

**MEMORANDUM OF AGREEMENT
AMONG THE U. S. DEPARTMENT OF ENERGY, RICHLAND OPERATIONS
OFFICE, THE WASHINGTON STATE HISTORIC PRESERVATION OFFICE, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
REMEDIAL ACTIONS AT THE HANFORD TRAILER CAMP LANDFILL (WASTE
SITE 600-109) AND THE HANFORD CONSTRUCTION CAMP BURN PITS (WASTE
SITE 600-202) ON THE HANFORD SITE, WASHINGTON**

WHEREAS the U.S. Department of Energy, Richland Operations Office (RL) is required by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the Hanford Federal Facilities Agreement and Consent Order to conduct remedial actions at Waste Site 600-109 (45BN1536), also known as the Hanford Trailer Camp Landfill, and Waste Site 600-202 (45BN1437), also known as the Hanford Construction Camp Burn Pits, and

WHEREAS RL requires that the remedial actions be performed in accordance with laws, regulations and CERCLA identified Applicable or Relevant and Appropriate Requirements (ARARs), including those pertaining to the protection of cultural resources and worker safety and health; and

WHEREAS those laws, regulations and ARARs require the remedial actions to be performed in a manner that minimizes and mitigates impacts to both archaeological resources and the on-site workers; and

WHEREAS RL has established the Project areas of potential effect (APE), in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § 470 (NHPA) under implementing regulation at 36 CFR 800.4(a), at the northwest and northeast corners of the Hanford Construction Camp; and

WHEREAS the Keeper of the National Register, Department of the Interior, National Park Service has determined that Waste Site 600-202 (45BN1437) is a historic site eligible for listing in the National Register of Historic Places for its association with the Manhattan Project and the 105-B Reactor as well as its potential to yield information on the social history of the workers who constructed the Hanford Site; and RL and the Washington State Historic Preservation Office (SHPO) anticipate determining that Waste Site 600-109 (45BN1536) is eligible for listing as an analogous historic site; and

WHEREAS due to the analogous nature of 600-109 with respect to 600-202, the Research Design and Treatment Plan with Addendum (Attachment A) is deemed adequate and appropriate for both sites;

WHEREAS RL has determined that remediation of 600-109 and 600-202 through excavation and removal of soil and materials to the Environmental Restoration Disposal Facility (ERDF) will have an adverse effect on these historic sites as defined at 36 CRF Part 800.5(d)(2); and

WHEREAS 600-202 was constructed within the boundaries of prehistoric site 45BN118 requiring that additional protective measure be taken to avoid impacts to this site, which is listed on the National Register of Historic Places as a contributing element to the Savage Island Archaeological District; and

WHEREAS RL has consulted with the SHPO, the Advisory Council on Historic Preservation (ACHP), the Confederated Tribes of the Umatilla Indian Reservation, the Nez Perce Tribe, the Wanapum, the Yakama Nation, Dr. Roderick Sprague, Dr. Michele S. Gerber, the B Reactor Museum Association, and a National Peer Review Panel of historic archaeologists comprised of Dr. William L. Rathje, Dr. Mark Warner, and Ms. Astrida R. Blukis Onat as defined at 36 CFR Part 800.6(b)(1)(i) to resolve the adverse effects of the Project on 600-109 and 600-202; and

WHEREAS this Memorandum of Agreement (MOA) is being executed as defined at 36 CFR 800.6(b)(2) to document the agreements reached to resolve and mitigate the adverse effects of these undertakings;

NOW, THEREFORE, RL, the SHPO, and ACHP agree that RL shall ensure that the following stipulations are implemented in order to take into account the effects of the undertakings on the historic properties, and that these stipulations shall be a requirement of the undertakings and all of its parts until this MOA expires or is terminated.

STIPULATIONS

1. RL will ensure that mitigation measures relating to historic-archaeological fieldwork contained in the “Research Design and Treatment Plan” section of Attachment A of this MOA are carried out as a component of the CERCLA remedial actions for Waste Sites 600-109 and 600-202 in the following manner:

- a. As discussed in the Research Design section of Attachment A, research objectives and questions regarding Lifeways of Workers, Waste Management, Recycling, and Chronology will be addressed in the final report. Research objectives and questions relating to Hazardous Wastes within that section have been and continue to be addressed by the CERCLA process and therefore will not be included within this project scope.
- b. Materials to be obtained to address the objectives of the Research Design will be collected through mechanical trenching. In order to eliminate, limit or mitigate the identified contaminant and physical workplace hazards and to provide the necessary and required protection of workers, no hand excavation will be conducted.
- c. To characterize the distribution and patterned deposition of materials within the sites, one trench should be excavated along the long axis of each of the anomalous zones identified through geophysical investigations at 600-109 and within Areas 1 through 4 at 600-202 (see Figures 1 and 2). Excavation should concentrate initially on the “high concentration” anomalies. Trenches should not exceed 30 m in length by 1 m in width. Excavation should proceed in approximate 30 cm levels through the artifact lens to native soil (approximately 3 m). To explore

variability in the stratification of each site, one trench should be excavated perpendicular to the primary trench. This trench should not exceed 20 m in length by 1 m in width. Within the 600-202 site, trenches should be placed to avoid the sampling locations dug in January 2005. Also, because Areas 5 and 6 within 600-202 will not be remediated, excavation will be limited to a single trench in each area not to exceed 5 m in length by 1 m in width. Trenching, screening, and decontamination of artifacts will not exceed the three weeks scheduled for each site.

- d. Examination of excavated materials should proceed in accordance with the “artifact culling strategy” contained in the Methods section of the Research Design. Up to 10 percent of the soil excavated should be screened in accordance with the screening protocols proposed for hand excavation, with artifacts released from the site in accordance with the procedures in Attachment B. Emphasis will be placed on the recovery of materials that convey information pertinent to the Research Design or distinctive artifacts not previously observed. If this culling strategy proves unwieldy, the Washington Closure Hanford (WCH) Cultural Resources Supervisor or the WCH Health and Safety representative, in consultation with the Subcontract Historic-Archaeological Field Supervisor, may modify the collection strategy as field conditions warrant.
- e. Provisions will be made to allow the parties to this agreement, as well as Tribal representatives, to monitor mechanical excavations and laboratory analyses as work is conducted in the field.
- f. Consistent with 36 CFR 79, RL will ensure that all artifacts identified for retention, and all primary records and documents relating to the excavations will be curated with an approved facility.

2. RL will adhere to the Inadvertent Discovery of Human Remains Protocols and the Unanticipated Discoveries Protocols of the U.S. Department of Energy, Richland Operations Office, Hanford Cultural Resources Management Plan (HCRMP), and in compliance with the Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 and 36 CFR 800.13.

3. RL will provide monthly electronic reporting to all parties during implementation of the stipulations in the MOA. RL, through WCH, also will maintain a designated web site for public dissemination of information on the progress of work, as well as receipt of information from the public including, for example, volunteered oral histories from individuals who lived at the Hanford Construction Camp or worked on the Manhattan Project.

4. Within 90 days of the completion of all historic-archaeological fieldwork, RL will ensure that a draft report documenting the results of the fieldwork will be provided to the SHPO, ACHP, the Tribes, and the Peer Review Panel for a 30 day review period. Subsequent to this review, a final report will be issued within 30 days to the SHPO, ACHP, the Tribes, the Peer Review Panel, and other interested parties as requested. This report must conform to the requirements found in the “Washington State Standards for Cultural Resource Reporting.” This report will serve as the basis for presentations on the results of these excavations at appropriate professional and public venues.

5. CERCLA remedial actions may continue at the completion of historic-archaeological fieldwork at each waste site and will not be dependent on the preparation of the final project report.

ADMINISTRATIVE PROVISIONS

Dispute Resolution

RL and SHPO will work together to collaborate and resolve any differences or disputes informally. If necessary, RL and SHPO will elevate significant disputes to the appropriate management levels of the organization for resolution. At this point the following steps will be followed:

1. Should the SHPO raise an objection to an action taken under the MOA, or have a dispute regarding fulfillment of the terms of this MOA, the SHPO will file a written notice with RL.
2. Upon receipt of a written notice from the SHPO, RL will consult with the party filing the notice to resolve the dispute.
3. If RL can not resolve the objection or dispute within 30 calendar-days of receipt of the written notice, RL will forward to the ACHP documentation of the dispute, a written proposal for its resolution, and request the ACHP's comment.
4. Within 30 calendar-days of receipt of the written submittal, the ACHP shall either:
 - a. Notify RL that it will not consider the dispute or provide recommendations, in which case the Agency may proceed with the proposed action: or,
 - b. Concur with RL's proposed response to the dispute, whereupon RL may proceed in accordance with the agreed-upon response: or,
 - c. Provide RL with recommendations, which RL will consider in good faith in reaching a final decision regarding a response to the dispute.
5. RL shall take into account any SHPO or ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection or dispute; RL's responsibility to carry out all actions under this MOA that are not the subject(s) of the objection or dispute shall remain unchanged. While the dispute is being resolved, the MOA continues in effect without change or suspension.
6. If the SHPO or ACHP is contacted by a member of the public to discuss a significant concern or objection about implementation of the terms of this MOA, the contacted entity will notify RL of the issue.
7. RL will keep the SHPO, ACHP, the Tribes, and the public, as appropriate, apprised of any concerns or objections raised and how the concern is resolved.

Amendments

The signatories may propose, in writing, and will consider amendments to this MOA.

Effective Date and Termination

This MOA will become effective on the date that it is signed by all signatory parties. Any signatory party who wishes to terminate the MOA must do so in accordance with the regulations at 36 CFR 800.6 (c)(8).


Coordination

RL will ensure that each signatory and interested parties are provided a copy of the fully executed MOA

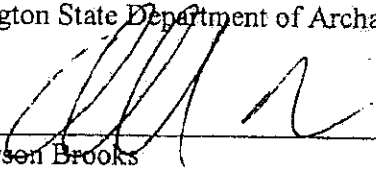
Execution of this MOA by RL, the Washington SHPO, and the ACHP, and its submission to the ACHP in accordance with 36 CFR Part 800.6(b)(2), shall, pursuant to 36 CFR Part 800.6(c), be considered to be an agreement with the ACHP for the purposes of Section 110(l) of NHPA. Execution and submission of this MOA and implementation of its terms provides evidence that RL has afforded the ACHP a reasonable opportunity to comment on the Project and its effects on historic properties, and that RL has adequately taken into account the effects of the Project on historic properties.

Signatory Parties:

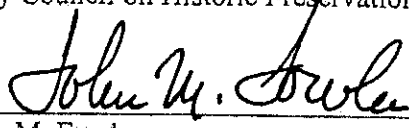
U.S. Department of Energy

By:  Date: 7/9/09
Mr. David A. Brockman
Manager

Washington State Department of Archaeology and Historic Preservation

By:  Date: 7/21/09
Dr. Allysen Brooks
Washington State Historic Preservation Officer

Advisory Council on Historic Preservation

By:  Date: 7/28/09
Mr. John M. Fowler
Executive Director

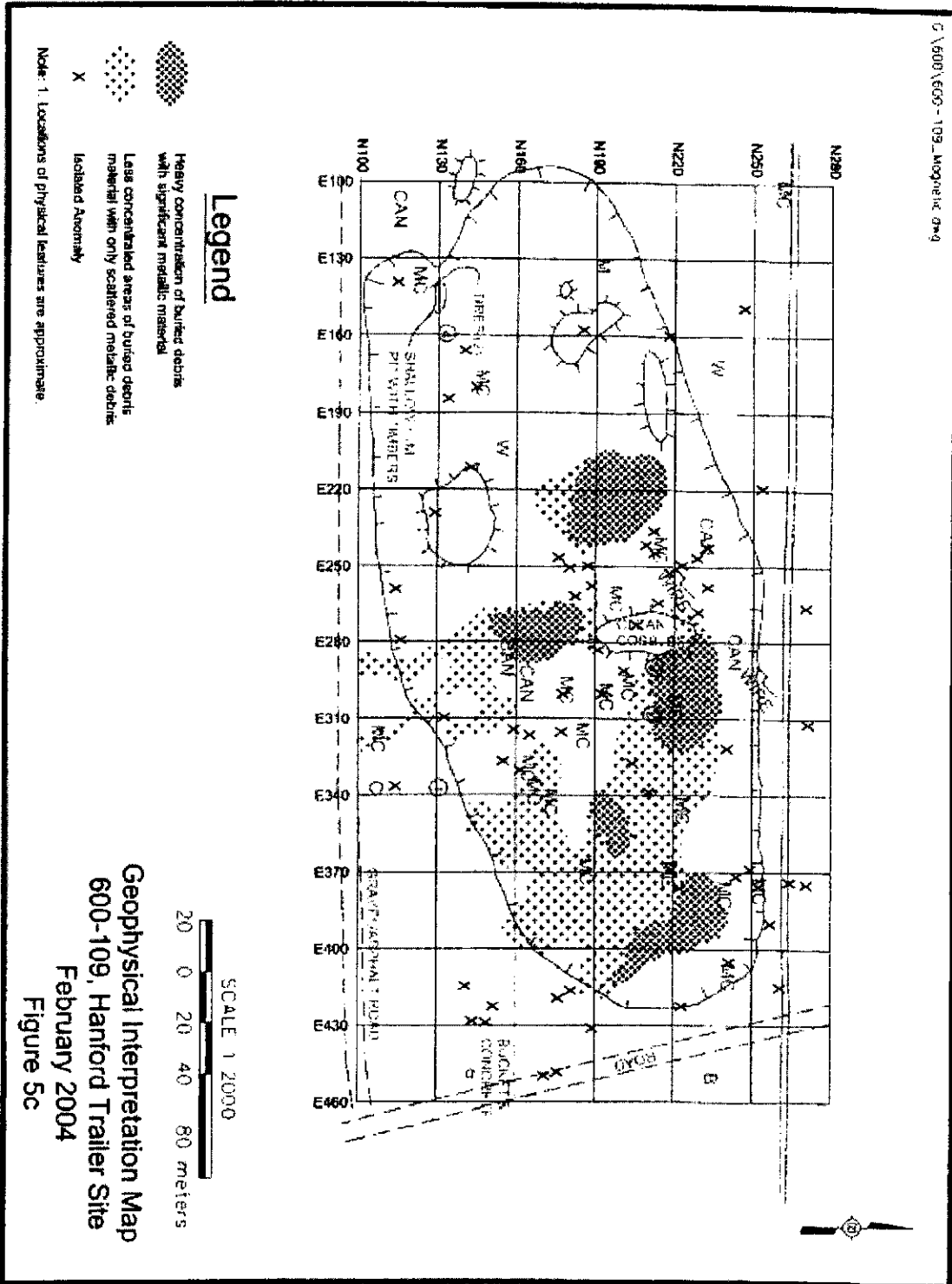


FIGURE 1: GEOPHYSICAL ANOMALIES AT 600-109

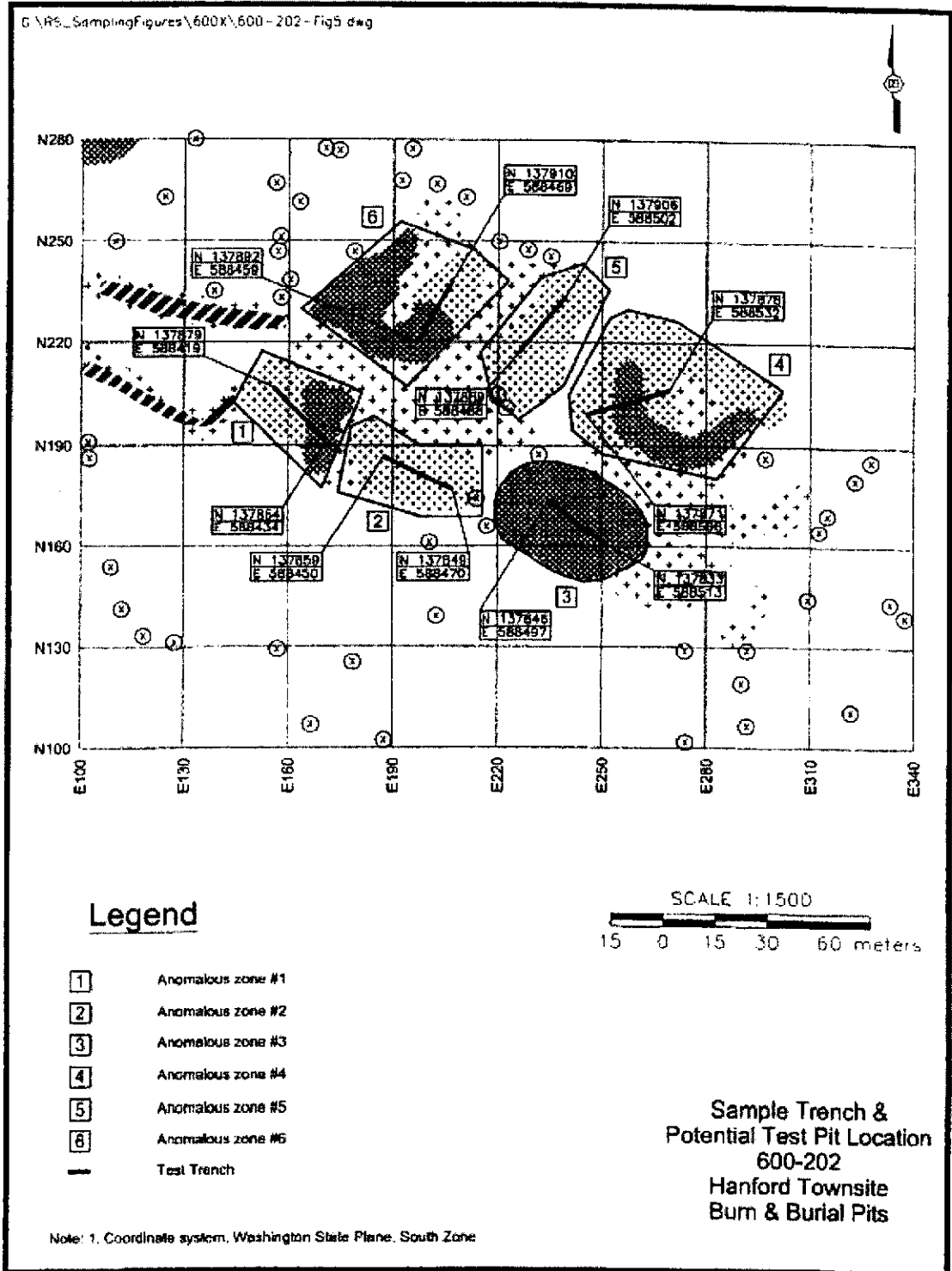


FIGURE 2: GEOPHYSICAL ANOMALIES AT 600-202 AND 2005 CHARACTERIZATION TRENCHES

**ATTACHMENT A: RESEARCH DESIGN AND TREATMENT PLAN
WITH ADDENDUM**