

MEMORANDUM OF AGREEMENT

**BETWEEN THE
US DEPARTMENT OF VETERANS AFFAIRS**

AND THE

**WASHINGTON DEPARTMENT OF ARCHAEOLOGY AND HISTORIC
PRESERVATION**

**REGARDING THE
JONATHAN M. WAINWRIGHT VA MEMORIAL MEDICAL CENTER
DEMOLITION OF BUILDINGS 8, 97 AND 103 GARAGES PROJECT**

Demolition of Buildings 8, 97 and 103 Project
October 24, 2014

WHEREAS, the **US Department of Veterans Affairs (VA)** proposes to demolish three garages within the Walla Walla Veterans Affairs Medical Center (VAMC) campus as described in Attachment A (Undertaking); and

WHEREAS, Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, and its implementing regulations at 36 CFR Part 800 (Section 106) requires Federal Agencies to take into account the effects of their undertakings on historic properties and provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on those undertakings; and

WHEREAS, the purpose of this Memorandum of Agreement (MOA) is to ensure compliance with Section 106 of the NHPA, pursuant to 36 CFR § 800.6 (c); and

WHEREAS, VA, in consultation with the Washington State Department of Archaeology and Historic Preservation (DAHP), has established the Undertaking's Area of Potential Effect (APE) (Attachment A), as defined by 36 CFR § 800.16 (d), to be:

Built environment of the VAMC campus (parcel #360730130080) including approximately 2.5 acres of City of Walla Walla land located adjacent and to the south; and the archaeological APE as those buildings to undergo demolition (Attachment A); and,

WHEREAS, VA, in consultation with DAHP, has determined that the Undertaking may have an adverse effect on the historic Buildings 97 and 103 considered contributing resources to the Fort Walla Walla Historic District (Attachment A); and

WHEREAS, VA has initiated consultation with the DAHP pursuant to 36 C.F.R. part 800, regulations implementing Section 106 of NHPA; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), VA has notified the ACHP of its adverse effect determination with specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, VA identified the following tribes as having ancestral or traditional interests in the area:

- Colville Confederated Tribes
- Confederated Tribes of the Umatilla Indian Reservation
- Confederated Tribes and Bands of the Yakama Indian Nation
- Nez Perce Tribe
- Wanapum Tribe; and

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WHEREAS, VA has consulted with the affected tribes and invited the tribes to articulate their views on the Undertaking and resolution of Adverse Effects and invited them to be concurring parties to the MOA; and

WHEREAS, VA has consulted with the City and County of Walla Walla and the Fort Walla Walla Museum regarding the effects of the undertaking on historic properties and has invited them to be Consulting Parties; and

NOW, THEREFORE, VA and DAHP 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

VA shall ensure that the following measures and stipulations are carried out.

I. Professional Qualifications

VA will ensure that all historic preservation and archaeological resources work performed by or on behalf of the agency pursuant to this agreement, shall be accomplished by or under the direct supervision of persons who meet the pertinent qualifications standard for the relevant discipline set out in the Secretary of the Interior's *Professional Qualifications Standards* (48 FR 44738-44739).

II. Archaeological Resources

A. Archaeological Resource Monitoring Plan And Cultural Materials Discovery Protocol

VA has developed a Monitoring Plan consistent with the Secretary of the Interior's Standards for Archaeological Documentation (48 FR 44734-44737), the Council's Treatment of Archaeological Properties (ACHP, draft 1980), and applicable Washington regulations (Attachment B). In accordance with Attachment B, the VA will ensure that archaeological monitoring will be implemented for all ground disturbing activities associated with demolition activities. In the event of unanticipated discovery of significant cultural resources, the VA and its contractors will consider the resources as NRHP-eligible and shall follow the procedures outlined in Attachment B in order to recover data and minimize construction delays.

B. Communication and Coordination

VA will undertake the following measures to ensure adequate communication between the VA, DAHP, the Consulting Parties, and archaeological field crews.

1. VA will designate the VAMC Cultural Resource Management Officer as Primary Point of Contact for cultural resource issues to ensure the efficient flow of technical information between parties through the continued consultation and implementation of the MOA.

C. Curation and Reporting

VA will ensure that all records and material resulting from identification and data recovery efforts are curated with an institution that meets the criteria of 36 CFR Part 79, except those human remains and objects subject to Native American Graves Protection and Repatriation Act (NAGPRA). Any objects subject to NAGPRA shall be treated in accordance with Section D below.

