MEMORANDUM OF AGREEMENT

BETWEEN THE
US DEPARTMENT OF VETERANS AFFAIRS

AND THE

WASHINGTON DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION

AND THE

ADVISORY COUNCIL ON HISTORIC PRESERVATION

AND THE

CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION

REGARDING THE
JONATHAN M. WAINWRIGHT VA MEMORIAL MEDICAL CENTER NEW MULTI-SPECIALTY CARE OUTPATIENT CLINIC, RESIDENTIAL RECOVERY UNIT, SPECIALTY CARE UNIT BUILDINGS AND ASSOCIATED INFRASTRUCTURE PROJECT

WHEREAS, the **US Department of Veterans Affairs (VA)** proposes to construct three patient care buildings and associated campus realignment utility upgrades 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), as defined by 36 CFR § 800.16 (d), to be:

> Built environment of the Walla Walla Veterans Affairs Medical Center (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 areas to undergo new building and infrastructure construction (Attachment A); and,

WHEREAS, VA, in consultation with DAHP, has determined that the Undertaking may have an adverse effect on two archeological sites (45WW304 and 45WW305), historic buildings listed as contributing resources to the Fort Walla Walla Historic District, and additional historic resources eligible for listing in the National Register of Historic Places (see Hetzel et al. 2010); and

WHEREAS, VA has initiated consultation with the DHPA 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 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 and has invited them to be concurring parties to the MOA:

- 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

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

WHEREAS, VA has consulted with the City 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, DAHP, ACHP, and the signatory tribes 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. Changes in the Area of Potential Effect (APE)

It is anticipated that all construction activities will be restricted within the APE as defined in Attachment A. If, however, during the course of project planning or construction, a need arises to make changes to construction areas or ancillary areas that expand or alter the APE, including any use of or negative impact to the parade grounds, VA shall take the following steps:

A. Notify DAHP and Consulting Parties of the change and define the new APE, in consultation with DAHP and Consulting Parties.

B. Require that the new APE is inventoried and evaluated in a manner consistent with 36 CFR § 800.4. A research design for the inventory, documentation, and analysis of the new APE will be developed in consultation with DAHP, tribes, and other Consulting Parties.

C. Prepare inventory reports consistent with DAHP guidelines and distribute to DAHP and Consulting Parties for review and comment within 30 calendar days of completion of fieldwork conducted under Subsection B.

D. Evaluate historic significance and determine NRHP eligibility of newly discovered historic properties or sites consistent with 36 CFR § 800.5, in consultation with DAHP and Consulting Parties. VA, in consultation with DAHP and Consulting Parties, shall then apply the Criteria of Adverse Effect in a manner consistent with 36 CFR Part 800.5 and seek DAHP and Consulting Parties' concurrence.

E. If VA, DAHP, and/or Consulting Parties do not agree on NRHP-eligibility of any properties or sites within the new APE, VA will obtain a formal Determination of Eligibility from the Secretary of the Interior pursuant to 36 CFR § 63.

F. If NRHP-eligible archaeological resources will be adversely affected, VA will prepare a Supplemental Treatment Plan in consultation with DAHP, affected tribes, and other Consulting Parties.

II. 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 or exceed the pertinent qualifications standard for the relevant discipline set out in the Secretary of the Interior's *Professional Qualifications Standards* (48 FR 44738-44739). A preservation architect meeting the *Standards* shall be employed by VA and/or consultants to review and comment upon architectural designs of proposed buildings.

III. Archaeological Resources

A. Avoidance and Protection During Construction

VA will avoid and protect two historic archaeological sites, 45WW304 and 45WW305, whose boundaries are not completely understood by the VA. VA will ensure that construction drawings for Undertaking activities will clearly identify no work zones including the sites as currently recorded and a 10-meter buffer. The no work zone will be marked by stakes and a silt fence; photo documentation will be provided to the signatory parties. VA will ensure that a preconstruction meeting(s) will be undertaken between VA, construction personnel, and cultural resource staff to communicate locations of restricted areas, ensure understanding of monitoring plans and protocols, and emphasize responsibilities and appropriate behavior.

No adverse effect is foreseen for Site 45WW305 as plans for the upgrades to the existing 5 kilovolt electric utility line has been abandoned and no Undertaking construction activities are proposed at the location of the site. If needed, a research design and proposed additional archaeological investigation will be prepared, in consultation with DAHP and Consulting Parties, for implementation at the two archaeological sites.

The proposed re-route of the 12 kilovolt electric utility line and the offsite water line will be tested at 20 meter intervals to ensure that neither will impact site 45WW304. Identification, evaluation, and resolution of effects will proceed in accordance with the procedures outlined in Stipulation I.

B. Provisions for Future Care

VA will develop a Site Treatment and Management Plan addressing the future care of the two archaeological sites, in consultation with DAHP and other Consulting Parties. The plan will be prepared and implemented within four months of final MOA signature and will be incorporated into the Historic Preservation Plan stipulated in Section V.

C. Phase II/III Evaluation/Mitigation Investigations

VA anticipates completing Phase II (Evaluation) and Phase III (Data Recovery) archaeological investigations at the locations of two razed Fort-era historic buildings delineated on 1921 maps within the western extent of the Campus in advance of, and/or concurrently with, construction activities pertaining to the Undertaking. Investigations will follow Attachment B to this Agreement, *Phase II Evaluation Plan for Locations at Buildings #24 and #71, Campus Realignment Project, Jonathan M. Wainwright Medical Center, Walla Walla, Washington*, as approved by DAHP and Consulting Parties. Upon completion of Phase II fieldwork, consultation with DAHP and Consulting Parties will be undertaken to review findings, determine NR eligibility, and establish Phase III level of effort.

1. Phase II (Evaluation) Investigation. The primary goal of the Phase II investigation is to confirm the presence of archaeological evidence of Buildings #24 and #71. Investigations will obtain information on the stratigraphic integrity, horizontal and vertical limits, structure, function, and cultural/historical context of the mapped building foundation footprints sufficient to evaluate their National Register eligibility. All work will be completed in accordance with the Secretary of the Interior's standards (48 FR 44716), and applicable state regulations. All artifacts will be curated in accordance with 36 CFR § 79 and Curation Agreement (Attachment C). Native American cultural material will be handled in accordance with applicable federal laws and regulations including the execution of a plan of action with the affected tribes. If the investigated areas are determined not eligible following Phase II Evaluation, VA's obligations under this Agreement and Section 106, as they relate to the investigated areas, shall be at an end.

2. Phase III (Data Recovery). In the event that either or both Buildings #24 and #71 foundation locations are determined NRHP eligible, Phase III data recovery will proceed as described in Attachment B to this Agreement.

D. Archaeological Resource Monitoring Plan And Cultural Materials Discovery Protocol

VA has developed a Monitoring Plan and Discovery Protocol 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 D). In accordance with Attachment D, the VA will ensure that archaeological monitoring will be implemented for all ground disturbing activities associated with construction activities. In the event of unanticipated discovery of cultural resources, the VA and its contractors will consider the resources as

NRHP-eligible and shall follow the procedures outlined in Attachment D in order to recover data and minimize construction delays.

In accordance with the Human Remains Discovery Protocol document (Attachment E), all encountered remains will be assumed to be Native American until proven otherwise. Within one working day of each non-forensic unanticipated discovery, consultation with tribes will be initiated. All forensic discoveries will be reported to County Coroner, tribes, and Consulting Parties within 24 hours in accordance with Stipulation III.H and Attachment E.

E. Artifact Analysis and Curation of the Hussey Collection

The Hussey Collection is an assemblage of historic artifacts recovered by Professor Larry Hussey on VA and surrounding parcels from circa 1980-2000. Presently, an unknown quantity of artifacts and documentation (est. 110 boxes) are stored at the VA Campus. The VA commits to the analysis, cataloguing, and curation of the collection (Attachment C).

1. A Curation Plan will be prepared in consultation with DAHP, the Consulting Parties, and, if amenable, Professor Hussey, to evaluate the collection and identify the level of effort needed to accomplish final curation goals through the guidance of 36 CFR Part 79, "Curation of Federally Owned and Administered Archaeological Collections". The Curation Plan will identify staffing, lab space, and equipment needs for implementation of curation activities, identify partnership opportunities and/or consultant qualifications, identify qualified curation facilities, and estimate financial needs and funding sources. The Curation Plan for the Hussey Collection shall be incorporated into the Historic Preservation Plan stipulated in Section V.

2. VA is committed to providing archival/curation opportunities for interested Vets through a program based on the Vet Curation Program of the US Army Corps of Engineers. The Curation Plan will include program objectives and feasibility, pilot program design, and implementation recommendations. The pilot program, in consultation with DAHP, Consulting Parties, Veterans organizations, and other interested Parties, will be implemented within four years of completion of the Curation Plan.

F. 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 a Primary Point of Contact with cultural resource expertise to

ensure the efficient flow of technical information between parties through the continued consultation and implementation of the MOA.

2. Within two weeks of signature of the MOA, VA shall identify the key decision points and a set of scheduled communications to include weekly field reports, conference calls at times agreed to by the parties, and, if practical, on-site meetings. Decision Points will include the interpretation of Phase II findings, establishment of the level of effort for Phase III work, and account for other collaborative interactions specified in Attachment D.

G. 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) (Attachment E). Any objects subject to NAGPRA shall be treated in accordance with Section H below.

VA will assess any claims or curation requests made by any affected Tribal Government in accordance with applicable federal and state laws. VA will facilitate the involvement of affected Tribal Governments in the decisions related to final disposition of archaeological artifacts. If any party objects to any element of the disposition, they may object in accordance with the procedures outlined in Stipulation VI, Dispute Resolution.

VA will ensure that the cultural resource investigations and findings related to the Undertaking are documented in a report that meets state and federal standards, except that investigations and findings involving Native American human remains and cultural resources subject to NAGPRA shall additionally be in conformance with Tribal Government requirements for culturally appropriate documentation and handling to the greatest extent possible. The report shall summarize the methodologies, results, and conclusions drawn from the documentation and analysis of any sites and artifacts conducted in accordance with this Agreement. The report shall be distributed to the Consulting Parties, and non-confidential portions of the report may be made available to the public.

H. **Treatment of Human Remains and Items of Religious and Cultural Importance**

1. If human remains are encountered, either during Phase II/Phase III data recovery investigations or during any construction and ground-disturbing activities, the VA will comply with all applicable Federal and State provisions. VA has developed a Human Remains Discovery Plan (Attachment E) to comply with applicable provisions under NAGPRA and ARPA regulations and RCW 68.60 et seq., if necessary. The VA will treat

all encountered remains as though they are Native American, and accordingly consult with affected tribes, unless and until proven otherwise.

IV. Architectural Treatment Measures

This Stipulation sets forth treatment measures for standing historic resources adversely affected by the Undertaking.

A. Design Guidelines Preparation

VA, with assistance of preservation architect, will prepare Design Guidelines to facilitate iterative consultation to achieve context-sensitive design for new building construction, site layouts, and landscapes. The Guidelines will identify and describe the character-defining architectural and cultural landscape elements of principal contributing resources of the Historic District. VA will provide a range of development solutions and appropriate techniques to improve compatibility with the contributing elements of the historic built environment. The Guidelines will be produced prior to the next generation of design submittals and will be integrated into the Historic Preservation Plan (Stipulation V.B).

B. New Building Construction Design Review for RRU Building

The architectural design of the RRU is currently at 95% completion; however, opportunities for receipt of design comments and implementation of suggested alterations are not foreclosed. VA will ensure discussions shall take place between the VA's Design/Build contractor, VA preservation architect, DAHP, ACHP (if they so desire), and interested Consulting Parties to coordinate appropriate design aesthetics for the new building, site layout, and landscape elements based on Design Guidelines (Stipulation IV.A). Opportunities may include conference calls, web-based exchanges, and mailings. Facilitation of design input consultation will be arranged within two weeks of signing of MOA.

C. New Building Construction Design Review for OPC and SCU Buildings

The architectural design of the OPC building is currently at 65% completion and the SCU building is at 0% completion. VA will ensure opportunities for iterative discussions shall take place between the VA's Design/Build contractor, VA preservation architect, DAHP, ACHP (if they so desire), and interested Consulting Parties to coordinate appropriate design aesthetics for the new buildings, site layout, and landscape elements based on Design Guidelines (Stipulation IV.A). Design review for the OPC building will occur at 65% and 95% design completion. Design review for the SCU building will occur at 10%, 35%, 65%, and 95% design completion. Opportunities may include conference calls, web-based exchanges, and mailings. VA is committed to receiving and integrating

stakeholder design suggestions and will provide written responses to design review comments at 95% design completion. Facilitation of design input interactions will be arranged within two weeks of design review submittals.

D. Cultural Landscape Report Preparation

Upon signing of the MOA, VA will identify and document existing conditions and undertake historical research to prepare a Cultural Landscape Report (CLR). Initial efforts will focus on the western end of Campus that includes the entirety of the archaeological APE and documentation will be completed prior to the commencement of construction activities. Documentation and recommendations will be undertaken following the guidance of NPS Bulletin 36. VA will submit the CLR to DAHP and Consulting Parties for consideration during design review. VA will addend and expand the CLR within two years of signing of the MOA to provide a full inventory of landscape elements throughout the entirety of the VA Campus. The CLR will include a long-term Treatment Plan detailing specification for comprehensive maintenance and preservation. The findings of the Cultural Landscape Report will be incorporated into the Historic Preservation Plan.

E. Archiving and Curation of VA Historic Maps

The VA has an extensive collection of historic site, building, and detail measured architectural drawings from 1921 to modern times. VA, in consultation with DAHP and Federally-approved curation facilities, will inventory, catalogue, prepare, and curate all significant historical measured drawings currently housed on the VA Campus. High quality copies of all archived maps will be maintained on the Campus for VA use and be available to Fort Walla Walla Museum and other appropriate researchers. Originals will be submitted to the National Archives per NARA regulations and guidance. Archiving will be accomplished within 4 years of signing of MOA.

V. Historic Preservation Planning Activities

A. Preparation of Revised National Register Nomination Form

Within one year from the date of the execution of the MOA and in coordination with DAHP and Consulting Parties, the VA will prepare a revised and updated Fort Walla Walla National Register Nomination Form, originally prepared in 1974 (NRIS #74001985). The nomination form shall be prepared in accordance with NPS regulations 36 CFR 60 by a cultural resource professional(s) as described in Section II Professional Qualifications. At least one draft of the nomination shall be submitted to DAHP and the Consulting Parties for review and comment. As necessary, revised drafts of the nomination shall be provided to DAHP and Consulting Parties until the draft is accepted by DAHP for review by the Washington State Advisory Council on Historic

Preservation.

B. Preparation of a Historic Preservation Plan

VA will prepare a historic preservation planning document (HPP). The HPP will include a long-range vision for the district; goals and policies that articulate VA's intentions for long term preservation and management of the district; identification of potential new uses within the Campus; design guidelines that address additions, infill construction, landscaping and signage; a cultural landscape management plan; an interpretation plan; integration with local planning, economic development, recreation, and tourism initiatives; a funding/financial plan; and implementation timeline. Other elements will be added as identified during the preservation planning process including the preparation of a history book of Fort Walla Walla; history and public venue presentation of the 9th Cavalry Regiment and "L" Troop of the 4th Cavalry Regiment; and partnerships with public, private and non-profit organizations to promote public education and historic preservation. The HPP will be developed in consultation with the signatory parties, affected tribes, DAHP, and a broad base of interested stakeholders. The HPP will be prepared and implemented within two years of signing of MOA.

VI. Dispute Resolution

A. Unless otherwise specified in this Agreement, should any Signatory to this Agreement object in writing within 30 days to any plans, specifications, actions, or findings proposed pursuant to this Agreement, VA shall consult with the objecting party to resolve the objection. Upon receiving the written objection(s):

1. VA will notify any non-objecting Signatories as to the nature of the dispute.

2. VA will attempt to informally resolve the objection.

3. In the event that informal attempts are unsuccessful, VA will invite the objecting party to a reconciliation meeting for the purpose of discussing and resolving the objection. VA shall issue such invitation no later than ten (10) working days after receipt of the written objection and shall schedule a meeting to be held within fifteen (15) working days following receipt of the invitation unless the parties mutually agree to a later scheduling of the meeting. The time frames specified herein may be expedited by mutual written agreement.

B. Should the Colville Confederated Tribe, Confederated Tribes of the Umatilla Indian Reservation, Wanapum Tribe, Confederated Tribes and Bands of the Yakama, and/or Nez Perce Tribe object to any proposed plan, curation procedure, handling of Native American human remains, the resolution of adverse impacts or sufficiency of proposed mitigation measures, VA

shall consult with the Tribal Governments to seek to resolve the objection under Stipulation VI (A).

C. If VA determines that an objection cannot be resolved through Stipulation VI (A), VA shall forward all documentation relevant to the dispute to the ACHP. Within 15 days of receipt of all documentation, the ACHP shall either:

1. Provide VA with recommendations, which VA shall take into consideration in reaching a final decision regarding the dispute, or

2. Notify VA that it will comment within 45 days in accordance with 36 CFR § 800.7(c)(2). Any Council comment provided in response to such a request will be taken into account by VA in accordance with 36 CFR § 800.7(c)(4) with reference to the subject of the dispute.

Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute; VA's responsibilities to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

VI. Amendment

Any Signatory to this Agreement may request that it be amended, whereupon the parties will consult to consider such amendment. Any request to amend this Agreement shall be mailed to each signatory and concurring party at least 60 days in advance of any proposed consultation date.

VII. Termination

Any Signatory to this Agreement may terminate it by providing 60 days written notice to the other parties, provided that the signatories will consult during this 60-day waiting period to seek agreement on amendments or other actions that would avoid termination. In the event of termination, VA must either: (a) execute an MOA pursuant to 36 CFR § 800.6; or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7.

VIII. Scope of Agreement

This Agreement is limited in scope to the Undertaking and is entered into solely for that purpose. Nothing in this Agreement is intended or shall be construed to diminish or affect in any way the right of the Tribes to take any lawful action to protect Native American graves from disturbance or desecration, to protect archaeological sites from damage, or to protect the Tribes' rights under cemetery and Native American graves protection laws, or other applicable laws.

Additionally, this Agreement does not create any right or benefit, substantive or procedural, enforceable by law or equity, by persons who are not a party to this Agreement, against the DAHP, or VA, their officers, or employees, any Consulting Party, or any other person not a signatory to this Agreement.

IX. Effective End Date

This Agreement will continue in full force and effect until January 1, 2014. At any time in the 6-month period prior to this date, VA may request in writing that the signatories review the Undertaking and consider an extension or modification of this Agreement. No extension or modification will be effective unless all signatories to the Agreement have agreed to it in writing.

X. Satisfaction of Section 106 Responsibilities

Execution of this Agreement by the signatories and implementation of its terms evidence that VA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

12/16/2010
MOA – Veterans Affairs Medical Center
Walla Walla Washington

SIGNATORIES:

By:_____ Date: 1/12/11
Brian Westfield
Director, VA Medical Center Walla Walla

By:_____ Date: 1/13/11
Allyson Brooks,
Washington State Historic Preservation Officer

By:_____ Date: 1/20/11
John M. Fowler, Executive Director
Advisory Council on Historic Preservation

By:_____ Date: 1-10-11
Elwood Patawa, Chair, Board of Trustees
Confederated Tribes of the Umatilla Indian Reservation

CONCURRING PARTIES:

By:_____ Date:_____
Camille Pleasants, Tribal Historic Preservation Officer
Colville Confederated Tribes

By:_____ Date:_____
Kate Valdez, Tribal Historic Preservation Officer
Confederated Tribes and Bands of the Yakama Indian Nation

By:_____ Date:_____
Samuel N. Penny, Chairman
Nez Perce Tribe

By:_____ Date:_____
Rex Buck
Wanapum Tribe

Attachment A
Undertaking and Area of Potential Effect
12/16/10

JONATHAN M. WAINWRIGHT VA MEMORIAL MEDICAL CENTER NEW MULTI-SPECIALTY CARE OUTPATIENT CLINIC, RESIDENTIAL RECOVERY UNIT, SPECIALTY CARE UNIT BUILDINGS AND ASSOCIATED INFRASTRUCTURE PROJECT

Description of Undertaking and Area of Potential Effect

The following projects or elements comprise the proposed Undertaking:

- Construct a new Outpatient Clinic (OPC) funded through VA's major capital improvement program. The OPC will be located on the western portion of the consolidated VAMC campus behind the existing Building #86. The proposed 67,000-square-foot OPC will be a multiple-story building and will be physically connected to Building #86 through a series of corridors and other interconnecting spaces.

- Construct a Residential Recovery Unit (RRU) and a Specialty Care Unit (SCU) funded through VA's minor capital improvement program. The 22,000-square-foot, single story RRU and the 22,700-square foot, single or multiple story SCU will be constructed on an undeveloped portion of the campus in the western portion of the VAMC consolidated campus.

- Construct new parking areas for the OPC, SCU, and RRU. New and reconfigured parking areas are proposed in the western and southwestern portions of the consolidated campus.

- Remove modern Building #129 (emergency generator). Building #129's present location falls within the proposed footprint of the proposed construction.

- Install a new off-site water line for water and fire suppression. The new water line will extend from an existing city of Walla Walla service line located north of the VAMC on Poplar Street, through the VAMC, to a new water line for the OPC, SCU and RRU buildings.

- Install a new on-site potable water line to serve the proposed OPC, SCU and RRU buildings. The lines will be installed in the vicinity of the proposed buildings and will connect to the existing campus potable water distribution system.

- Install a new 12-kilovolt electrical loop to improve electrical service to several VAMC buildings.

- Install a new sanitary sewer through the western portion of the Campus to provide service for the proposed OPC, SCU and RRU buildings. Portions of the existing sanitary sewer line will be abandoned in place or will be removed to allow for installation of the new sanitary sewer line.

- Repair existing underground steam lines. The leaking steam line segments are located in

the open areas in the vicinity of Buildings #65, #68, #75 and #80.

- Install a natural gas line to serve the proposed OPC, SCU, and RRU buildings.

- Install new fiber optic line to serve VAMC functions to be housed in Buildings #48 and #49. The fiber optic line would be installed between the two buildings.

- Construct new sweat lodge that will be located on a currently undeveloped site in the northwestern portion of the VAMC.

- Construct or expand the parking area southwest of Building #82. The existing parking is inadequate for the existing employees. The proposed project also includes closure of an existing drywell and installation of a new stormwater infiltration basin.

- Remove two (1,100-gallon each) diesel and gasoline underground storage tanks (UST), associated underground piping, and associated dispensing station west of Building #82. The USTs will be replaced at that location with two above ground storage tanks (5,000 gallon and 200 gallon) and associated dispensing station meeting EPA regulations.

- Locations of construction staging areas and/or temporary parking lots may be identified during the course of project planning or construction. Those areas will undergo investigation in consultation with Signatory and Consulting Parties following MOA, Stipulation I.

The VA consulted with the Washington State Department of Archaeology and Historic Preservation (DAHP), Advisory Council for Historic Preservation (ACHP), Signatory and Consulting Parties to develop the project's area of potential effects (APE). The APE for the built environment was defined as the entire VAMC Campus (parcel #360730130080) and a 2.5-acre area adjacent and south of the Campus (owned by the City of Walla Walla). The archaeological APE comprises the expected width and depth of ground disturbance for the individual project elements of the Undertaking (listed above). Both APEs are located within the boundaries of the National Register of Historic Places (NRHP)-listed Fort Walla Walla Historic District.

Attachment A
Undertaking and Area of Potential Effect
12/1

Phase II Evaluation Plan for Locations at Buildings #24 and #71, Campus Realignment Project, Jonathan M. Wainwright Medical Center, Walla Walla, Washington

The U.S. Department of Veterans Affairs (VA) has planned a series of new construction and non-recurring maintenance activities at the Jonathan M. Wainwright Memorial VA Medical Center (VAMC) Campus, an 88-acre area southwest of downtown Walla Walla, Washington. Specifically, the Jonathan M. Wainwright VA Memorial Medical Center New Multi-Specialty Care Outpatient Clinic and Campus Realignment Project (project), involves constructing three new buildings—an Outpatient Clinic (OPC), Specialty Care Unit (SCU), and a Residential Recovery Unit (RRU)—and conducting several non-recurring maintenance activities. The latter activities range from emergency steam line repairs and electrical line upgrades to accessibility improvements and the construction of new parking areas.

The VA consulted with the Washington State Department of Archaeology and Historic Preservation (DAHP), Advisory Council for Historic Preservation (ACHP), and affected tribes to develop the project's area of potential effects (APE). The horizontal APE was defined as the entire VAMC Campus (parcel #360730130080) and a 3-acre area adjacent and south of the Campus. The vertical APE comprises the expected depth of ground disturbance for the individual project activities. The entire APE is located within the boundaries of the National Register of Historic Places (NRHP)-listed Fort Walla Walla Historic District (District).

ICF International (ICF) conducted a cultural resources study that comprised monitoring of geotechnical investigations, an archaeological investigation, and a historic resources survey (Hetzel et al. 2010). Two historic archaeological sites were recommended NRHP-eligible and a total of 21 cultural resources were recommended as new contributors to the District. These evaluations were framed within the District's existing period of significance (1858 to 1920) and within a newly proposed period of significance (1920 to the present). In addition, ICF reported on an extensive deposit of historic cultural material across the APE. VA will incorporate the eligible elements of the built environment into a revised National Register Form that recognizes an archaeological district covering the entire campus.

VA concurred with ICF's finding that the project, would have an adverse effect on historic properties as defined by Section 106 of the NHPA. VA has also proposed Phase II archaeological investigations at two locations within the APE based on additional historical documentation.

Historic plan maps of the VA Campus (1921) indicate the location of two Fort-era buildings (Buildings 24 and 71) within the archaeological APE (Figure 1). Although razed and their footprints located within extensively disturbed areas, there appears to be a probability that buried remnants of portions of these buildings may exist below the current ground surface. The location of Building 24 is southeast of the proposed RRU footprint. The location of Building 71 is north of the proposed OPC footprint. Both locations have been extensively impacted by the construction of historic and modern roads and buried utilities (sewer, electric, telecom, irrigation).

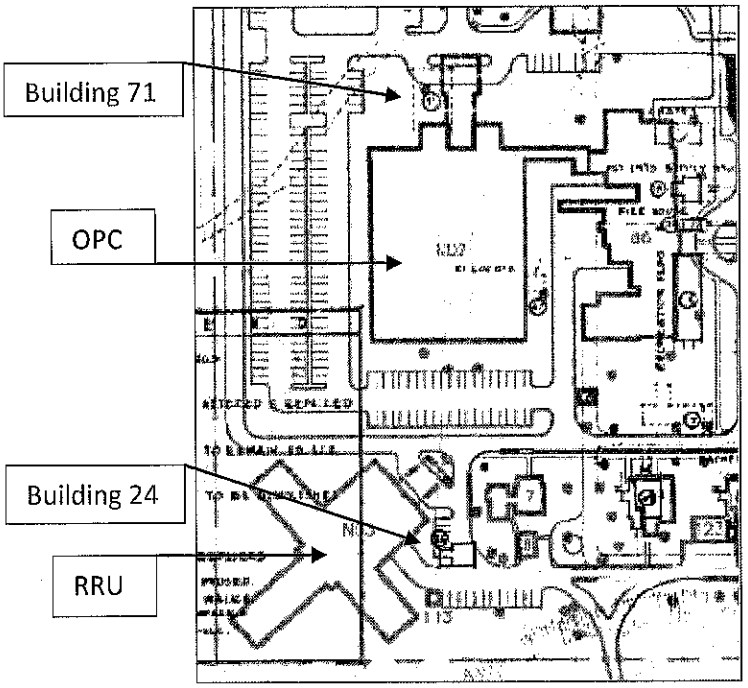

Figure 1. Modern project map overlain with USPHS Plot Plan No. 68-1 (1921) showing locations of Buildings 24 and 71.

Records of a Quartermasters General Plan Book for Fort Walla Walla (circa 1911 and 1909) provide descriptions of Buildings 24 and 71 (Figures 2 and 3, respectively). Building 24 was a wood frame, two-story side-gabled Non-Commissioned Sergeants Quarters constructed in 1875. The foundation was of brick, with a shingle roof and wood floors. A single centrally located interior brick chimney is shown. It was heated by stove and lighted by mineral oil. The building was connected to water and sewer and had one water closet and a tub. The total floor area was 1,268 square feet with the main building measuring 26 ft. by 26 ft. and a rear wing measuring 14 ft. by 16 ft. It is not known if there was a basement. A picket fence and gate is shown in the front yard with a boardwalk to the front shed-type porch. Several deciduous trees were also in the front yard. The building appears to face to the east with a view down a road that runs to the south of the Officers Barracks that front to the Parade Ground. An aerial photo (circa 1917) shows the surrounding land was plowed and an outbuilding is located approximately 75 ft. to the west (Figure 4).

Building 71 was a wood frame, one-and-a-half story side gabled Non-Commissioned Sergeants Quarters constructed in 1906. A note on the Plan Book indicates: "This bldg. formally wings of old Bks. No. 14, converted into temporary Post Exchange." Barracks 14 was the westernmost of six T-shaped barracks located along the north side of the Parade Grounds. The foundation was of brick piers, with a shingle roof and wood floors. Three interior brick chimneys are shown; one in the center and one at each end. It was heated by stove and lighted by oil. The building was connected to water and sewer and had one water closet and a tub. The building measured 35 ft. by 60 ft. and was divided into two equal rooms. It is not known if there was a basement. A shed-

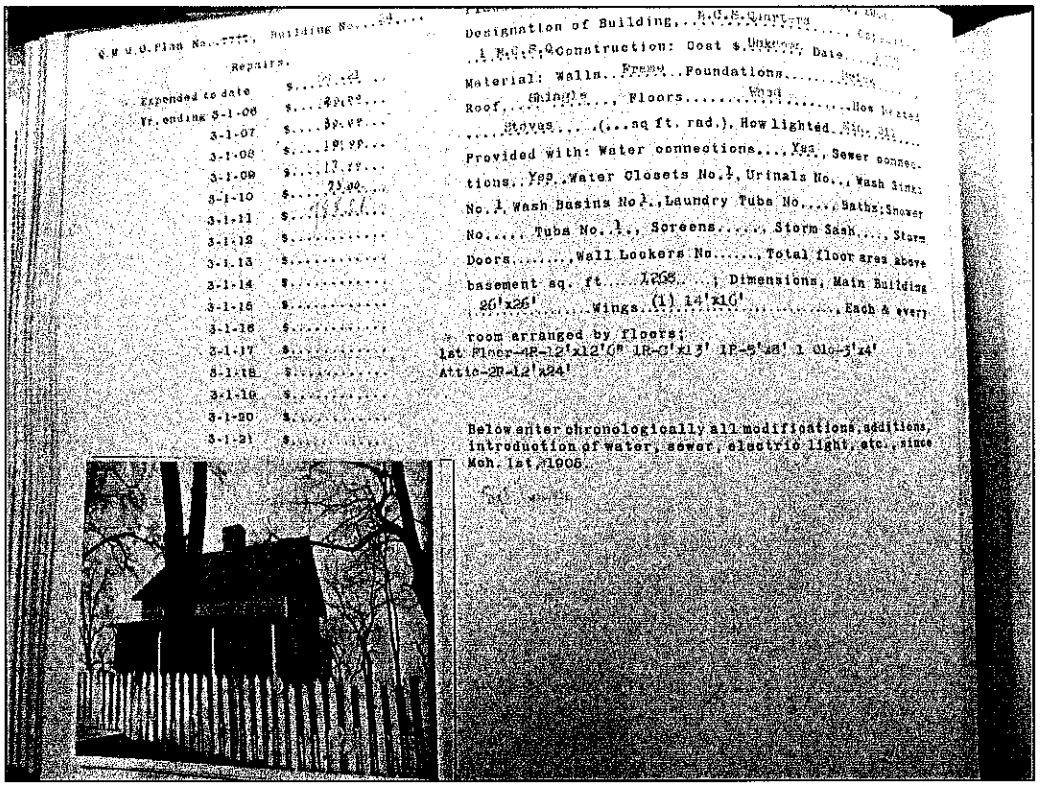

Figure 2. Quartermasters General Plan Book (1911) describing Building 24, with photo (NARA).

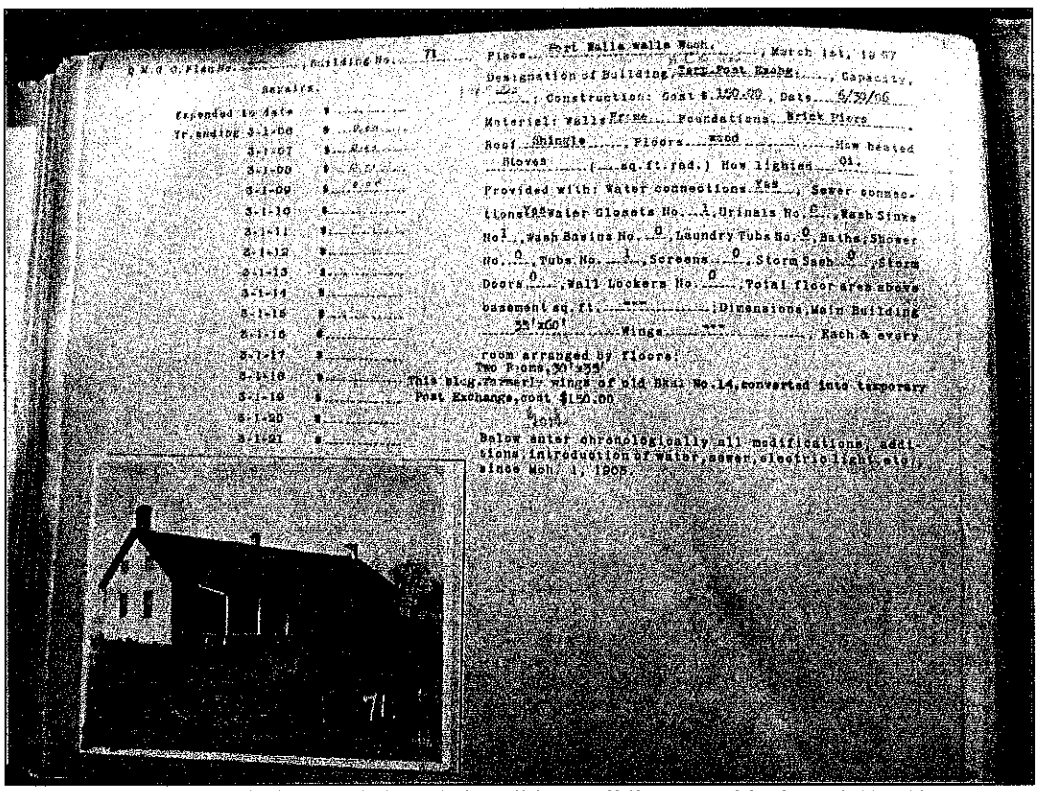

Figure 3. Quartermasters General Plan Book (1909) describing Building 71, with photo (NARA).

type porch partially extends along the front facade. No plantings are shown in the vicinity of the building. The building appears to face to the east with a view to Barracks 68. An aerial photo (circa 1917) shows the surrounding land was plowed and Building 71 was located immediately south of a dirt road that traverses the Fort (Figure 4).

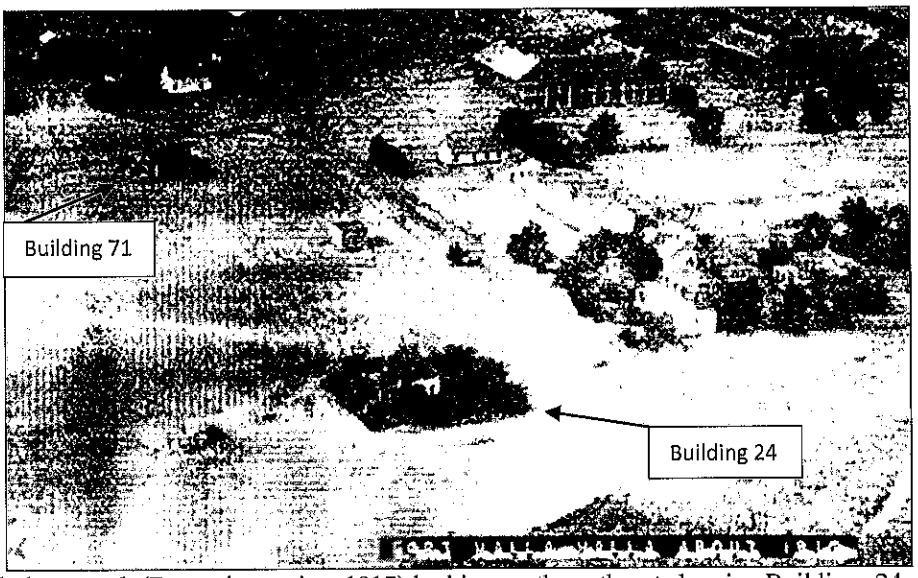

Figure 4. Aerial photograph (Baumeister, circa 1917) looking north northeast showing Buildings 24 and 71 (courtesy of Fort Walla Walla Museum).

Phase II Archaeological Investigations

The proposed Phase II archaeological investigations at these two locations will attempt to provide information to answer the following research questions:

- Do architectural and material cultural elements remain?
- What is the integrity of the deposits?
- What are the vertical and horizontal extents of the deposits?
- Can the stratigraphic relationships of architectural elements and cultural materials be ascertained?
- Are there any diagnostic artifacts, features, or sufficient quantities of cultural material that provide information to further our understanding of the use and function of the buildings?
- Can the architectural construction methods and materials of the buildings be inferred from the subsurface features and recovered cultural material?
- Are there distinguishable spaces or distributions of deposits that indicate use areas or temporally distinct episodes of activity?
- Do the artifact assemblage and identified features confirm historical photos and records?
- Can the sewer and water lines be identified?
- How does the archaeological record compare to the historical mapping and records?
- What information about the residents at Building 24 can be inferred from the recovered cultural material?

- What information about the patrons of Building 71 can be inferred from the recovered cultural material?
- What information about the use and products available at Building 71 can be inferred from the recovered cultural material?

The following proposed testing strategy entails a phased approach that builds upon the results of each to inform the subsequent tasks.

Ground-Truthing with Historic Maps and Records.

Modern Campus site maps with overlays showing locations of historic buildings and proposed new construction have been produced. In addition, other historic maps, early 20th century aerial photos and U.S. Army records (with photos) have been reviewed. Numerous landmarks from the historic documents have been identified which allows for very close approximations of the historic locations of the razed buildings on the present landscape. The historic location approximations of Buildings 24 and 71 will be marked in the field.

Buried Utility Locator

VA will provide service to locate buried utility lines throughout the locations of Buildings 24 and 71 prior to GPR investigations. All found utilities will be marked on the ground surface. Locations will be recorded by GPS.

Geophysical Investigations

Geophysical investigation will occur specifically at the locations of the historic buildings and throughout the western extent of the Campus including the footprints of the proposed RRU, OPC, and SCU buildings, and associated parking lots. Specific methodologies to be implemented will be developed in consultation with the consulting parties. A report of findings will be provided by the consultant detailing the location of anomalies and interpretations. This report will be provided to DAHP and the tribes.

Shovel Test Excavation

Up to 20 50 x 50 cm units at the location of the historic foundations will be excavated subsequent to review of the GPR results principally to determine soil stratigraphy to inform the subsequent mechanical stripping task. At least two tests will be excavated at each of the two historic building locations to ascertain the vertical depth at which cultural deposits may be encountered and identify any re-deposited soil layer. The units will be excavated to a minimum depth of 50 cm (20 in.). All cultural material will be screened through 1/8" mesh and cultural material will be recovered, collected, and delivered to the laboratory for analysis. Shovel test locations will be recorded by GPS.

Mechanical Stripping

Based on the results of the geophysical investigation, utility locator, and shovel tests, a backhoe with flat-edge blade will gradually excavate a 10 x 10 meter area centered on the historic

building footprints to remove any overburden, if present. The purpose of the mechanical stripping is to expose architectural and other subsurface features indicated by the GPR. All features will be mapped and photographed. If no features are located, mechanical stripping will continue to a depth of 20 cm below the depth of the anomaly as indicated by the GPR. In the absence of any cultural features, the backhoe will backfill the excavation subsequent to final recordation. All cultural features and the extent of the mechanical stripping will be recorded by GPS.

Unit Excavations

In the event that cultural features are encountered during mechanical stripping, unit excavations, a minimum of 50 x 50 cm^2, will be hand excavated by shovel, trowel, or other appropriate hand tools. Excavations will focus on determining the extent of the historic house foundations and assessing the level of disturbances. Up to $10m^3$ will be excavated at each of the historic building foundation locations. Locations of excavations will be systematically placed to expose sections of building foundations and sample the horizontal distribution of deposits. The units will be excavated in arbitrary 10 cm (3.9 in) levels within natural or cultural strata and screened through 3 mm (1/8") mesh. All cultural material will be recovered, collected, bagged according to provenience (i.e., unit, stratum, level), and delivered to laboratory for analysis.

Excavation units will be excavated to culturally sterile sediments. A profile drawing will be completed of at least one wall of each unit, and sediments will be described using standard descriptions and Munsell color charts. Plan view drawings of the units will be completed and digital images will be taken of at least one wall of each unit and of plan views. Vertical control of the excavations will be by a datum assigned to each test unit. Level and unit data will be collected on standardized excavation level forms. All unit locations will be recorded by GPS.

If any human remains, burial items, or objects of cultural patrimony are discovered during archaeological investigations, all work within a 66 m (200 foot) radius must stop and VA will be notified immediately (within 1 hour). The remains and associated materials will be left in place, protected from further damage, and secured from potential vandalism. VA will comply with appropriate laws, as specified in Attachment E.

The results of the Phase II archaeological investigations and analysis will provide information to determine eligibility and assess effects of the proposed project on these resources. Results of the Phase II testing will be prepared within two months of completion of fieldwork. If, after consultation with the parties to this agreement and Consulting Parties, the historic sites are determined eligible, a Phase III Data Recovery Work Plan will be prepared for review.

The additional Phase III data recovery effort will consider the results of Phase II testing and geophysical investigation results to determine overall site dimensions, spatial distribution of cultural deposits, and levels of integrity. In consultation with the parties to this agreement and Consulting Parties, VA will propose 1-by-1 m (3.3-by-3.3 ft.) excavation units and/or feature excavations that can provide additional information to applicable research questions.

WASHINGTON STATE UNIVERSITY

Office of Grant and Research Development

April 22, 2010

OGRD Number: 114934.001

Veterans Affairs Medical Center
Attn: Tim Anderson
77 Wainwright Drive
Walla Walla, WA 99362

Dear Sir/Madam,

Enclosed for your review and approval is one copy of the agreement. If the agreement meets your approval please complete the following item(s) and return to the Office of Grant and Research Development as indicated. This agreement may not be considered binding by either party until fully executed.

☐ Sign the indicated page(s) of the agreement and return two originals for processing.

☒ The attached fully executed agreement is for your records.

☐ **The attached agreement is signed on the behalf of Washington State University.** Please review the documents and return one fully executed document.

☐ Additional comments:

Should you have any questions regarding the agreement, please contact me at (509) 335-7261 or email skinser@wsu.edu.

Sincerely,

Sara Kinser
Grant and Contract Coordinator

Enclosures

PO Box 643140, Pullman, WA 99164-3140
509-335-9661 • Fax: 509-335-1676 • ogrd@wsu.edu • www.ogrd.wsu.edu

MEMORANDUM OF UNDERSTANDING FOR CURATORIAL SERVICES BETWEEN THE JONATHAN WAINWRIGHT VETERANS AFFAIRS MEDICAL CENTER, WALLA WALLA WASHINGTON AND WASHINGTON STATE UNIVERSITY MUSEUM OF ANTHROPOLOGY

This Memorandum of Understanding, between Jonathan Wainwright Veterans Affairs Medical Center (VAMC), herein after referred to as the Depositor, and the Museum of Anthropology at Washington State University, hereinafter referred to as the Repository is to facilitate curatorial services for archaeological artifacts, specimens and associated records herein called the Collections.

I. Background and Objectives: This agreement is executed pursuant to the following authorities and standards: 36 CFR Part 79 : "Curation of Federally-Owned and Administered Archaeological Collections"; the Antiquities Act of 1906 (P.L. 209;16 U.S.C. 431-433), the Reservoir Salvage Act of 1960, as amended (P.L. 86-523 as amended by the Archaeological and Historic Preservation Act of 1974 (PL 93-291); the National Historic Preservation Act of 1966, as amended (P.L. 101-601;25 U.S.C..3001-3013); the Archeological Resources Protection Act (16 U.S.C. 470 aa- 470 mm); the Historic Buildings, Objects and Antiquities Act of 1935 (P.L. 292; 16 U.S.C. 461-467); the Federal Land Policy and Management Act (FLPMA) of 1976; the Federal Property and Administrative Act of 1949 (40 USC 483); and the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (25 USC 3001-3013); VA Directive and Handbook 7545.

II. Definitions. For the Purpose of this Memorandum of Understanding, the Collections include associated records, as well as, objects or specimens defined as follows:

A. *Associated records* means original records (or copies thereof) related to museum collections. Associated records include all documentation generated by archaeological, historical, ethnographic, or scientific investigations. Examples include but are not limited to: site forms, field notes, field catalogs, drawings, maps, artifact inventories, diaries, photographs, photo logs, slides, negatives, files, video and audio cassettes, computer diskettes, printouts or computerized data, manuscripts, reports, publications, resource identification documentation, oral histories, deeds, survey plats, and accession catalogs and inventory records. (See 36 CFR Part 79.4)

B. *Collection* means material remains that have been collected, excavated or removed during a survey, excavation or other study of a prehistoric, historic, or paleontological resource. Collections are made up of objects or specimens that include prehistoric, historic objects, artifacts, works of art, archival documents, etc. (See 36 CFR Part 79.4)

C. Providing *curatorial services* means managing and preserving a collection according to professional museum and archival practices, including, but not limited to:

1. Inventorying, labeling and cataloguing a collection;

2. Identifying, documenting, and evaluating condition of a collection;

3. Storing and maintaining a collection using appropriate methods and containers, and under appropriate environmental conditions and physically secure controls;

4. Periodically inspecting a collection and taking such actions as may be necessary to preserve it;

5. Providing access and facilities to study a collection; and

6. Handling, cleaning, stabilizing and conserving a collection in such a manner to preserve it.

III. Statement of Understanding

The Parties do witness that,

WHEREAS, the long term care and protection of archaeological and historic materials for education, scientific study, and public interpretation has been a cooperative endeavor of long standing between the State of Washington and the United States; and

WHEREAS, the Depositor is required under Federal Law to preserve for future use certain collections of archaeological artifacts, specimens and associated records, herein called the Collections; and

WHEREAS, the Repository has successfully fulfilled its responsibilities for the long term care and protection of archaeological and historic materials so they are available for education, scientific study, and public interpretation within the State of Washington; and

WHEREAS, the Repository is desirous of obtaining, housing and maintaining collections from public lands and recognizes the benefits which will accrue to it, the public and scientific interests by housing and maintaining the Collections for education, scientific study and other educational purposes; and mutual benefits derived by having the Collections suitably housed and maintained by the Repository; and

WHEREAS, the Parties hereto recognize the Depositor's continued ownership and control over the Collections provided to the Repository, and the Depositor's responsibility to ensure that the Collections are suitably managed and preserved for the public good;

NOW THEREFORE, the Parties do mutually agree as follows:

A. The Depositor shall:

1. Assign as the Depositor's Representative having full authority with regard to this Agreement, a person who meets pertinent professional qualifications.

2. Ensure that all archaeological and historic material and records submitted to the Repository by the Depositor be in proper condition.

3. Jointly with the Repository's designated representative, inspect the Repository at least once every two years to check on the condition and security of the Collections and facility. Review and approve or deny requests for consumptively using rare, or

controversial items from the Collections within 30 days of receiving written notice.

4. Contingent upon available funding, pay the storage fees established by the Repository.

5. Review and approve or deny requests for consumptive use of rare, or controversial items with the Collections (or part thereof) within 30 days of receiving written notice.

6. Shall consult with Tribes and make final determinations as to the affiliation of NAGPRA materials.

B. The Repository shall:

1. Provide long term professional care and management of the Collections and perform all work necessary to protect them in accordance with regulation 36 CFR Part 79.

2. Ensure that the person(s) providing curatorial services specified in this agreement, possesses knowledge, experience and demonstrable competence in museum methods and techniques appropriate to the nature and content of the collection under the person's management and care, and commensurate with the person's duties and responsibilities. Standards that may be used, as appropriate, for classifying positions and for evaluating person's qualifications include, but are not limited to, those listed in 36 CFR Part 79.4 (h)(1).

3. Annually inspect and inventory the Collections submitted by the Depositor to ensure the materials and records are in proper condition. Every 3 years, inventory the Collections. (Inventory in this instance will not involve an item by item inspection; rather it will entail inspection of all collection boxes to determine if security seals have been broken. A random sample of collection boxes will be opened and inspected. A status report on all collection boxes opened for authorized purposes will be reported.) The Depositor shall be notified if the materials or records are not in proper condition.

4. Provide and maintain a repository facility having requisite equipment, space and adequate safeguards for the physical security and controlled environment for the types of materials housed, including collections, records and photographs. Perform only those conservation treatments as are absolutely necessary to ensure the physical stability and integrity of the Collections and report all treatments to the Depositor.

5. Within five (5) days of the inspection, report all instances of and circumstances surrounding the loss of, deterioration and damage to or destruction of the Collections to the Depositor. Report those actions taken to stabilize the Collections and to correct any deficiencies in the physical plant or operating procedures that may have contributed to the loss, deterioration, damage or destruction. Any actions that will involve the repair and restoration of any of the Collections must be approved in advance and in writing by the Depositor. The Depositor will be given 30 days from notification to review proposed repair and restoration activities. If written agreement is not received within the designated time period, the Museum will take no action on that specific case.

6. Provide a retrieval system that will allow the Depositor and other individuals, institutions, and agencies access for scholarly study, education, public interpretation and other uses in accordance with 36 CFR Part 79. The Repository will inform the Depositor of all such loans -i.e. length of the loan and collection and artifacts loaned. All borrowers will agree to abide by the Repository's established Loan Agreement. All requests for loan of materials exceeding a period of one year will be approved by the Depositor. Only non-consumptive uses of the archaeological and historic materials from the Collections will be allowed by the Repository without prior written authorization from the Depositor.

7. Maintain complete and accurate records of the Collections, including information on the study, use, loan and location of said Collections which have been removed from the premises of the Repository.

8. Restrict access to information relating to the nature, location and character of prehistoric or historic resources from which the material remains have been or are excavated or removed in compliance with the Archaeological Resources Protection Act and with other relevant Acts and/or regulations.

9. Direct any request for transfer or NAGPRA inquiries regarding a Veterans Affairs-owned collection (or any part thereof) to the Depositor.

10. Not mortgage, pledge assign, repatriate, transfer, exchange, give, sublet, discard, sell or part with possession of all or any part of a collection covered by this agreement without prior written permission of the Depositor.

11. Be responsible for transferring the Collections, specifically the Collections from the Depositor, to a facility approved by the Depositor in the event that the Repository is closed or unable to fulfill the terms of this agreement.

12. Submit an electronic collections report notifying the Depositor when a collection from VA Lands in Washington State is received by the Repository (See Appendix A).

13. Submit a catalogue of all collections from VA Lands in Washington State housed at the Repository and submit annual updates of the catalogue to the Depositor.

IV. Special Provisions

1. Archaeological and historic material removed from public land, specifically the collections from the Depositor, remain the property of the United States even though they are curated in a State institution.

2. When a collection is from a site with religious or cultural importance to an Indian Tribe having aboriginal or historic ties to such lands, the Depositor shall enforce such terms and conditions as are contained within a permit issued pursuant to uniform regulations 43 CFR Part 7 relevant to that collection.

3. The Repository may offer its services for preparing archaeological and historic materials for acceptance to the Repository, however, the cost of such services is not

covered by this Memorandum, and the depositor may use other sources for preparing the materials for submission to the Repository. The Fee Schedule for Curation and Repository Services by the Museum of Anthropology, Washington State University is included in Appendix B.

V. Terms and Termination

A. The Memorandum of Understanding shall be effective upon the date of execution by both parties and shall remain in effect for five years from the date of the Depositor's signing, or until otherwise revised, extended, or terminated.

B. The Memorandum of Understanding may be revised or extended by mutual consent of both parties, or by issuance of a written agreement signed and dated by both parties.

C. Either party may terminate the agreement by providing 180 days written notice.

1. If the Depositor terminates the agreement, except in cases of violation of the conditions of the agreement by the Repository, the Depositor must fund the packaging and transportation costs involved in transferring the Federal property.

2. If the Repository terminates the agreement, the Repository must fund the packaging and delivery of the Federal property, in suitable containers and properly cataloged, to the Depositor.

VI. Signatures

In witness whereof, the Parties hereto have executed this Memorandum.

for Brian Westfield
Director
Jonathan Wainwright VAMC

Date 4/8/10

Dan Nordquist
Director
Office of Grant and Research Development
Washington State University

Date 4/23/10

APPENDIX A:
Confirmation of Museum Collections' Deposition Statement

Department of Veterans Affairs
Confirmation of Museum Collections' Deposition Statement

Curation Facility Information

Curation Facility Official: _____
(name & title printed)

Curation Facility Name: Museum of Anthropology at Washington State University

Curation Facility Address: Washington State University
Pullman, WA 99164

Curation Facility Contact

Name: Dr. Mary Collins

Curation Facility Phone Number: 509-335-4314

Receipt of Collection Statement

I, _____(Curation Facility Official Signature) certify that the _____(name of facility) has on this date, _____, accepted the museum collections or museum objects described on the attached _____ (number of pages) pages from _____(name of individual transporting the collection).

Provide a list of the objects being deposited attached to this, or a substitute curation facility form. The list must minimally contain information on the type (i.e., archaeological, historic, paleontological), number and condition of objects. After this form has been signed by the curation facility official, the original with the list of objects is to be mailed to the VA Archaeologist:

List To Be Determined Upon Discovery

Agency Archeologist:
Kathleen Schamel
Dept of Veterans Affairs Archeologist
811 Vermont Ave NW
Rm 425
Washington D.C 20420
Ph 202-461-8254

Facility POC:
Tim Anderson
Chief, Facilities Support Service
77 Wainwright Dr
Walla Walla, WA 99362
Ph 509-527-3489

APPENDIX B
Fee Schedule for Curation and Repository Services by the Museum of Anthropology, Washington State University

Fee Schedule for Curation and Repository Services
Museum of Anthropology
Washington State University

April, 2010

Services

Collection Inventory and Rehabilitation of materials transported to WSU but not ready for long-term curation

Tasks included:

-Prepare an item by item inventory using established Museum of Anthropology coding guidelines.
-Package and label according to 36 CFR Part 79 standards
-Prepare summary report of collection contents and known collection history, including search for missing items.
-Identify NAGPRA items (human remains, funerary items, sacred items, and items of cultural patrimony).

Rates: $650.00 per cubic foot of shelf space of materials and associated records. Minimum charge $650.00.

Curation of Non-WSU Collections that meet 36 CFR Part 79 Standards

Curation will be performed only under a Memorandum of Agreement for the long-term curation and Management of archaeological collections.

Tasks included:

-Secure, professional, care of collections in accordance with 36 CFR Part 79
-Facilitation of access by qualified users
-Annual report to depositors of condition of the collections and use during the previous year.

Rates: $6.50 per cubic foot of shelf space of materials and associated records per year. Minimum charge $100.00

Rates: A one time fee of $1000 per cubic foot of materials and associated records due at

time of deposit.

Curation of Collections the meet 36 CFR Part 79 Standards with title transfer to WSU

Tasks included:

-Secure, professional, care of collections in accordance with 36 CFR Part 79
-Facilitation of access by qualified users.

Rates: A one time fee of $1000 per cubic foot of materials and associated records due at time of deposit.

ARCHAEOLOGICAL RESOURCE MONITORING PLAN and CULTURAL MATERIALS DISCOVERY PROTOCOL

for the

JONATHAN M. WAINWRIGHT VA MEMORIAL MEDICAL CENTER NEW MULTI-SPECIALTY CARE OUTPATIENT CLINIC, RESIDENTIAL RECOVERY UNIT, SPECIALTY CARE UNIT BUILDINGS AND ASSOCIATED INFRASTRUCTURE PROJECT

This Monitoring Plan and Discovery Protocol for the unanticipated discovery of cultural materials is intended to assist the U.S. Department of Veterans Affairs (VA) in its commitment to comply with Section 106 of the National Historic Preservation Act and the National Environmental Policy Act (NEPA). The Multi-Specialty Care Outpatient Clinic and Campus Realignment Project (Project) is a federally funded undertaking and is located within the Fort Walla Walla Historic District, which is listed in the National Register of Historic Places. Documented and undocumented archaeological sites and cultural material are known to exist within and in the vicinity of the project's Area of Potential Effects (APE).

The Project includes the construction of three outpatient medical buildings and associated infrastructure, including parking lots and installation of new and upgraded buried utilities. Archaeological monitoring will accompany all ground disturbing activities associated with construction of the Project. This document describes the procedures, protocols, and responsibilities of the archaeological monitoring crew and Project construction contractors. Any archaeological surface and subsurface investigations, site testing, construction, or other project activities that involve surface or substrate disturbance will require the participation of an archaeologist that meets the Secretary of the Interior's standards for a professional archaeologist as defined in 36 CFR 61 Appendix A (qualified archaeologist).

The archaeological monitor will be required to be present for all ground-disturbing activities associated with project construction that has potential to impact culture-bearing strata (assumed to be all strata above the Touchet Beds). No construction in such strata will take place without the monitor on site. Culture-bearing strata generally extend to no more than three feet below existing ground surface. However, historical research and the results of archaeological survey indicate that extensive grading has occurred throughout the VA Campus. It is possible that re-deposited soils may overlay original ground surface and deeply buried cultural deposits. The Touchet beds (sand and fine gravel) are generally considered the stratigraphic indicator of deposits laid down prior to prehistoric human use of this region (approximately 12,000 years ago) and they may be exposed through excavations on the elevated plateau area of the Campus. Monitoring will not occur during construction activities within the Touchet beds.

The monitor shall be apprised daily by VA and/or construction contractor project manager of construction activities. All effort should be made to communicate construction schedules as early

as possible (minimum 48 hours prior to excavation) to facilitate adequate staffing of archaeological monitoring crew. A representative of the archaeological monitoring crew will be designated daily to coordinate with a construction project manager in the morning prior to start of work and at the end of the work day.

Thresholds and Protocols for Cultural Resource Site Identification and Data Recovery During Archaeological Monitoring of Construction Activities

The following shall be a guideline for recognizing qualitative and quantitative characteristics that indicate the presence of significant historic and prehistoric cultural resources during the monitoring of construction activities within the Fort Walla Walla Historic District. The following is not an exhaustive list and discretion is given to the archaeological monitor to include additional characteristics for additional, intensive investigations.

Whenever an archaeological monitor observes the exposure of potential cultural material or features, the monitor will be permitted to access the location to allow for close visual examination. The monitor may undertake trowel and/or shovel excavation not to exceed 50 cm^3 in any single exposure to determine horizontal and/or vertical extents of the deposit, integrity, presence of diagnostic artifacts, and potential for providing significant information regarding the history or prehistory of the region and Campus. The provenience of isolated diagnostic artifacts will be piece plotted on project mapping, recorded on standard forms, and collected for analysis.

Construction excavation will be halted by the archaeological monitor if any of the following cultural resources are encountered:

1) Any prehistoric artifacts or feature (hearth or fire-cracked rock concentration, house pit, soil anomalies),
2) Any faunal artifacts or remains,
3) Intact historic building foundation elements (brick or stone piers, linear alignments, soil anomalies),
4) Shaft features (privies, wells),
5) Post molds,
6) Any other features, and
7) Cumulative artifact concentration in excess of 25% visible within the matrix of an exposed square meter. The estimation of the percentage of artifacts will make adjustments for architectural artifacts (bricks, mortar, window glass) that have been broken and smeared across an exposure. In consultation with signatory parties, the definition of cumulative artifact concentration will be iteratively reassessed through the duration of project construction.

If the initial investigation identifies the deposit as potentially significant and likely to yield information important to history, then work shall cease at the location of the find and a buffer of a 50 foot radius will be constructed with flagging tape and stakes/cones. A brief description of the find will be prepared on standard forms that include location, estimated areal extent, inventory of visible artifacts, and preliminary interpretation. Recordation will include at least 2 photos with north arrow, scale, and sign board with temporary number clearly visible. A plan view map will be prepared and the site location will be recorded by GPS. Each find proposed for

Phase II investigation will be communicated immediately (within two hours) to the VA Construction Manager and Cultural Resource Manager who will forward information to VA Project Manager, which will immediately contact signatory tribes and DAHP.

Based on historical documentation and the results of Phase I survey, few intact features are expected to be exposed through archaeological monitoring of construction activities within the APE. In order to minimize delay within the construction phase of the Project, it is imperative that unanticipated discoveries be documented, recorded, and data recovered in an expedited manner. It is also critical that DAHP and affected tribes are provided the opportunity to participate in the consultation process regarding the evaluation and ultimately the mitigation of resources that are found.

Intact historic features and artifact concentrations up to 2m in horizontal extent will be bisected and half of the material excavated in 10cm cultural layers to determine vertical extent and function. A profile drawing will be prepared with plan view drawings, as necessary. Artifacts will be screened through 1/8" mesh, collected, and transported to the laboratory for analysis and interpretation. A complete description of the site, excavation, results, and interpretation will be provided in a technical report of findings within 2 months of the completion of archaeological monitoring of ground-disturbing construction activities. A Washington State Site Inventory form for each discrete resource will be prepared and submitted to the signatory and consulting parties.

Historic features and artifact concentrations over 2m in horizontal extent will be sample excavated by unit excavations involving at least one 1 x 1 meter unit. Additional units (minimum 50 x 50 cm) will be excavated as necessary. Excavations will be undertaken in 10cm cultural layers to a depth of 20cm into sterile soil to determine vertical extent and function. Profile drawings will be prepared for two walls. The unit excavation will be drawn on the plan view map. All excavated material will be screened through 1/8" mesh and artifacts collected and transported to the laboratory for analysis and interpretation. A complete description of the excavation and results will be provided in a technical report of findings within 6 months of the completion of archaeological monitoring of ground-disturbing construction activities. A Washington State Site Inventory form for each discrete resource will be prepared and submitted to the signatory and consulting parties.

VA is sensitive to the cultural values that the tribes hold in regards to artifacts and features that may be exposed through the construction activities of the Project. VA will commit to immediate reporting and consultation with affected tribes upon the unanticipated discovery of cultural material and intact features. VA commits to ensuring the security of all artifacts and confidentiality of any information regarding finds. Upon encountering pre-contact artifacts and intact cultural features, the following procedures will be implemented:

Each artifact will be point-provenienced and indicated on plan view mapping prior to recovery. Features will be similarly mapped and will be bisected. The feature matrix will be excavated in 10cm cultural layers to determine vertical extent and function. A profile drawing will be prepared with plan view drawings, as necessary. Artifacts will be screened through 1/8" mesh, collected, and transported to the laboratory for analysis and interpretation. The other half of the bisected feature will then be excavated following the aforementioned procedures. Additional

plan view mapping will be undertaken, as necessary. A complete description of the site, excavation, results, and interpretation will be provided in a technical report of findings within 6 months of the completion of archaeological monitoring of ground-disturbing construction activities. A Washington State Site Inventory form for each discrete resource will be prepared and submitted to the signatory and consulting parties.

A weekly progress report of all finds will be submitted to the signatory and consulting parties that details discovery of all cultural materials and features. Mapping and photographs will be available as requested. At that time, VA will initiate consultation with affected tribes regarding the disposition of any recovered Native American cultural material.

If faunal remains are encountered and there is a possibility that they are human, all work will be halted within a 200 foot radius. The protections and protocols stipulated in the Human Remains Discovery Plan (Attachment E to MOA) will be followed. The archaeological monitor will assume, and ensure in others, a respectful and calm demeanor. Remains will be treated as though they are Native American unless and until proven otherwise.

If at any time a qualified archaeologist is not present when a previously unknown cultural resource is discovered in strata presumed to be non-culture-bearing, the contractor will immediately cease all ground-disturbing activities within 100 feet of the discovery and immediately notify the VA Construction and Cultural Resource Manager. The contractor will cease work within the 100 foot radius of the discovery and flag the radius for easily visible identification. The contractor shall protect the discovery site from vandalism, looting, photography, or further disturbance of any kind.

All historic artifacts that are determined to be a component of an archaeological site will be collected, analyzed, and curated. For this project, an archaeological site is defined as an area including a feature and/or an artifact concentration in excess of 100 artifacts per cubic meter. A curation agreement between the VA and Washington State University in Pullman has been made for all historical cultural materials collected during archaeological investigations (Attachment C to MOA).

VA will facilitate review by representatives of affected tribes of recovered cultural material. VA will consult with affected tribes and the signatory and consulting parties regarding their final disposition and timely repatriation, if necessary.

Jonathan M. Wainwright VA Memorial Medical Center
New Multi-Specialty Care Outpatient Clinic and Campus Realignment Project

Human Remains Discovery Protocol

The following describes the procedures to be followed in the event of human remains discovery and outlines how this process will be completed in order to meet regulatory compliance requirements. Compliance with several federal laws must be met, notably Native American Protection and repatriation Act (NAGPRA) and other applicable and regulatory requirement of the American Indian Religions Freedom Act, Archaeological Resources Protection Act, National Environmental Policy Act, and National Historic Preservation Act. The VA will treat all encountered remains as though they are Native American, and accordingly consult with affected tribes, unless and until remains are proven to be non-Native American

When addressing the inadvertent discovery of skeletal remains, three fundamental questions will be considered: These include; 1) are the remains human; 2) are the remains part of a crime; and 3) are the remains potentially Native American?

Human remains or suspected human remains will be treated with dignity and respect at all times. All human remains will be assumed to be Native American in ancestry until demonstrated otherwise. The VA and all other parties involved with the project acknowledge the cultural sensitivity of tribes, and pledge to keep confidential all information pertaining to the discovery, consultation, treatment, and temporary and final disposition of the remains. The VA will require all contractors and their subcontractors to enter into confidentiality agreements in this regard. The VA acknowledges the cultural and spiritual importance to tribes and that skeletal remains should not be removed or displaced from their original location. Every effort will be made to leave the remains where they are discovered. Remains only will be relocated when absolutely necessary to protect them from further severe disturbance or probable destruction, and only after consultation with the signatory and consulting parties.

If human skeletal remains are encountered during any excavation associated with this project (archaeological investigations, geotechnical monitoring, construction, or other ground disturbing activities), all activities that could cause further disturbance to the remains must cease, all other work within 60 meters (200 feet) will be suspended, and the remains shall be secured and protected from further disturbance, in accordance with NAGPRA and 43 CFR Part 10. The protective measures will include covering the excavation area with opaque sheeting within which the remains are exposed to prohibit photography opportunities, cordoning off the area around the remains with cones and caution tape, and notifying the VA police department for the purpose of ensuring the protection of the remains. The human skeletal remains will not be photographed, touched, moved, or further disturbed.

All inspection and analysis of remains pertaining to forensics and ancestral origins will be completed on-site, and will be non-destructive and entirely observational (i.e., visual with no

physical sampling). Associated funerary objects or artifacts will not be handled, removed, collected, or photographed without direct approval and supervision of the VA, DAHP, and the affected Tribes.

The archaeological field supervisor or monitor must immediately report (in less than one hour) the discovery of human skeletal remains to the VA Police Department, the VA Federal Preservation Officer, and VA-Walla Walla Cultural Resource Manager. The VA will contact the affected tribes as soon as possible (within two hours if at all possible, and always within one calendar day of discovery). It is important for the affected tribes to be notified during this time in order to enable early planning for the potential treatment of non-forensic remains.

The VA Police Department will contact the county coroner to make a determination of whether the remains are forensic or non-forensic. Exposed remains will not be moved unless absolutely necessary to ensure their protection from severe damage or imminent destruction. If the coroner needs to remove the remains from their subsurface context in order to make forensic determination, the VA will first notify the affected tribes. If the coroner cannot determine ancestral origin *in situ*, the VA will offer to retain a forensic anthropologist or professional physical anthropologist to assist with such determination prior to moving the remains.

If the county coroner determines the remains are non-forensic, the coroner will transfer legal jurisdiction in accordance with federal laws and regulations to the VA Federal Preservation Officer and VA-Walla Walla Cultural Resource Manager, who will contact the tribes with their findings as soon as possible (preferably within two hours, always within one calendar day of the determination) and who will take steps to ensure the remains are addressed in accordance with NAGPRA. The VA Federal Preservation Officer and VA-Walla Walla Cultural Resource Manager will handle all consultation with the affected parties as to the future preservation, excavation and temporary and final disposition of the remains. If the remains are non-forensic and not Native American in origin, the VA Federal Preservation Officer will arrange for their final disposition.

If planned ground disturbing activities are likely to cause further disturbance to exposed remains, emergency removal and exhumation procedures will be developed and implemented immediately with the participation of the affected Tribes. The VA will work with the affected tribes to arrange safe and secure temporary and final disposition of the remains. The VA acknowledges that the tribes have a strong preference for reburial to occur as closely as possible to the origin context. Any work within 200 feet of the find will not resume until a plan for management or preservation of the human remains and associated burial materials has been developed in consultation with the affected Tribes.

Contact List

Walla Walla VA Cultural Resources Manager: Stephen J. Roberts
(509) 525-5200 ext. 26422
Stephen.Roberts4@VA.Gov
Walla Walla VA Police Department: Jeffries Williams
Chief of Police

Attachment E
Human Remains Discovery Protocol
12/16/10
(509) 525-5200 x22534
Jeffrey.Williams3@VA.Gov
Walla Walla VA Safety Officer: Guy Jessee
(509) 525-5200 x22848
Guy.Jessee@VA.Gov
VA Federal Preservation Office: Kathleen Schamel
Federal Preservation Officer
(202) 461-8254
Kathleen.Schamel2@VA.Gov
Walla Walla County Coroner: Frank Brown
(509) 524-2845
fbrown@co.walla-walla.wa.us
State Physical Anthropologist: Guy Tasa
(360) 586-3534
Guy.Tasa@dahp.wa.gov
Terracon Project Environmental Engineer: Craig J. Peterson, P.E.
(503) 659-3281
cjpetersen@terracon.com
Confederated Tribes of the Umatilla Indian Reservation: Department of Justice
Brent Leonhard, DOJ
(541) 429-7406
brentleonhard@ctuir.org
Department of Natural Resources,
Cultural Resources Protection
Program
Teara Farrow Ferman
(541) 429-7230
(541) 377-2959 mobile
tearafarrowferman@ctuir.org
Department of Natural Resources,
Cultural Resources Protection
Program
Principal Investigator
Catherine E. Dickson
(541) 429-7321
catherinedickson@ctuir.org
Confederated Tribes and Bands of the Yakama Indian Nation:
THPO Cultural Resources
Kate Valdez
(509) 985-7596
kate@yakima.com
Wanapum Tribe:
Rex Buck
(509)794-0500
rbuck@gpud.org
Nez Perce Tribe:

Attachment E
Human Remains Discovery Protocol
12/16/10
Tribal Chairman
Samuel Penny
(208) 843-2253
Tribal Historic Preservation
Officer/Archaeologist
(208) 621-3851
keithb@nezperce.org
Colville Confederated Tribes:
THPO Cultural Resources
Camille Pleasants
(509) 634-2691
Camille.pleasant@colvilletribes.com