

**MEMORANDUM OF AGREEMENT
BETWEEN
USDA FOREST SERVICE
OKANOGAN-WENATCHEE NATIONAL FOREST
METHOW VALLEY RANGER DISTRICT
OKANOGAN COUNTY, WASHINGTON
AND THE
STATE OF WASHINGTON DEPARTMENT OF
ARCHAEOLOGY AND HISTORIC PRESERVATION
REGARDING THE TWISP CONVEYANCE PROJECT
April 2008**

WHEREAS, the USDA Forest Service, Okanogan-Wenatchee National Forest, Methow Valley Ranger District (FS) has determined that the Twisp Conveyance Project (undertaking) will have an adverse effect on five buildings (#1012, #1013, #1034, #2004, and #2203) which are eligible for the National Register of Historic Places as part of the Twisp Administrative Site [Forest Service Site #06080400003], and has consulted with the State of Washington Department of Archaeology and Historic Preservation (DAHP) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f); and

WHEREAS, in accordance with 36 CFR Section 800.6(a)(1), the FS has consulted with the Yakama Nation and the Colville Confederated Tribes regarding its adverse effect determination. The tribes have chosen not to participate in the consultation pursuant to 36 CFR Section 800.6(a)(1)(iii);

WHEREAS, in accordance with 36 CFR Section 800.6(a)(1), the FS has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination with specified documentation and the Council has chosen not to participate in the consultation pursuant to 36 CFR Section 800.6(a)(1)(iii);

NOW, THEREFORE, the FS 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

THE FS shall ensure that the following measures are carried out:

ask for the opportunity to salvage original elements such as light fixtures, kitchen hardware, doors and windows for use in other C.C.C. or 1950-era historic buildings on the Forest; and

- d) The Forest Service will encourage prospective buyers to contact salvage companies should the buyer plan to demolish the residence and garage.

III. DURATION

This agreement will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, the FS may consult with the other signatories to reconsider the terms of the agreement and amend in accordance with Stipulation VII below.

IV. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, the FS shall implement the discovery plan included as Attachment 1 of this agreement.

V. MONITORING AND REPORTING

Each year following the execution of this agreement until it expires or is terminated, the FS shall provide all parties to this agreement a summary report detailing work undertaken pursuant to its terms. The report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the FS's efforts to carry out the terms of this agreement. Failure to provide a summary report may be considered noncompliance with the terms of this MOA pursuant to Stipulation VII below.

VI. DISPUTE RESOLUTION

Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the FS shall consult with the objecting party(ies) to resolve the objection. If the FS determines, within 30 days, that such objection(s) cannot be resolved, the FS will;

- A) Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR Section 800.2(b) (2). Upon receipt of adequate documentation, the Council shall review and advise the FS on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by the FS in reaching a final decision regarding the dispute.
- B) If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, the FS may render a decision regarding the dispute. In reaching its decision, the FS will take into account all comments regarding the dispute from the parties to the MOA.
- C) The FS's responsibilities to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. The FS will notify all parties of its decision in writing before implementing that portion of the undertaking subject to dispute under this stipulation. The FS's decision will be final.

VII. AMENDMENTS AND NONCOMPLIANCE

If any signatory to this MOA, including any invited signatory, determines that its terms will not or cannot be carried out or that amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR § 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation VIII below.

VIII. TERMINATION

If an MOA is not amended following the consultation protocol set out in Stipulation VIII above, it may be terminated by any signatory or invited signatory. Within 30 days following termination, the FS shall notify the signatories if it will initiate consultation to execute an MOA with the signatories under 36 CFR § 800.6(c)(1) or request the comments of the Council under 36 CFR § 800.7(a) and proceed accordingly.

Execution of this Memorandum of Agreement by the FS and the Washington DAHP, the submission of documentation and filing of this Memorandum of Agreement with the Council pursuant to 36 CFR § 800.6(b)(1)(iv) prior to the FS's approval of this undertaking, and implementation of its terms, evidence that the FS has taken into account the effects of this undertaking on historic properties and has afforded the Council an opportunity to comment.

SIGNATORIES:

USDA Forest Service, Okanogan-Wenatchee National Forest

for Rebecca Lockett Heath
Rebecca Lockett Heath
Rebecca Lockett Heath, Forest Supervisor

Date 4/2/08

Department of Archaeology and Historic Preservation

Dr. Allyson Brooks
Allyson Brooks
Dr. Allyson Brooks, State Historic Preservation Officer

Date 4/7/08

Attachment 1: Discovery Plan

Discovery of Unanticipated Archaeological Resources And/or Unanticipated Effects on Historic Properties

If unanticipated archaeological resources and/or unanticipated effects on historic properties are identified within the area of potential effect (APE) for the undertaking prior to title conveyance, the FS shall implement the discovery plan below as specified by Stipulation IV of this agreement:

1. The subject cultural resource(s) shall be protected from project activities and the Forest Archaeologist will be notified immediately.
2. A professional archaeologist shall inspect and assess the find as soon as practical.
3. Consultation and evaluation of the significance of the find with the Washington DAHP and Tribe(s) [as appropriate] shall commence, and a treatment action plan shall be developed [as appropriate] that takes into account to the extent feasible the project work implementation schedule.

Discovery of Unanticipated Human Remains

If unanticipated human remains are identified within the area of potential effect (APE) for the undertaking prior to title conveyance, the FS shall implement the discovery plan below as specified by Stipulation IV of this agreement:

1. Any potential human remain discoveries shall be left in situ pending professional examination.
2. Project work in the area of the discovery will halt.
3. The discovery area will be secured and protected.
4. The Forest Archaeologist and the County Coroner shall be contacted immediately for positive identification of the remains:

- a. If the remains are determined or suspected to be of an historic crime scene, the County Coroner and County Sheriff will be immediately contacted.

If the remains are concluded to be related to an historic crime scene, the FS shall work with the County Sheriff and County Coroner to determine the appropriate course of treatment with respect to the proposed undertaking.

- b. If the remains are determined or suspected to be aboriginal, the appropriate Tribe(s), County Coroner and Washington DAHP shall be immediately contacted.

If the remains are concluded to be aboriginal in origin, the FS, appropriate Tribe(s) and Washington DAHP shall consult to determine potential descendant group(s), and to determine an appropriate course of treatment with respect to the proposed undertaking.

- c. If the remains are indeterminate in origin, appropriate Tribe(s), Washington DAHP, County Sheriff and County Coroner shall be immediately contacted to consult on an appropriate study method and plan. Once positive identification is made, 4(a) or 4(b) above [as applicable] will guide treatment.

Attachment 2: DAHP Level II Mitigation Documentation Requirements

The following documentation shall be completed, reviewed and accepted as adequate by DAHP prior to implementation of the project. All documentation shall be submitted in 8 1/2 x 11 format and printed on archivally stable paper (25% cotton bond or better). Level II mitigation at a minimum shall include:

Historical Report which includes:

- Historic and common name of property
- Property Address (street address, city, county and section/township/range)

Historical background information

- Date of construction (justified through documented sources)
- Complete stylistic and/or architectural description of the resource including documentation of changes that have occurred over time
- Description of architectural and/or associative significance using reliable sources
- Contextual information, which equates the significance of the property.
- Original and current function
- Ownership/occupancy history
- Name and biographical information of architect and/or builder
- Description and justification for action requiring mitigation.

Drawings and Maps & Additional Info

- Sketch site plan showing footprint of subject resource and surrounding buildings
- Sketch floor plans of existing conditions of all levels of each building, or copies of original plans if available (8 1/2 x 11 format or scanned to CD rom)
- If available, printed copies or clear laser-copies of historic photographs
- GLO map and/or USGS quad/topo map indicating location of property with UTM's
- Complete or update Statewide Historic Property Inventory form in electronic version (if not already done)

Photographs

All photos must be 35mm format or digital format (using min 300dpi) and printed using archival quality (hand-processed and/or printed on Fiber-based paper or Resin-coated paper which has been washed with a hypoclearing or neutralizing agent) paper. DAHP does not require negatives or digital files to be sent with the final documentation, although this is strongly encouraged. Printed photos shall be 5x7 (8 x10 optional) black and white prints and should include views of:

- overall site showing context and setting
- each exterior elevation of subject property(s)
- detail images of significant character-defining features, such as windows, doors, eave details, porches, balconies, etc.
- general views of a all significant interior spaces
- detail images of significant structural details if building is of a rare construction method (i.e. post and beam, balloon framing, mortise and tenon joinery, etc.)
- surrounding outbuildings, accessory structures or landscape features (if applicable)

Additionally all photos must be identified with a list of the photographs indicating the property name, address (city, county), date of photograph(s), and view.

- A minimal identification option would be: labeling in pencil, on the back, indicating
- property name address, city, county, date of construction, date of photograph, and
- view.
- Photos shall be submitted unmounted.
- Photocopies and Polaroid photos are not acceptable. Scanned photos will be supplemental only.
- Large format photography is not required, but may be appropriate in some instances.