

**MEMORANDUM OF AGREEMENT BETWEEN
EUGENE WATER & ELECTRIC BOARD
AND
THE OREGON STATE HISTORIC PRESERVATION OFFICE
REGARDING THE DEMOLITION OF THE COLLEGE HILL RESERVOIR SYSTEM,
EUGENE, LANE COUNTY, OREGON**

WHEREAS, by authority granted in ORS 190.110 and 283.110, state agencies may enter into agreements with units of local government or other state agencies for the performance of any or all function and activities that a party to the agreement, its officer, or agents have the authority to perform; and

WHEREAS, the Eugene Water & Electric Board (EWEB) operates a parcel of land bounded by Lawrence St. and Lincoln St., between W 23rd and W 25th Aves., in Eugene, Lane County, Oregon. The parcel includes two reservoirs, College Hill 603 (completed in 1916) and College Hill 607 (1940), which provide drinking water storage for the city of Eugene. Additional resources associated with the reservoirs include a pump house (1927) and an elevated steel tank (1940), both of which are located on separate tax parcels. College Hill 607 fails to meet seismic standards and the Oregon Health Authority (OHA) is requiring EWEB to rehabilitate or decommission the reservoir. EWEB will demolish College Hill 607, College Hill 603, the pump house, elevated steel tank, and associated infrastructure including but not limited to water conveyance features (collectively, the project); and

WHEREAS, EWEB consulted with the Oregon State Historic Preservation Office (SHPO) pursuant to the Oregon Revised Statute (ORS) 358.653 to consider effects of the project on historic properties; and

WHEREAS, EWEB defined the project's area of potential effect (APE) as the whole of the College Hill Reservoir system, inclusive of the College Hill 607, College Hill 603, the pump house, elevated steel tank, and associated infrastructure including but not limited to water conveyance features, and the SHPO concurred with the APE; and

WHEREAS, EWEB determined, and the SHPO concurred, that the College Hill Reservoir system is eligible for listing in the National Register of Historic Places; and

WHEREAS, EWEB determined, and the SHPO concurred, that the project will adversely impact the eligible College Hill Reservoir system; and

WHEREAS, project information was made available to the public via standard mail; notice in the local newspaper; numerous public meetings; two public surveys; and via information provided on EWEB's website for the public to review and comment on the project and appropriate mitigation measures; and

WHEREAS, EWEB consulted with the Historic Preservation League of Oregon, doing business as Restore Oregon; the City of Eugene Planning Division, Historic Review Board; the Friendly Area Neighbors, College Hill Reservoir Watch organization; the Lane County Historical Society/History Museum; the University of Oregon Museum of Natural and Cultural History; and the University of Oregon Historic Preservation Program regarding the effects of the project on historic properties; and

WHEREAS, EWEB consulted with the Confederated Tribes of the Coos, Lower Umpqua, Siuslaw Indians; the Confederated Tribes of the Grand Ronde; the Confederated Tribes of the Siletz

Indians; the Confederated Tribes of the Warm Springs Reservation; the Coquille Indian Tribe; and the Cow Creek Band of Umpqua Tribe of Indians, regarding the effects of the project on historic properties, none of whom indicated that the College Hill Reservoir system held religious and/or cultural significance; and

WHEREAS, EWEB acknowledges its continued responsibility to engage in meaningful consultation with Tribes throughout the process of carrying out the stipulations of this agreement, as applicable; and

WHEREAS, Parties to this agreement shall keep sensitive cultural resources information confidential to the extent allowed by state statute and regulations, including but not limited to ORS 192.345;

NOW, THEREFORE, EWEB and the SHPO agree that the project shall be implemented in accordance with the following stipulations to account for the adverse effect of the project on historic properties.

I. STIPULATIONS

A. Mural Depiction of the Reservoir

EWEB will work with a local artist and/or community organization (such as Urban Canvas, the City of Eugene's local mural program) to create a piece of public art (a mural) that depicts the historic-period conditions of the College Hill Reservoir system. EWEB will fund the piece. EWEB will ensure the location of the mural is publicly accessible and is as geographically proximate to the College Hill Reservoir system location as possible.

B. Repurpose Reservoir Railing

EWEB will ensure construction/demolition bid documents for the project include provisions for salvaging and repurposing up to 100 Reservoir 607 railing bollards, with the goal that at least 25 will be salvaged in a condition that will make them acceptable for repurpose. Once the railing materials are secured, EWEB will work with their chosen landscape designer/architect to ensure the design of new landscaping plans incorporates the repurposed railing. The exact size, shape, and configuration of the repurposed railing in the landscape will be dependent on numerous factors, including but not limited to the number of bollards that can be successfully salvaged in an appropriate condition for repurpose in a public use; the final design of the College Hill Reservoir parcels; and other priorities based on the results of EWEB's public process for the landscape design (i.e., public feedback and preference). EWEB will ensure the landscape design physically integrates the bollards as elements of the Interpretive Display (see Stipulation I.C), by placing the bollards within view of the interpretive display and including the bollards as discussion points in the interpretive panels. The bollards will be repurposed in such a way as to reasonably ensure their longevity for a minimum of five (5) years.

C. Interpretive Display

EWEB will create and install an interpretive display about the College Hill Reservoir system. The display will be located within the boundaries of the College Hill Reservoir public area. The display will be visible and accessible by the public with access pathways conforming to guidelines set forth in the Americans with Disabilities Act. The display will:

- i. Include interpretive text and photographs describing the evolution and expansion of water use in the area over time, the College Hill Reservoir system's role as part of the growth and development of the College Hill neighborhood and the city of Eugene, and the impact of the College Hill Reservoir system on the public health of the region (specific to drinking water).
- ii. Include interpretive content inspired by the interpretive standards outlined by the Smithsonian Institute, National Park Service, and National Association for Interpretation, as well as the principles of universal design.
- iii. Include interpretive panels or other signage totaling a minimum of six (6) square feet. This can be presented in one panel (e.g., 2 feet by 3 feet) or in multiple panels of smaller size. Panels or other interpretive signage will be of a quality to last a minimum of five (5) years.
- iv. Include information regarding the repurposed reservoir railing bollards and be proximate to the bollards' location in the landscape (see Stipulation I.B).
- v. Be prepared by persons that possess the skills of a qualified Historian, Architectural Historian, Cultural Resource Specialist, or Interpretive Specialist, working with an organization that can create and design professional quality interpretive displays.

D. Digitization of College Hill Reservoir System Records

EWEB will work with a local or statewide repository (such as the Lane County Historical Society, the Oregon Historical Society, or the University of Oregon Knight Library) to ensure that the College Hill Reservoir System Records collection are archived, digitized, and maintained for public use. The College Hill Reservoir System Records will include historic-period photographs and reservoir engineering and construction-related drawings.

II. REVIEW OF MITIGATION MATERIALS

A. Stipulation A: Mural Depiction of the Reservoir

Upon completion of the final mural design, EWEB will submit the final mural design to signatories and consulting parties for a 30 day review and comment period. Upon completion of the mural, EWEB will provide the signatories and consulting parties with notification of completion. The notification of completion will be informational only and will not require review. The notification will include the (publicly accessible) location and a photo of the completed mural.

B. Stipulation B: Repurpose Reservoir Railing

Upon completion of the final design, EWEB will submit the final design to signatories and consulting parties for a 30 day review and comment period. Upon installation of the repurposed railing, EWEB will provide the signatories and consulting parties with notification of completion. The notification of completion will be informational only and will not require review. The notification will include the (publicly accessible) location and a photo of the completed design of the repurposed reservoir railing as incorporated into the landscape with the interpretive display (see Stipulation I.C and Review of Mitigation Materials II.C).

C. Stipulation C: Interpretive Display.

Within two years of the execution of this MOU, EWEB will provide the signatories and consulting parties with a design of the interpretive display. Signatories and consulting parties will have at least one opportunity lasting a minimum of thirty (30) calendar days to comment on the completeness of the design. Comments provided by the signatories and consulting parties shall be taken into consideration within the limits of the project as described in the stipulations.

As indicated in Section VII. Duration, EWEB will have a period no greater than five (5) years from the execution of this MOU to locate, design, and install the interpretive display (unless otherwise amended as noted in Section V. Amendments).

Upon completion of the display, EWEB will provide the signatories and consulting parties with notification of completion and a photo of the interpretive display in its installed location(s). The notification of completion document will be informational only and will not require review.

D. Digitization of College Hill Reservoir System Records

Upon completion of the digitization of records, EWEB will provide the signatories and consulting parties with notification of completion. The notification of completion will be informational only and will not require review. The notification will include a letter of receipt from the receiving repository.

III. MONITORING AND REPORTING

Each year following the execution date of this MOA until stipulations are complete, or the MOA expires, or the MOA is terminated, EWEB shall provide all parties to this MOA a summary report briefly detailing work undertaken pursuant to its terms. Such report shall include a description of work completed, ongoing, and planned as required under the stipulations; any schedule changes proposed; and any problems encountered. The report shall also summarize any disputes, objections, or comments received from the signatories, consulting parties, local governments, interested parties, and the public related to EWEB's efforts to carry out the terms of this MOA, and how concerns were responded to. Inadvertent discoveries shall be briefly summarized in the annual report, but otherwise documented and reported required in Stipulation IV. Post Review Discoveries.

IV. POST-REVIEW DISCOVERIES

In the event any additional cultural resources are encountered or previously unanticipated effects on historic properties found, EWEB should cease activities in the area and an appropriate cultural resources professional should be contacted to evaluate the discovery. An Inadvertent Discovery Plan (IDP) outlining the process that will be followed in such cases can be found in Appendix A. The results of evaluation shall be submitted to SHPO and consultation will continue as necessary.

V. AMENDMENTS

Any signatory may request that this MOA be amended by submitting such a request to EWEB in writing. EWEB shall consult with the signatories and consulting parties for up to thirty (30) calendar days, or another time period agreed to by all signatories in writing, concerning the necessity and appropriateness of the proposed amendment. At the end of the consultation period EWEB shall provide an amended MOA for signature by the signatories and consulting parties or a written statement describing why EWEB chose not to pursue an amendment to this MOA. Amendments shall be effective on the date a copy of the MOA is signed by all of the signatories and filed with the SHPO.

VI. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation V, above. If within thirty (30) days of initial consultation on termination, or another time period agreed to by all signatories, an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories. Termination shall be effective the day EWEB receives written notification.

Once the MOA is terminated, and prior to work continuing on the project, EWEB must execute an MOA pursuant to Oregon SHPO guidelines for the implementation of ORS 358.653(1). EWEB shall notify the signatories as to the course of action it will pursue within thirty (30) calendar days of the termination of this MOA, or within another time period agreed to by all parties in writing.

VII. DURATION

This MOA is effective on the date a copy of the MOA signed by all signatories is filed with the SHPO. The MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, EWEB may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation V. above. The MOA shall be considered complete once all stipulations are finalized and approved by the SHPO.

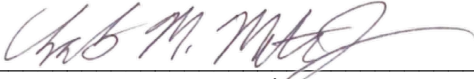
VIII. EXECUTION

Executions of this MOA by EWEB and SHPO and implementation of its terms evidence that EWEB took into account the effects of the project on historic properties under ORS 358.653.

This agreement may be signed in counterparts.

SIGNATORIES:

Eugene Water & Electric Board



Mike Masters, Water Operations Manager

Date 7-30-2024

Oregon State Historic Preservation Office



[Ian P. Johnson \(Jul 31, 2024 14:28 PDT\)](#)
Christine Curran, Deputy State Historic Preservation Officer

Date 07/31/24

APPENDIX A: INADVERTENT DISCOVERY PROTOCOLS

The following inadvertent discovery protocol is specific to any unanticipated discoveries of archaeological objects or sites during any stage of construction related to the project, including items associated with burials, human remains, funerary objects, sacred objects, or objects of cultural patrimony.

Any archaeological objects and/or sites, human remains/skeletal materials, burial sites, or burial related materials that are identified during the project will at all times be treated with dignity and respect. Human remains include human skeletal materials, burial sites, funerary objects, sacred objects and/or objects of cultural patrimony as defined in ORS 358.905.

If human remains are encountered during project work, the SHPO will be notified, and the protocols outlined in the “Treatment of Native American Human Remains Discovered Inadvertently or Through Criminal Investigations on Private and Non-Federal Public Lands in Oregon,” as well as those outlined here, will be followed. Specifically, and pursuant to ORS 97.745(4), if Native American remains are encountered, EWEB and/or its contractors will contact the state police, the SHPO, the State Physical Anthropologist, the Oregon Legislative Commission on Indian Services (LCIS), and the appropriate federally recognized Indian Tribe(s).

(Potential) Archaeological Objects, Sites, and/or Human Remains Are Encountered:

If (potential) archaeological objects, sites, and/or human remains (i.e., is not clearly non-human animal bone) are identified during project work:

1. All work will immediately stop within at least 30 meters of the find. *(Note that the 30 m buffer is minimum guidance; the area should be expanded as needed.)* Outside of this area, all ground disturbing work will be stopped until the situation can be fully assessed.
2. If the archaeological objects, sites, and/or remains are found in a screen or scoop (such as from a shovel backhoe), they will be returned to the unit where they were found.
3. The archaeological objects, sites, and/or remains shall be covered with a tarp or other material (not soil or rocks), for temporary protection and to shield them from being photographed. **Any methods to cover or visually block the archaeological objects, sites, and/or remains should not directly touch the archaeological objects, sites, and/or remains.**
4. Do not further disturb the area, manipulate/handle the archaeological objects, sites, and/or remains, or transport them from their original location.
5. Do not call 911 or the media. Immediately contact the EWEB project manager.

EWEB Project Manager:	Laura Farthing
Phone:	541-685-7464
Email:	Laura.farthing@eweb.org

6. The EWEB project manager will contact a qualified professional archaeologist who has training in the identification of archaeological objects, sites, and/or human remains and associated burial materials. The archaeological objects, sites, and/or remains will be examined in situ.

- a. If the archaeologist assesses that the discovery is not archaeological objects, sites, and/or human remains, then project work may resume.
- b. If the archaeologist cannot definitively assess that the discovery is not archaeological objects, sites, and/or human remains or burial related, or if the discovery is definitively human remains or burial related, the archaeologist will immediately contact the EWEB Project Manager to determine if EWEB will notify the appropriate parties, or if they will designate the archaeologist to make the notifications.

Notification

Pursuant to ORS 97.745(4), the parties that must be immediately notified are the Oregon State Police, Oregon State Historic Preservation Office (SHPO), the Legislative Commission on Indian Services (LCIS), and the appropriate Tribes (Table 1). As of 2023, the LCIS determined the appropriate Tribes for this project (Table 2); however, the LCIS may need to update the list of appropriate Tribes.

Jurisdiction over Human Remains

If the archaeological objects, sites, and/or remains are determined to be human, modern, and/or associated with a crime scene, the State Police will be responsible for overseeing the find. If the archaeological objects, sites, and/or remains are determined to be human and in an archaeological context, the parties listed below will coordinate with each other to determine a path forward.

Table 1. Agency Contact Information

Agency	Name	Phone	Email
Oregon State Police	Lieutenant Craig Heuberger	(503) 508-0779 (cell) (503) 731-3030 (dispatch)	Craig.Heuberger@osp.oregon.gov
Oregon State Historic Preservation Office	John Pouley, State Archaeologist	(503) 480-9164 (office)	John.Pouley@oregon.gov
	Jamie French, Assistant State Archaeologist	(503) 979-7580	Jamie.French@oregon.gov
Legislative Commission on Indian Services	Dr. Elissa Bullion, LCIS State Physical Anthropologist	(971) 707-1372 (cell)	Elissa.Bullion@oregonlegislature.gov
	Patrick Flanagan, Executive Director	(503) 986-1067	

Table 2. Tribal Contact Information based on LCIS List of Appropriate Archaeological Contacts.

Tribe	Name	Phone	Email
Confederated Tribes of Grand Ronde	Briece Edwards, Deputy Tribal Historic Preservation Officer	(503) 879-2084	thpo@grandronde.org
Confederated Tribes of the Siletz Indians	Peter <i>Sy-gus</i> (Black Bear) Hatch, History and Archaeology Specialist	(541) 444-8319	culturalresources@ctsi.nsn.us PeterH@ctsi.nsn.us
Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians	Courtney Krossman, THPO	(541) 297-5543	THPO@ctclusi.org
	Jesse Beers	(541) 888-1319	jbeers@ctclusi.org
Confederated Tribes of the Warm Springs Reservation	Bobby Brunoe, THPO & NAGPRA Coordinator	(541) 553-2026	thpo@ctwsbnr.org robert.brunoe@ctwsbnr.org
	Mars Galloway, Cultural Resource Manager, Branch of Natural Resource	(541) 553-3583	mars.galloway@ctwsbnr.org
Coquille Indian Tribe	Sara E. Palmer, THPO	(541) 756-0904 ext. 10216	THPO@coquilletribe.org
Cow Creek Band of Umpqua Tribe of Indians	Ben Steward, Tribal Heritage Manager	(541) 677-5236	THPO@cowcreek-nsn.gov BSteward@cowcreek-nsn.gov