

**MEMORANDUM OF AGREEMENT
BETWEEN THE
UNITED STATES DEPARTMENT OF ENERGY, IDAHO OPERATIONS OFFICE,
AND
THE IDAHO STATE HISTORIC PRESERVATION OFFICE**

WHEREAS, the U. S. Department of Energy, Idaho Operations Office (DOE-ID), as the lead federal agency for all activities performed at the Idaho National Laboratory (herein referred to as INL Site) as defined at 36 CFR Part 800.2, has responsibility for compliance with all applicable laws and regulations; and

WHEREAS, DOE-ID has determined that three structures, TAN-607, TAN-630, TAN-650 located at Test Area North (TAN) and one structure, TRA-603, located at the Reactor Technology Complex (RTC; formerly known as the Test Reactor Area) on the INL Site will be decontaminated, decommissioned, and demolished (DD&D), and

WHEREAS, these properties were determined through formal survey and research to be DOE Signature Properties, as defined in the "INEEL Cultural Resource Management Plan", are eligible for inclusion in the National Register of Historic Places, and the DOE-ID has consulted with the Idaho State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (NHPA) (16 U.S.C. 470f) and as required through the "INEEL Cultural Resource Management Plan", as agreed to through Programmatic Agreement between the DOE-ID, Idaho SHPO, and Advisory Council on Historic Preservation (Council); and

WHEREAS, the DD&D of these structures will constitute an adverse effect to these historic properties; and

NOW, THEREFORE, in order to satisfy these responsibilities DOE-ID and the Idaho SHPO agree that the proposed activities shall be implemented in accordance with this Memorandum of Agreement (MOA) in order to mitigate the adverse effects of the undertakings on these historic properties.

STIPULATIONS

The DOE-ID shall ensure that the following measures are carried out:

1. Persons meeting the Secretary of Interior's "Professional Qualifications Standards" (36 CFR Part 61) for historian shall conduct or closely oversee the development, implementation, and, when appropriate, completion of Stipulations two through four.
2. On or before September 30, 2006:
 - a. Edit and reprint 2,000 copies of "Proving the Principle: A History of the Idaho National Engineering and Environmental Laboratory, 1949-1999", and make the copies available to the general public and to the Museum of Idaho in Idaho Falls, ID.

- b. Establish a scholarship for study of cultural resource-related disciplines (i.e., archaeology, history, archives) related to the history or prehistory of Southeast Idaho and the Snake River Plain. Should the DOE be unable to complete this stipulation, due to unforeseen requirements or problems negotiating with parties external to DOE or the INL, alternative comparable mitigation will be proposed to the SHPO for acceptance before September 30, 2006.
3. On or before September 30, 2007:
 - a. Publish the below listed Historic American Building Survey/Historic American Engineering Record (HABS/HAER) reports in compact disc media and hardcopy format, distribute them to academic and civic institutions, and make them available to the general public via the DOE-ID internet homepage.
 - HAER Report ID-33-A:TAN Hangar 629. National Park Service, 1995
 - HAER Report ID-33-B:The ARVFS Bunker. National Park Service, 1997
 - HAER Report ID-33-C:The Old Waste Calcining Facility. National Park Service, 1997
 - HAER Report ID-33-D: Army Reactor Area. National Park Service, 2001
 - HAER Report ID-33-E: Test Area North. National Park Service, 2004
 - HAER Report ID-33-F: SPERT-I and Power Burst Facility. National Park Service, 2004
 - HAER Report ID-33-G: Test Reactor Area. National Park Service, 2005
 - HAER Report ID-33-H: Idaho Nuclear Technology and Engineering Center, 2007
 - b. Install interpretive signage with verbiage as determined through discussion at the 2006 annual meeting with Idaho SHPO, National Park Service, Shoshone-Bannock Tribes, and other stakeholders.
4. Continue to support and fund ongoing existing programs outlined in Appendix K of the *INEEL Cultural Resource Management Plan* (CRMP; DOE/ID-10997) (i.e., identify, evaluate, nominate, and monitor INL cultural resources, stakeholder involvement, publish information related to INL history and prehistory) and to develop new programs and activities (i.e., the oral history program, conducting archival activities, long-term education program). Program activities will be prioritized, and details of each determined, via the annual meeting between DOE representatives, the Idaho SHPO and other cultural resource professionals, representatives from the Shoshone-Bannock Tribes, and other stakeholders. The activities will then be incorporated into CRMP Appendix K and progress made toward them will be stated in the annual activities report. New programs and activities planned for FY06 through FY08 include the following, at a minimum:
 - a. Complete and implement the Sitewide INL Archival Plan. In the interim the moratorium on destruction of historical records shall continue.
 - i. The plan will include securing qualified archival support, including a qualified archivist, to assist in meeting the requirements, for management of the overall identification, retention, long-term storage and retrieval, and public access to historic program and project collections to include documents, personal and official correspondence, photographs, drawings,

tapes, and other information pertaining to the construction, adaptation and history of the buildings, structures, and sites at the INL Site, as well as the operational programs and projects housed in those facilities, (36 CFR Part 79; 36 CFR Chapter XII).

b. Maintain interpretive signage installed to meet Stipulation 3.b.

In the event a party to this MOA determines the terms of the MOA cannot be met or that a change is necessary to meet the requirements of the law, that party will immediately request that the other parties to this MOA consider an amendment or addendum. Any necessary amendment or addenda will be executed in accordance with 36 CFR 800.5(e)(5).

Dispute Resolution. Should any signatory to this Agreement object to any action(s) or plans provided for review pursuant to this Agreement, DOE shall communicate with the objecting party within 30 days to begin resolution of the objection. The objection must be specifically identified, and the reasons for the objection documented. If DOE determines that the objection cannot be resolved, DOE shall forward all documentation relevant to the dispute to the Council and notify the SHPO as to the nature of the dispute. Within 30 days of receipt of all pertinent documentation, the Council shall either:

- provide DOE with recommendations which DOE shall take into consideration in reaching a final decision regarding the dispute; or
- notify DOE that it will comment within an additional 30 days. Any Council comment provided in response to such a request will be considered by DOE in accordance with 36 CFR 800.7 (c)(4) with reference to the subject of the dispute;

Any recommendation or comment provided by the Council will be understood to pertain only to the subject dispute. DOE's responsibility to carry out all actions under this agreement that are not the subject of the dispute will remain unchanged [(36 CFR 800.2(b)(2)].

Amendment. Any signatory to this Agreement may request that it be amended, whereupon the parties will consult to consider such proposed amendment in accordance with 36 CFR 800.

Termination. DOE or the SHPO may terminate this Agreement by providing 30 days written notice to the other party. DOE and the SHPO shall consult during the 30-day notice period in order to seek agreement on amendments or other actions that would avoid termination. In the event of termination, DOE will comply with 36 CFR 800 for all actions otherwise covered under the terms of this Agreement.

DOE shall take the necessary steps to obtain sufficient funding to comply with the provisions of this Memorandum of Agreement and, once obtained, shall obligate those funds for the purpose of meeting the stipulations of this Agreement. DOE maintains that any requirement for the payment or obligation of funds by DOE under this Memorandum of Agreement is subject to the provisions of the Anti-Deficiency Act, 31 U.S.C Section 1341 *et. seq.* In the event sufficient

funds are not available to carry out the terms of this MOA, DOE will notify all parties and begin renegotiation of its terms.

Execution of this Memorandum of Agreement by the DOE-ID and the Idaho SHPO, its subsequent submission to the Council, and implementation of its terms, shall constitute evidence that the DOE-ID has afforded the Council an opportunity to comment on the nature and extent of the planned DD&D at TAN and RTC and that DOE-ID has taken into account the effects of the undertakings on these historic properties as required by Section 106 of the National Historic Preservation Act.

Signature sheet for the foregoing Memorandum of Agreement between the United States Department of Energy and the Idaho State Historic Preservation Office covering demolition activities of four structures at the TAN and RTC areas.

For the U.S. Department of Energy, Idaho Operations Office:

 _____ Date: 10/17/05

Elizabeth D. Sellers

Manager, U.S. Department of Energy, Idaho Operations Office

Signature sheet for the foregoing Memorandum of Agreement between the United States Department of Energy and the Idaho State Historic Preservation Office covering demolition activities for four structures at the TAN and RTC areas.

For the Idaho State Historic Preservation Office:



Date: _____

10/21/05

Steve Gerber

Idaho State Historic Preservation Officer

Signature sheet for the foregoing Memorandum of Agreement between the United States Department of Energy and the Idaho State Historic Preservation Office covering demolition activities for four structures at the TAN and RTC areas.

For the United States Department of Energy:



for Dr. F. G. Gosling
DOE Federal Preservation Officer

Date: 10/17/05

Signature sheet for the foregoing Memorandum of Agreement between the United States Department of Energy and the Idaho State Historic Preservation Office covering demolition activities for four structures at the TAN and RTC areas.

For the United States Department of Energy:

_____ Date: _____
Dr. F. G. Gosling
DOE Federal Preservation Officer