid, minimize, or mitigate adverse effects. While VA had begun to address these issues during the preparation of the DEIS, the fractious nature of early consultation meetings often hampered opportunities for consensus on meaningful resolution. Consulting parties supported numerous modifications and alternatives to the undertaking that VA could consider to avoid and minimize adverse effects to historic properties, and the DEIS and the voluminous body of supporting documentation attempts to respond to these proposals. While we recognize VA’s intent to address these issues, many of its efforts to do so became lost within the complex administrative record. We commend VA’s efforts during the 2016 meetings for their proposal to modify the preferred alternative to include reuse of Building 12; however, while this revision reflected a positive change in the tone of consultation, again the conversation was stymied as consulting parties pressed for clarification of VA’s proposal and VA was unable to fully respond, leaving questions unanswered at the end of the 2016 meetings.

The ACHP acknowledges that VA is not required to analyze each alternative for the proposed undertaking at the same level of detail; however, we find that its analysis of those alternatives which include the reuse or partial reuse of existing historic facilities does not adequately address the nature of adverse effects that might occur, nor do they fully acknowledge the extent to which such reuse might
better resolve such effects. We urge VA to review consulting party comments and give added attention in the FEIS to those discussions, studies, and analyses presented by consulting parties that examine the reuse or partial reuse of additional buildings in the Hot Springs campus. Particular attention should be given to the efforts, reports, and analyses provided and supported by STVA, NTHP, and NPS. The FEIS should acknowledge how this input from consulting parties was considered and evaluated, and recognize any revisions that were made to the proposed undertaking or minimization strategies that stem from them. It is essential that VA be able to demonstrate conclusively within the FEIS that, pursuant to Section 110(f) of the NHPA and 36 CFR § 800.10(a), it undertook such planning and considered alternatives to meet its responsibility to minimize harm to the NHL to the maximum extent possible.

Objection 4: VA’s efforts to develop a substantive resolution of the effects to historic properties in the DEIS are inadequate.

The regulations (36 CFR § 800.8(c)(2)(ii)) require the federal agency, in accordance with the standards discussed above to reach “substantive resolution” of the effects on historic properties and to document these in the EA, DEIS, or EIS.

Following the release of the DEIS, VA sought to rectify the missteps and gaps in the consultation record; however, the ACHP agrees with consulting parties that even with the positive steps taken to supplement the DEIS, VA still has not substantively resolved adverse effects to historic properties that may result from this undertaking. This is so in part because VA only initiated a dialogue on resolving adverse effects shortly before closing the public comment period. Consulting parties worked extensively with VA during the February 2016 meeting to develop an array of potential approaches to resolving adverse effects. This resulted in VA developing a series of draft measures to resolve adverse effects, some of which the consulting parties were afforded the opportunity to comment on in these meetings. While VA subsequently attempted to address those outstanding concerns, the consulting parties continued to believe the measures did not adequately resolve the adverse effects to historic properties, and that VA’s process had not allowed sufficient opportunity for consultation.

In the ACHP’s opinion, the current proposed resolution measures are not commensurate with the magnitude of potential adverse effects that would result to historic properties. Much of this disparity might be remedied through expansion of the scope and objective of the current proposed mitigation measures. Additionally, consulting parties have indicated that some proposed measures should be reconsidered in light of their marginal overall public benefit. Consulting parties were encouraged by VA’s introduction of novel and innovative mitigation measures, but were not given adequate time to discuss their viability and relevance in connection with the adverse effects. Consulting parties also remained concerned regarding the viability of and the challenge inherent in VA attempting to find a new use for the vacated campus under Supplemental Alternative G. Furthermore, the need for additional consultation to resolve adverse effects and fully respond to consulting parties’ questions is also evident in the continued correspondence between VA and the SD SHPO aimed at addressing specific concerns still unresolved in the draft final documentation. Lastly, additional consultation would also afford an opportunity for VA to engage consulting parties in a discussion on how to resolve adverse effects to the TCP aspects of the BMS, which while acknowledged by VA in its identification efforts are not recognizably addressed through resolution measures.

VA intends to use the effects resolution document to inform the Record of Decision (ROD), which will satisfy its Section 106 responsibilities in place of an agreement document. In light of this approach, and given the magnitude of potential adverse effects inherent with nearly all the alternatives, the ACHP agrees with the consulting parties that this dialogue is still incomplete. The ACHP recommends that VA engage once more with consulting parties in a meaningful dialogue to strengthen and refine mitigation measures in order to adequately resolve adverse effects.
Overall recommendations & advisory opinion

In sum, the ACHP finds that VA has met or is meeting its responsibilities to identify historic properties and assess the effects of the proposed BHHCS reconfiguration on them. It has not yet met the standards for consideration of alternatives to avoid, minimize, or mitigate adverse effects, and its proposed substantive resolution of adverse effects to historic properties is inadequate. As noted above, the fragmented manner in which VA has conducted the substitution process resulted in the publication of a DEIS that failed to meet the standards described in 36 C.F.R. § 800.8(c)(1). During the early consultation meetings, the ACHP requested that VA define and document its approach for utilizing the substitution process because the format and methods being used at the time demonstrated “a clear separation and isolation” of the NEPA and Section 106 review processes. VA sought to rectify, through additional meetings and the extension of the public comment period, the deficiencies resulting from a clear separation of these processes. Over the course of the 2016 meetings and related correspondence, VA redoubled efforts to consult meaningfully regarding the effects of the proposed reconfiguration and address consulting party concerns and comments. The ACHP recognizes the efforts of VA staff from the BHHCS and the Midwest Health Care Network, and your personal involvement to remedy these procedural deficiencies.

The ACHP agrees with the consulting parties that more could have been done prior to publication of the DEIS to clearly document its efforts to consult on the identification of historic properties and assessment of adverse effects. The procedural challenges and initial lack of transparency plagued these efforts and resulted in consultation that lagged significantly behind the overall NEPA process. To its credit, VA, through the efforts described above, was able to correct many of these mistakes. To that end, the ACHP recommends that VA, in the FEIS, recognize the continued consultation that was done following the publication of the DEIS with a clear acknowledgement that these efforts were pursued to correct the earlier deficiencies in the substitution process. VA’s summary of these renewed efforts will be critical to presenting a complete record of consultation.

The ACHP agrees with the consulting party objections that, as currently presented in the DEIS and revised Appendix C, VA has not sufficiently developed alternatives and proposed measures that might avoid, minimize, or mitigate adverse effects, or adequately resolved reasonably foreseeable adverse effects to historic properties. VA’s analysis under the NEPA process, including consideration of alternatives, moved prematurely ahead of the 106 process, resulting in a restricted consideration of alternatives to avoid, minimize, and mitigate adverse effects to historic properties. VA’s failure to develop substantive and meaningful alternatives and resolutions of adverse effects on historic properties prior to the release of the DEIS led to VA carrying out too narrow of an analysis within the overall document. This analysis, if not rectified, will skew the overall outcome of the substitution process.

In order to meet the standards and substantive requirements of 36 CFR § 800.8(c)(1-2), the ACHP agrees with the NTHP and recommends that VA reengage consulting parties with the goal of addressing in the FEIS the consulting party concerns about resolution of adverse effects, including a discussion of the proposed mitigation measures and how they specifically address the adverse effects that would be caused by the reconfiguration. These discussions should also include recognition of how VA intends to revise the analysis of alternatives in light of the additional meetings and consulting party contributions and incorporate those changes into the FEIS. The ACHP believes that these recommendations above provide a framework for VA to resolve the objections presented by the consulting parties, and develop outcomes and deliverables that will demonstrate VA’s substantive resolution of adverse effects. While these recommendations do not represent all the avenues available to conclude this consultation, the ACHP believes they represent the most collaborative and expeditious options.

The regulations (36 CFR § 800.8(c)(3)(i)(A-B)) require you "take into account the Council's opinion in
reaching a final decision on the issue of the objection … and provide it to the Council.” We appreciate your consideration of our opinion, and look forward to your response as we move forward. If you or your staff have any questions or would like to discuss this matter, please contact Mr. Reid Nelson, Director of Federal Agency Programs, at 202-517-0206 or mnelson@achp.gov.

Sincerely,

John M. Fowler
Executive Director
DEPARTMENT OF VETERANS AFFAIRS
Office of Construction & Facilities Management
Washington DC 20420

OCT 26 2016

Mr. John M. Fowler
Executive Director
Advisory Council on Historic Preservation
401 F Street NW, Suite 308
Washington, DC 20001-2637

Dear Mr. Fowler:

Thank you for your letter of August 12, 2016, conveying the opinion of the Advisory Council on Historic Preservation (AHCP) regarding objections to the consultation process on the proposed reconfiguration of the Department of Veterans Affairs Black Hills Health Care System (VA BHHCS) in South Dakota. VA referred objections from four parties to ACHP on July 15, 2016, for an advisory opinion on whether the draft Environmental Impact Statement (EIS), released in October 2015, met the standards outlined for National Environmental Policy Act substitution for Section 106 of the National Historic Preservation Act (NHPA).

The ACHP responded to four areas of concern from the objecting parties to VA’s compliance. The ACHP did not agree with the first objection and concluded VA had met its obligations to identify historic properties affected by the undertaking. However, to further clarify the administrative record, VA will, in the final EIS:

- Expand the description of the Battle Mountain Sanitarium and include a URL to electronically access the Battle Mountain Sanitarium National Historic Landmark nomination.
- Clarify statements about potential effects to historic properties within the Hot Springs and Rapid City areas of potential effect (APE) and describe the Fort Meade APE, based on discussions at the January and February 2016 historic properties consultation meetings.
- Include APE maps (Hot Springs, Rapid City, and Fort Meade) and a summary table of known historic properties within each.
- Expand the Tribal Outreach section to reflect all tribal consultation efforts.

The ACHP did not agree with the second objection and concluded VA has provided a comprehensive assessment of effects to historic properties. VA will expand the description of effects in the final EIS to include input received at the January and February 2016 historic properties consultation meetings.

The ACHP agreed with the third objection claiming VA did not “fully develop alternatives or propose adequate substantive measures to avoid, minimize, or mitigate adverse effects” following release of the draft EIS. VA disagrees. Prior to preparing the draft EIS, VA accepted Alternative E (the Save the VA proposal) for full and active analysis. After release of the draft EIS, VA accepted suggestions to expand the
alternatives to include locating a community-based outpatient clinic in Building 12 of the Hot Springs campus; this has become the preferred alternative (Alternative A2), largely because it avoids some adverse effects and minimizes others. Furthermore, VA discussed measures to avoid and/or minimize adverse effects of all alternatives, including Alternative A2, with consulting parties at the January and February 2016 historic properties consultation meetings. The ideas discussed at these meetings formed the basis of the measures to resolve adverse effects, which were then distributed to the consulting parties for comments and additional input. VA took the suggestions provided by consulting parties into account to revise and expand the proposed measures. VA also took the additional step to respond to all questions, suggestions, and comments, and gave a reason for any suggestion not adopted.

VA will summarize development of the measures to resolve adverse effects in Section 5.2 of the final EIS. Appendix C will further document this process, including ideas VA proposed prior to the February 2016 meeting, discussions at that meeting of those and additional ideas proposed by Consulting Parties, the resulting draft measures released to the Consulting Parties in April 2016, responses from Consulting Parties on those draft measures, the revised measures released in June 2016, the letter detailing VA’s rationale for modifying the measures, and any final modifications to the measures.

The ACHP concurred with the fourth objection claiming VA efforts to resolve adverse effects to historic properties are inadequate. VA disagrees. VA provided multiple opportunities over many months for Consulting Parties to comment on proposed measures to resolve adverse effects and has seriously considered all comments (whether provided verbally or in writing) in developing adequate final measures. VA repeatedly demonstrated its willingness to compromise or make changes in response to constructive comments. Given the amount of time already provided and lack of substantive new ideas received during the final comment period, VA has determined another meeting would not be productive; however, VA will add more specificity to certain measures to enhance their effectiveness and is addressing recent comments from both the National Park Service and State Historic Preservation Officer.

VA takes seriously our commitment to stewardship of historic properties and especially National Historic Landmarks, per NHPA Section 110(f). As part of the nationwide effort to productively use vacant or underutilized space, VA is currently considering Buildings 3 and 4 at the Hot Springs VA campus as the site for a new national Veterans Health Administration Member Services Pharmacy Call Center. The project will be designed to have no adverse effects on historic properties. Though this call center is not related to the proposed reconfiguration of health care services, it is an
example of the type of adaptive reuses available for the Hot Springs VA Medical Center in the event a decision is made to vacate the campus.

Finally, ACHP recommended VA review the draft EIS discussion regarding the role of the Battle Mountain Sanitarium as a Traditional Cultural Property. VA followed ACHP’s advice and has concluded that the campus does not meet the criteria outlined in National Register Bulletin 38 to be considered a Traditional Cultural Property. Information about this determination will be included in the final EIS.

This letter documents that VA has taken into account ACHP’s opinion about the objections raised regarding consultation for the proposed VA BHHCS reconfiguration and will address outstanding concerns in the final EIS. If you have any questions or require additional information, please contact me at (202) 632-4607 or by email at Stella.Fiotes@va.gov.

Sincerely,

Stella S. Fiotes, AIA
Executive Director