

File



Veterans Administration

In Reply Refer To:

MEMORANDUM OF AGREEMENT

WHEREAS, the Veterans Administration (VA) is awarding a grant to the State of Rhode Island (Federal Assistance, Project No. 39-8082-01) for expansion and development at the Rhode Island State Veterans Cemetery, Exeter, R.I.; and,

WHEREAS, the VA has obtained information from the Rhode Island State Historic Preservation Officer (SHPO) that significant archeological remains might be located in the probable area of impact of proposed work under the grant; and

WHEREAS, the VA wishes to avoid or mitigate any adverse effect that proposed work might have on whatever significant remains are present in the probable area of impact;

NOW, THEREFORE, it is mutually agreed that the grant be conditioned by the following stipulations:

STIPULATIONS

1. The VA, in consultation with the Rhode Island SHPO, will identify and evaluate archeological resources that may be affected by the cemetery expansion and the construction of a new access road. This will at a minimum include:

a. A background study of the landform and land use history of affected areas in order to predict whether significant historic or prehistoric archeological remains may exist.

b. Field reconnaissance survey and subsurface testing by mechanical or other appropriate means, in order to meet predictions derived from the background research; and

c. Evaluation, according to the criteria of eligibility for inclusion in the National Register of Historic Places set forth in 36 CFR Part 60, of all archeological remains identified. Where appropriate, determinations of eligibility will be sought in accordance with the procedures set forth in 36 CFR Part 63.

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2. To avoid costly penalties associated with construction delays, some work on the cemetery development may be undertaken before the identification and evaluation of resources can be completed. The signatories (1) understand that this work could involve the interior roadway system, portions of the new access road already cleared by archeological survey and construction of a committal building in an already disturbed area and (2) accept the risk that these activities may result in the loss of some resources.

Work may also be undertaken in the proposed burial areas provided, however, that the work will be carried out so as to avoid the loss of any resources. For this reason, the proposed discing and dragging of the burial areas will be carried out at a depth not to exceed the plow zone.

3. As per state level agreement, no construction activity will be undertaken prior to May 15, 1983 on portions of the new access road that have not already been cleared by archeological survey.

4. Should any properties be determined eligible for the National Register, a plan to avoid, protect, and/or recover data from them will be developed in consultation with the Rhode Island SHPO and the ACHP and will be implemented in accordance with the Advisory Council's Handbook, "Treatment of Archeological Properties." The plan will provide for:

a. in place preservation of archeological remains where feasible;

b. methods for minimizing impacts of construction on archeological resources;

c. recovery of data, in a manner consistent with Part III ("Recommendations for Archeological Data Recovery") of the Handbook, from properties that cannot be left in place, to include analysis of information, curation of recovered materials and dissemination of reports; and

d. consideration of possible incorporation of archeological remains in project plans in order to interpret the prehistoric and historic uses of Exeter and interior Southern New England to the public.

5. If, after the identification and evaluation of resources has been completed, additional archeological remains are discovered during construction, the VA will follow the procedures in 36 CFR Part 800.7 and will apply the plan in Stipulation 4 above, as appropriate.

6. All actions required in Stipulations 1.A., 1.B. and 4 above will be conducted under the direct supervision of personnel who at a minimum meet the professional qualifications set forth in (proposed) 36 CFR Part 66, Appendix C, "Professional Qualifications," and who have substantial experience in the historic and/or prehistoric, as appropriate, archeology of the Northeastern United States.

7. All studies, surveys, project development plans, personnel qualifications, Requests for Proposals and Scopes of Work for archeological and related research will be reviewed in accordance with the standards set forth in the Advisory Council's Handbook, "Treatment of Archeological Resources," and in (proposed) 36 CFR Part 66, and none will be approved by the VA without first seeking the comments of the Rhode Island SHPO.

8. Should the Rhode Island SHPO object within 30 days to any of the items reviewed under Stipulation 7, the VA shall consult with the SHPO to resolve the objection. If the VA determines that the objection cannot be resolved, the VA shall request the further comments of the Council pursuant to 36 CFR Part 800.6 (b).

Robert Sawyer July 5, 1983  
Executive Director  
Advisory Council on Historic Preservation

John G. Affleck (date) 2/23/83  
Director, Rhode Island, Department of Social  
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Paul T. Gannon (date) 4/15/83  
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