

**MEMORANDUM OF AGREEMENT  
BETWEEN THE DEPARTMENT OF VETERAN'S AFFAIRS AND  
THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE**

**For the Mitigation of Certain Adverse Effects to the  
Florence Stockade/Florence National Cemetery (Archaeological Site 38FL2)  
Florence County, South Carolina**

**March 2006**

WHEREAS, the Department of Veteran's Affairs, National Cemetery Administration (DVA), has determined that expansion of the Florence National Cemetery will have an adverse effect on upon archaeological site 38FL2, an historic property that is listed in the National Register of Historic Places; and

WHEREAS, the DVA has consulted with the South Carolina State Historic Preservation Office (SHPO) pursuant to 36 CFR Part 800 (revised), regulations implementing Section 106 of the National Historic Preservation Act 16 U.S.C. 470f; and

NOW, THEREFORE, the DVA and the SHPO, agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

Stipulations

Potential adverse effects to site 38FL2 will be mitigated through data recovery excavations, the DVA will submit a data recovery plan, along with a copy of this MOA, to the SHPO for review and concurrence within 30 days of the signing of this MOA. All data recovery plans will include a public information component. Archaeological plans and documentation will follow the Secretary of Interiors *Standards and Guidelines for Archaeological Documentation* (48 FR 44734-37), and the Advisory Council on Historic Preservation publication *Treatment of Archaeological Properties* (ACHP 1980). In addition, these plans will be consistent with the South Carolina *Standards and Guidelines for Archaeological Investigations* (South Carolina Department of Archives and History et al. 2000). Plans may be implemented only after concurrence between the SHPO and DVA.

The DVA shall allow representatives from the SHPO to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance to the terms and conditions of this MOA.

Special Conditions

1. The DVA shall have its archaeological consultant monitor any ground disturbing activities in the 0.89-acre portion of the site that is not considered significant (Figure 1). The purpose of this monitoring is to ensure that no human remains or significant archaeological features are disturbed. If human remains or significant archaeological features are encountered during monitoring, the DVA and its archaeological consultant will follow the procedures outlined in the Late Discoveries section of this MOA.
2. The DVA shall ensure that no construction or other land disturbing activities occur within the significant portion (approximately nine acres) of archaeological site 38FL2 that fall within the proposed cemetery expansion area (Figure 1). This will remain in effect until archaeological data



recovery excavations have taken place and the SHPO has agreed in writing that the terms of this MOA have been fulfilled. The protection plan will consist of the erection of a barrier fence of chain link or acceptable substitute aligned between the active construction area/burial areas and the data recovery area. The NCA will install a locked gate in this fence for access to authorized personnel. Only personnel authorized by the NCA project manager will be allowed access to the data recovery area. The NCA will post the data recovery area with "Property of the U.S. Government – No Trespassing" or equivalent signs every 50 feet around the entire boundary of data recovery area. The DVA Project Manager will be responsible for including a no disturbance clause for the data recovery area into the contract for the burial area. The Cemetery Director will also issue an internal memorandum to cemetery staff instructing staff to avoid any land disturbance activities in the data recovery area. In addition, the data recovery area will be monitored by cemetery staff, the consulting archaeologists, and possibly by the Florence Sheriff's office and the SCDNR to ensure security of the site during and after normal business hours. The DVA will encourage the Friends of Stockade to diligently monitor the adjacent property and report suspicious activities to the DVA or proper law enforcement authorities.

3. A minimum of two copies of the draft technical report of data recovery investigations will be prepared by the DVA's archaeological consultant and submitted to the SHPO for review and approval within one calendar year from the last day of fieldwork. The SHPO reserves the right to submit the draft technical report to qualified professional archaeologists for the purpose of peer review. If revisions of the draft report are recommended, the DVA is responsible for ensuring that these are addressed.
4. Within three (3) months of draft report approval, the DVA shall provide, or have his consultant provide, six (6) copies of the final technical report to the SHPO and the Friends of the Stockade. One of these copies will be in the form of a compact disk; one will be an unbound copy, while the remaining copies will be bound hard copies produced on acid-free paper.
5. The DVA shall ensure that all artifacts recovered during archaeological investigations are stabilized and processed for curation at a repository meeting professional curation standards (36 CFR Part 79). Copies of all records, including, but not limited to, field notes, maps, catalog sheets, and representative photographs and negatives shall be submitted for curation with the artifacts. Documentation that the repository has received and accepted these materials will be supplied to the SHPO. The DVA will provide for the accessibility to this artifact collection by contractually obligating the receiving institution to allow timely and reasonable short-term and long-term artifact loans for academic and or public display. Within two months of the issuance of the final report, the DVA will initiate coordination with the signatory parties to this MOA for the determination of the components and scope of the curation contract.
6. The DVA shall ensure that all human remains recovered during archaeological investigations will be reinterred (after analysis), in an appropriate location, preferably within the cemetery expansion area. The location of the internment area for these remains will depend on the results of the analysis. The DVA will coordinate with the signatory parties to the MOA to determine the re-internment location, associated monumentation, and funeral honors for all human remains other than Native American. After the acceptance of the final report, reburial will take place as soon as the remaining developable acreage of gravesites are available. Native American remains will be reburied pursuant to an agreement to be reached with appropriate Native American groups. In the unlikely event that Native American remains are discovered, the DVA will enter into consultation with the SHPO and interested Tribal entities to determine the re-internment details. Native American remains will be reburied pursuant to an agreement to be reached with the SHPO and appropriate Native American groups.



7. A public information component will be completed for this project by the DVA within three months after SHPO's review and approval of the draft report. The details of the public component have not yet been determined, and a budget will have to be developed for that component once the decision is made on how to proceed. The public information component will consist of "1) interpretive signage that will be on display in the National Cemetery; 2) an electronic presentation suitable for hosting by the SHPO and/or the DVA on their website; 3) an artifact/interpretive display; 4) a public brochure; and 5) a lecture suitable for presentation to the general public." All of these actions will represent an appropriate public information component for this project. Within one month of the issuance of the draft report, the DVA will initiate coordination with the signatory parties to this MOA for the determination of the components and scope of the public information plan.

#### Late Discoveries

If unanticipated human skeletal remains are discovered on the property prior to or during land altering or construction activities, the DVA will temporarily halt those activities and immediately notify the SHPO of the late discoveries. If the human skeletal remains are identified as Native American, the DVA will notify the SHPO and interested Tribal entities within five days to initiate consultation in accordance with applicable law.

If significant archaeological features are encountered during the monitoring of the initial construction of the 0.89 acre area, the DVA will notify the SHPO within two business days as it proceeds with its archaeological consultant to appropriately document the discovered feature in accordance with the methodology presented in the Data Recovery Proposal. The information from all investigated features on the 0.89 site will be incorporated into the draft and final Phase III report.

A reasonable 50 foot buffer shall be immediately established around the human remains by the construction project manager or project archaeologist. Project personnel will be notified by the DVA that no land altering activities will be allowed within this buffer zone until an appropriate course of action has been established. The cessation of activities in the buffer zone will afford the SHPO the opportunity to assess the situation and recommend a course of action with two (2) business days of such notification.

#### Dispute Resolution

Should either party to this Agreement object within 30 days to any plans, reports, or documents provided for review pursuant to this Agreement, then the parties will consult to resolve this objection. If the objection cannot be resolved, the DVA shall request the further comments of the Advisory Council.

### Amendment and Modification

Any party to this MOA may request that it be amended or modified at any time, whereupon the parties will consult with each other to consider such amendment or modification. All consulting parties to this agreement must agree on any modifications before any changes are made.

If the undertaking has not been completed within five (5) calendar years after the Agreement has been signed, then the signatory parties shall review this Agreement to determine whether revisions are needed. If revisions are needed, the parties to this Agreement will consult in accordance with 36 CFR Part 800 to make such revisions.

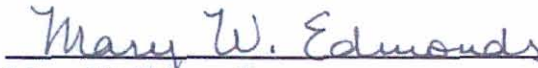
Execution of this Memorandum of Agreement and implementation of its terms evidence that the DVA has afforded the Council an opportunity to comment on the Florence National Cemetery Expansion Project and its effects on historic properties, and that the DVA has taken into account the effects of the undertaking on historic properties.

Signatories:

  
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Bill Jayne, Acting Director  
Office of Construction Management, 41F  
Department of Veterans' Affairs  
National Cemetery Administration

04.04.06  
Date

  
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Mary W. Edmonds  
South Carolina Deputy State Historic Preservation Officer

3/29/06  
Date

Concurring Parties:

  
\_\_\_\_\_

Mark W. Buyck, III, Chairman  
Friends of the Florence Stockade

3/30/06  
Date



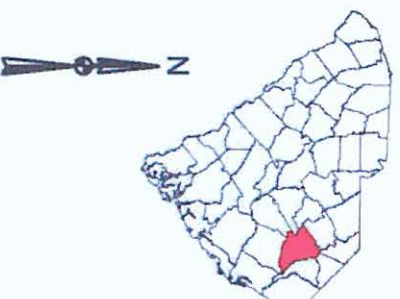
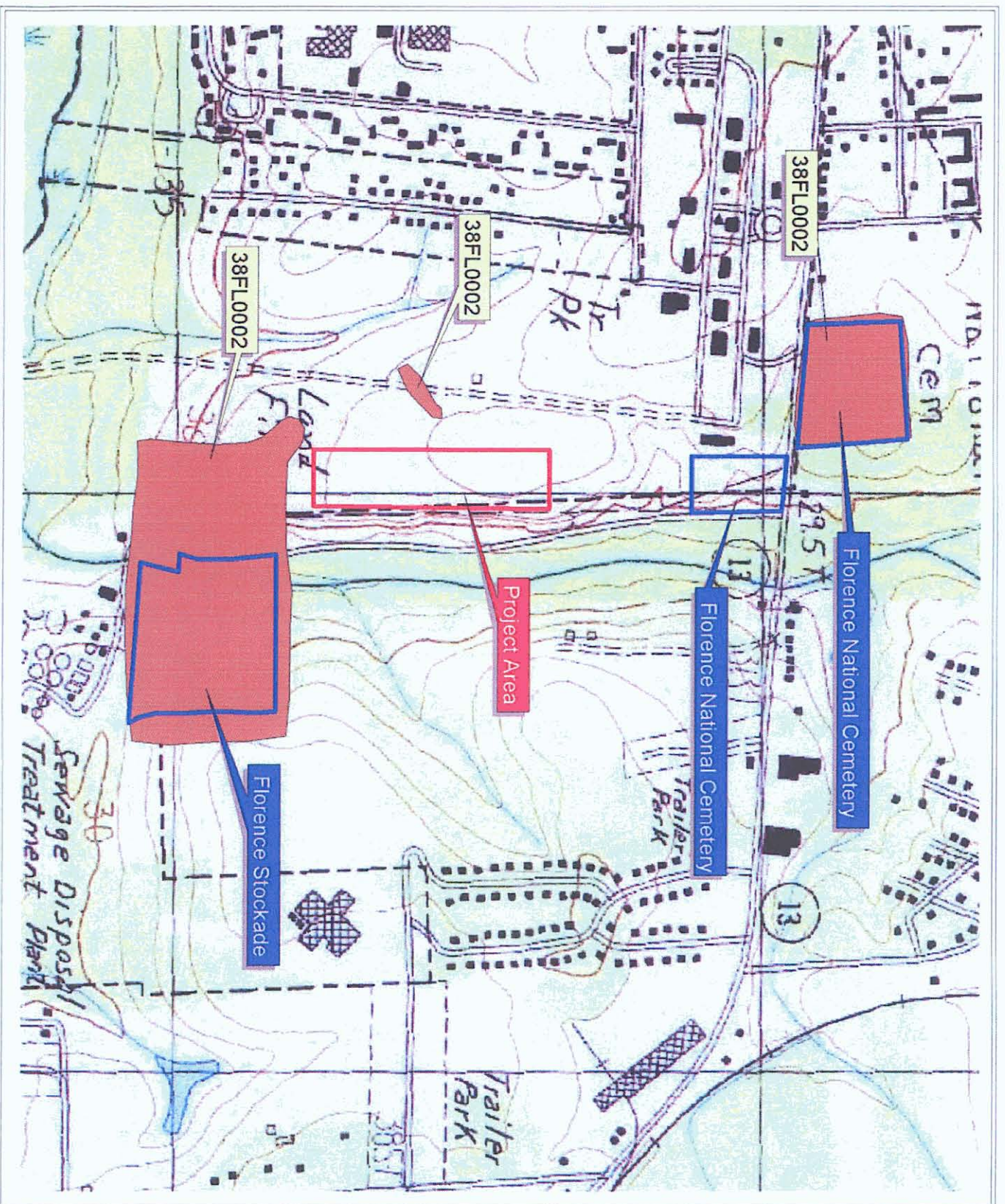


Figure 1. The Florence National Cemetery expansion area and previously recorded cultural resource in the vicinity