

**FIRST AMENDMENT TO  
MEMORANDUM OF AGREEMENT  
BETWEEN  
THE UNITED STATES ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT  
AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
THE SOUTH EAST CONNECTOR PROJECT  
WASHOE COUNTY, NEVADA**

**WHEREAS**, the Memorandum of Agreement (MOA) was executed on April 6, 2015; and

**WHEREAS**, the Undertaking requires modifications to be made to the area of potential effects (APE) and the process for the review of said modifications; and

**WHEREAS**, the USACE will send a copy of this executed amendment to the ACHP; and

**NOW THEREFORE**, in accordance with Stipulation XI.C of the MOA, USACE, SHPO, and RTC agree to amend the MOA as follows:

1. Amend Stipulation II so it reads as follows:

The USACE, in consultation with the SHPO, has defined the Undertaking's Direct and Indirect APE (Attachment 1, Figure 1.1). The APE shall include all ground-disturbing activities associated with the undertaking, including but not limited to, any ground-disturbing activities associated with cultural resources inventories. The USACE may amend the APE as needed, or as requested by a Signatory or Invited Signatory, without amending the MOA proper. Requests to amend the APE shall be submitted by the requesting party to all Signatories and the Invited Signatory. If amended, the USACE shall submit formal notification of the amended APE in either paper or electronic copy. Within thirty (30) calendar days of their receipt of the proposed amendment, any consulting party may request that the MOA be amended in accordance with the processes outlined in Stipulation XI.C. Following the USACE's receipt of the request, the Signatories and Invited Signatory shall prepare an amendment document.

2. Amend Attachment 6, Section E.1.d so it reads as follows:

d. The CRS shall not collect artifacts found in discoveries described in Section E.3.

3. Add new subsection in Attachment 6, Section E.1:

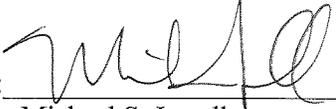
g. The CRS shall not collect artifacts found in discoveries described in Section E.2 unless a Native American monitor or Tribe expresses concerns regarding the nature of the discovery and the potential for future impacts by project-related developments. If a Native American monitor or Tribe expresses concerns regarding a discovery described in Section E.2, and requests collection of an item or items, the CRS will collect and retain the item until it can be disposed of in accord with the provisions in Section E.1.h.

4. Add new subsection in Attachment 6, Section E.1:

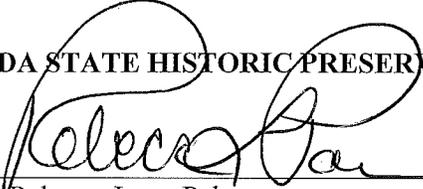
- h. The CRS shall notify all Parties of any cultural resources collected in accordance with Attachment 6, Section E.1.g. The CRS shall provide the USACE, RTC, SHPO, and Tribes with a proposal for the final disposition of the cultural resources in question. The proposal shall include, but not be limited to, a description of the resource and a map illustrating its original location prior to removal. The RTC, SHPO, and Tribes shall have five (5) working days to respond to the USACE with comments concerning the proposed final disposition of the cultural resource. If the USACE, RTC, SHPO, and Tribes do not respond within this period, the USACE shall presume concurrence with the proposal and recommendations as detailed in the submission and proceed accordingly.

**SIGNATORY PARTIES:**

**UNITED STATES ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT**

Name:  Date: 24 August 2015  
Name: Michael S. Jewell  
Title: Chief, Regulatory Division

**NEVADA STATE HISTORIC PRESERVATION OFFICER**

Name:  Date: 8/31/15  
Name: Rebecca Lynn Palmer  
Title: State Historic Preservation Officer

**INVITED SIGNATORY PARTY:**

**REGIONAL TRANSPORTATION COMMISSION**

Name:  Date: 8.28.15  
Name: Lee G. Gibson  
Title: Executive Director

**CONCURRING PARTIES:**

**RENO-SPARKS INDIAN COLONY**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: Arlan D. Melendez  
Title: Chairperson

**PYRAMID LAKE PAIUTE TRIBE**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: Vinton Hawley  
Title: Chairperson

**WASHOE TRIBE OF NEVADA AND CALIFORNIA**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Name: Neil Mortimer  
Title: Chairperson