

**MEMORANDUM OF AGREEMENT
BETWEEN
THE UNITED STATES ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT,
AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING
THE LOMPA RANCH NORTH FLOOD CHANNEL IMPROVEMENTS PROJECT,
CARSON CITY, NEVADA**

WHEREAS, the United States Army Corps of Engineers, Sacramento District (hereafter the "USACE"), proposes to issue a permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. § 1344) to Ryder Homes for the Lompa Ranch North Flood Channel Improvements Project (hereafter the "Project" or the "undertaking"). The USACE has determined that the issuance of a permit constitutes an undertaking, as described in Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108; hereafter "Section 106"); and

WHEREAS, the USACE has defined the undertaking as the discharge of dredged or fill material to expand the existing stormwater drainage system, including impacts to the Aquatic Resource 3 (Ash Canyon Channel) and Aquatic Resource 4 (Kings Canyon Channel), to construct a housing development on 200 acres of land on the southern end of Lompa Ranch; and

WHEREAS, the USACE, in consultation with the Nevada State Historic Preservation Officer (hereafter the "SHPO") and in accordance with 36 CFR § 800.4(a)(1), has determined the undertaking's area of potential effects (hereafter the "APE") includes the entirety of the proposed permit area including all construction, staging, and access areas, as depicted on the November 1, 2018, map entitled "Enclosure 3", included as Attachment A to this Memorandum of Agreement (hereafter the "MOA"). The APE also includes areas of potential visual effects located outside the permit area, as illustrated on the map entitled "Visual zone", included as Attachment B to this MOA; and

WHEREAS, the USACE has determined that the undertaking may have an adverse effect on the Lompa Ranch Historic District (D324), which is eligible for listing on the National Register of Historic Places under the Secretary of Interior's Significance Criteria A and C, and has consulted with the SHPO pursuant to Section 106; and

WHEREAS, the USACE has consulted with the Washoe Tribe of Nevada and California, the Reno-Sparks Indian Colony, the Walker River Paiute Tribe, and the Yerington Paiute Tribe (hereafter referred to collectively as the "Tribes") that may have an interest in the undertaking and received comment only from the Washoe Tribe of Nevada and California they requested they be informed of any discoveries during construction; and

WHEREAS, the USACE has consulted with Ryder Homes regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as an Invited Signatory; and

WHEREAS, the USACE has consulted with the Consolidated Municipality of Carson City, Nevada Historic Resources Commission (hereafter "Carson City") regarding the effects of the undertaking on the Lompa Ranch Historic District, which has cultural significance to Carson City, and has invited Carson City to sign the MOA as a Concurring Party; and

WHEREAS, Ryder Homes, through their representative, has consulted with the National Park Service, Region IX (NPS) regarding the documentation effort required per the Historic American Landscapes Survey (hereafter "HALS") and has received specific guidance for documenting the Lompa Ranch Historic District, as described in a November 25, 2019, stipulation letter included as Attachment C to this MOA; and

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

WHEREAS, the Signatories agree that this MOA may be signed in counterparts and the executed MOA, and each signature, will be effective and binding as if all the signatories had signed the same document; and

NOW, THEREFORE, the USACE and the SHPO 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 and further agree that these stipulations shall govern the Undertaking and all of its parts until this MOA expires or is terminated:

STIPULATIONS

The USACE shall make this MOA a condition of the permit for the Project and shall ensure that the following measures are carried out:

I. PROPERTY DOCUMENTATION

A. HALS Documentation

1. Ryder Homes, through a cultural resource management (hereafter "CRM") firm meeting the Secretary of the Interior's Professional Qualifications standards, will complete Level II HALS draft documentation per the National Park Service documentation guidelines (Attachment C). The CRM firm will prepare the draft HALS short form narrative report format documentation to include, but not be limited to, a location map, measured site plan, and high quality large-format photographs of the property.
2. Ryder Homes, upon completion of the photo documentation phase, shall submit draft materials to the USACE and the SHPO for review and comment. The USACE and the SHPO will provide comments within thirty (30) calendar days of receipt of the draft materials to Ryder Homes.
3. Ryder Homes, through the CRM firm, shall revise the documentation to address the USACE's and the SHPO's comments and submit the revised documentation to the USACE and the SHPO. The USACE and SHPO shall review the revised documentation within thirty (30) calendar days of receipt and provide Ryder Homes with any additional comments.
4. Within ten (10) calendar days of the USACE's approval, in consultation with the SHPO, of the draft documentation, the USACE shall submit the draft HALS to NPS in accordance with Attachment B.
5. Upon receipt of comments on the draft HALS from NPS, the USACE will provide the comments to Ryder Homes. Within thirty (30) calendar days of receipt of the NPS comments, Ryder Homes, through their CRM firm, shall revise the draft documentation to address the NPS comments and provide the revised HALS documentation to USACE.
6. Upon the USACE's approval of the revised draft documentation, within ten (10) calendar days, Ryder Homes shall submit an electronic copy and hard copy of the final documentation to the USACE and the Carson City Historical Resources Commission. Within ten (10) calendar days of receipt of the final documentation, the USACE shall provide the final HALS documents to NPS in accordance with their direction in the comment letter.

B. Nevada Architectural Documentation

1. Ryder Homes, through a CRM firm meeting the Secretary of the Interior's Professional Qualifications

standards, will complete Architectural Resource Assessment (ARA) documentation of each of the contributing buildings, structures, and irrigation ditches, within the Lompa Ranch Historic District. This will include the completion of the following forms and photographs as outlined below:

- a. A complete Page 1 of the ARA form for all buildings, structures, and irrigation ditches within the district under the ownership or control of the Ryder Homes; and
 - b. A complete District Inventory table (page 2 of the District ARA form); and
 - c. A complete Site Plan Map (page 6 of the District ARA form) depicting all contributing and non-contributing resources and their spatial relationship to one another; and
 - d. Photo documentation of all contributing buildings taken in accordance with the National Park Service's Photo Policy for "Best" practices, as outlined in Attachment C. All photographs will be keyed to an aerial photograph and/or site plan and will be taken as follows:
 - i. The exterior shall be documented by at least six (6) views:
 - a) view of the front and side elevations;
 - b) view of the rear and side elevations;
 - c) front elevation only;
 - d) contextual view showing subject building within the larger landscape/setting;
 - e) views of major elements, including doors, windows, and additions; and
 - f) architectural details, such as hardware, materials, millwork, etc.
 - e. Photo documentation of all contributing structures and irrigation ditches taken in accordance with the National Park Service's Photo Policy for "Best" practices, as outlined in Attachment C. All photographs will be keyed to an aerial photograph and/or site plan and will be taken as follows:
 - i. The structures and ditches shall be documented by two (2) views:
 - a) contextual view showing subject building within the larger landscape/setting.
 - b) one photo of each of the major elements of the ditch or structure (e.g., check structures, turnouts, gates, siphons, culverts, etc.).
2. Ryder Homes, or their CRM firm, shall submit all draft documents and images taken in accord with Stipulation B.1, above, to the USACE for review and comment. The USACE shall provide comments within thirty (30) calendar days of receipt of the draft documents and images to Ryder Homes. Within thirty (30) calendar days of receipt of the USACE's comments, Ryder Homes, through their CRM firm, will address all USACE comments and submit revised documentation and images to the USACE.
 3. Within ten (10) calendar days of approval of the revised documentation and images, the USACE shall submit the revised documentation and images to the SHPO for review and comment.
 4. The SHPO will provide comment on the revised draft documentation and draft images within thirty (30) calendar days of receipt to the USACE. The USACE shall provide any comments received from the SHPO to Ryder Homes within five (5) business days. If the SHPO does not respond within the thirty (30) calendar day comment period, USACE may authorize Ryder Homes to finalize the documentation and images.

5. Ryder Homes, through their CRM firm, shall revise the draft documentation to address SHPO comments and submit the revised documentation to the USACE and SHPO concurrently for review.
6. The USACE and the SHPO will review the revised draft documentation within ten (10) calendar days of receipt. If the SHPO does not respond within the ten (10) calendar day comment period, the USACE may authorize Ryder Homes to finalize the documentation and images.
 - a. Finalized documentation shall include single copies of all photographs printed on 8.5" x 11" archival prints at 600dpi, along with accompanying sketch plans and photograph keys, as well as digital copies catalogued and saved on an archival Compact Disc.
7. Upon the USACE's approval of the revised draft documentation, within ten (10) calendar days, Ryder Homes shall submit all finalized materials prepared in accord with Stipulation I.B directly to the SHPO for their records and/or distribution and provide an electronic copy to USACE and the Carson City Historical Resources Commission for their records.

II. NOTICE TO PROCEED

- A. Ryder Homes shall be allowed to proceed with construction of the undertaking following compliance with all other pertinent requirements of the permit conditions and when the USACE has determined, in consultation with SHPO, that the fieldwork phase of Stipulation I of this MOA has been completed.
 1. If not separately addressed, the fieldwork phase of Stipulation I shall be determined complete upon the satisfaction of Stipulation I.A.4 and Stipulation I.B.4 of this MOA.
- B. Upon a determination that the fieldwork phase of Stipulation I of this MOA has been completed, the USACE shall immediately notify Ryder Homes in writing that construction may proceed.

III. PROFESSIONAL QUALIFICATIONS AND STANDARDS

All historic preservation or archaeological activities implemented pursuant to this MOA shall be conducted by, or under the direct supervision of, a person or persons meeting, at a minimum, the Secretary of the Interior's *Professional Qualification Standards* (PQS) for Archaeology, History, or Architectural History (48 FR 47738-99) appropriate for the cultural resource.

IV. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, USACE may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

V. POST-REVIEW DISCOVERIES

The cultural resources identification effort did not find any evidence of potential below ground resources within the APE. However, there is always a possibility that buried archaeological deposits could be found during construction and earth disturbing activities. If cultural resources are encountered during construction, all work shall stop within the vicinity of the discovery and the USACE archaeologist will be contacted immediately. A qualified archaeologist should be contacted in order to identify and evaluate the discovery. No work within 100 feet of the discovery may proceed until approved by the USACE.

If the discovery includes human remains, Ryder Homes or a contractor employed by Ryder Homes, shall immediately contact law enforcement officials to assess the nature and age of the human remains. If the law enforcement officials determine that the human remains are older than 50 years of age and are not a crime scene, Ryder Homes shall immediately contact the USACE and the SHPO. Following notification, the SHPO will administer the requirements of NRS 383 for remains determined to be Native American in origin. For all other remains, USACE in consultation with the SHPO shall ensure appropriate re-interment.

VI. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, Ryder Homes shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the USACE's efforts to carry out the terms of this MOA.

VII. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the USACE shall consult with such party to resolve the objection. If the USACE determines that such objection cannot be resolved, USACE will:

- A. Forward all documentation relevant to the dispute, including Ryder Home's proposed resolution, to the ACHP. The ACHP shall provide the USACE with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the USACE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, SHPO, Invited Signatory, and Concurring Party, and provide them with a copy of this written response. The USACE will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the USACE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the USACE shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO, Invited Signatory, and Concurring Party to the MOA, and provide them and the ACHP with a copy of such written response.
- C. The USACE's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VIII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

IX. TERMINATION

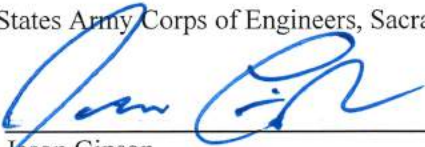
If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatory to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment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

Once the MOA is terminated, and prior to work continuing on the undertaking, USACE must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. USACE shall notify the signatories as to the course of action it will pursue.

EXECUTION of this MOA by USACE and the SHPO and implementation of its terms evidence that USACE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORY PARTIES:

United States Army Corps of Engineers, Sacramento District


Name:  **Date:** 4/24/20
Jason Gipson
Title: Chief, Utah-Nevada Section

Nevada State Historic Preservation Office
Name:  **Date:** 04/28/20
Rebecca L Palmer
Title: Administrator, State Historic Preservation Officer

INVITED SIGNATORY:

Ryder Homes/Ryder NV Management, LLC
Name:  **Date:** 4/17/2020
Steven Thomsen
Title: Vice President

CONCURRING PARTY:

Carson City Historical Resources Commission
Name:  **Date:** 4/20/2020
Michael Drews
Title: Chairman

Attachment A
Area of Potential Effects

Channel Improvements

Existing Channels

Permit Area

Photo Point

Stantec

1151 320E Station 16, Carson City, NV
1401 1983 Station Nevada West #15 2703 Road

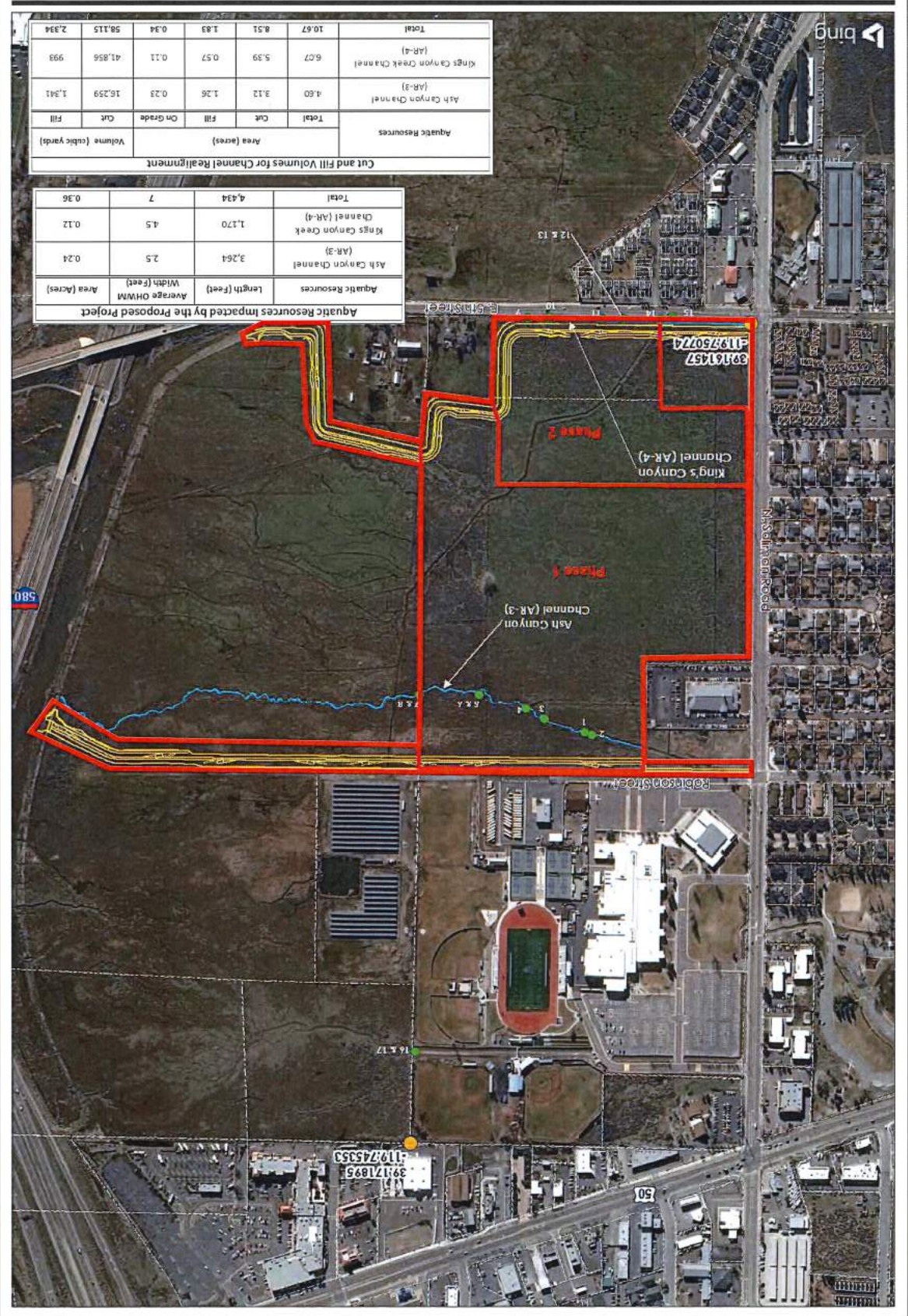
DRAWN BY: CJ
1ST REVIEW: JT
2ND REVIEW: SM

DATE: 9/1/2018
PROJECT NO.: 203/20935

1" = 400' Feet

Ryder Homes of Nevada
Longo Ranch
North Flood Channel
Improvements

11/01/18
Enclosure 3



Cut and Fill Volumes for Channel Realignment

Aquatic Resources	Area (Acres)			Volume (cubic yards)
	Cut	Fill	On Grade	
Ash Canyon Channel (AR-3)	4.60	3.12	1.26	1,341
Kings Canyon Creek Channel (AR-4)	6.07	5.39	0.57	41,856
Total	10.67	8.51	1.83	2,394

Aquatic Resources Impacted by the Proposed Project

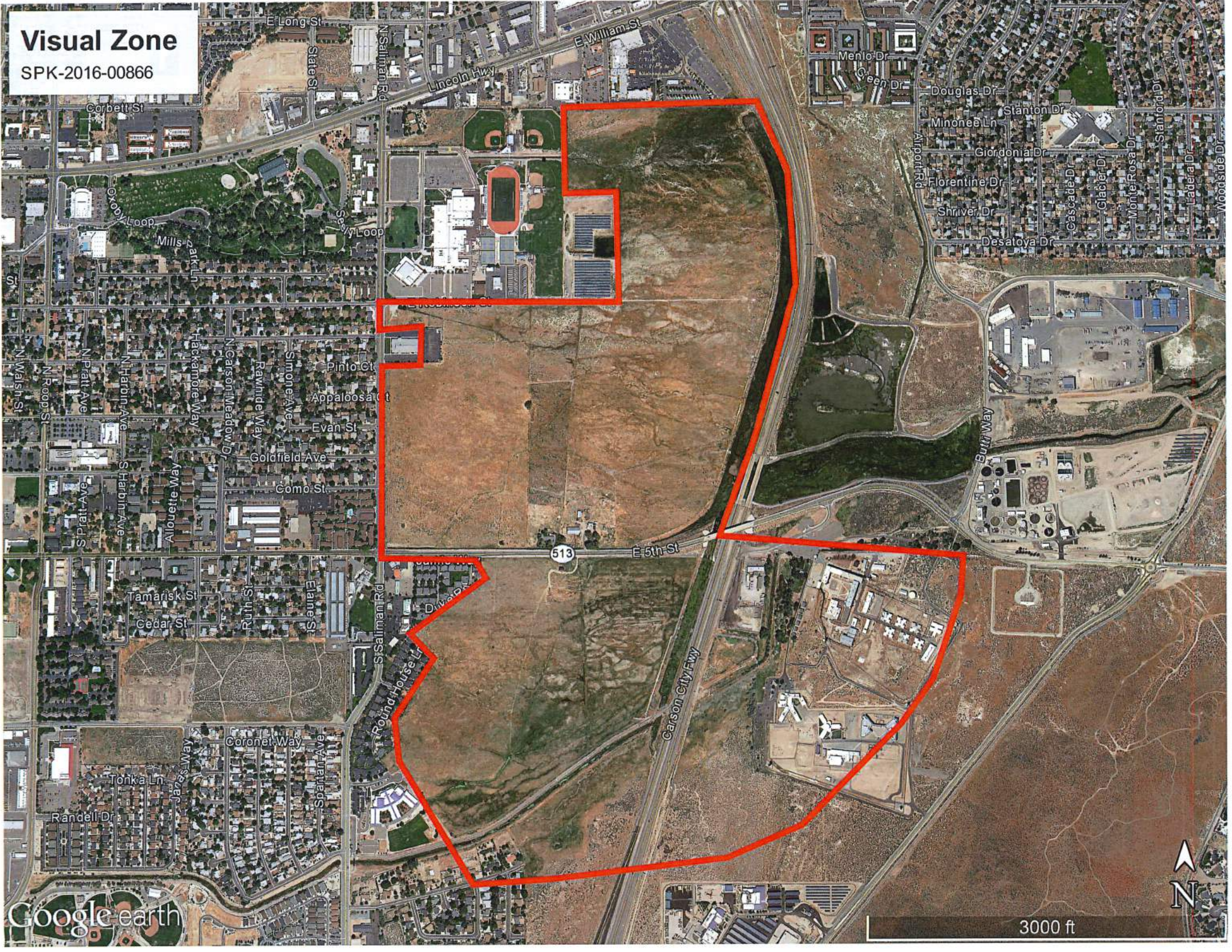
Aquatic Resources	Length (Feet)	Average OHWM Width (Feet)	Area (Acres)
Ash Canyon Channel (AR-3)	3,264	2.5	0.24
Kings Canyon Creek Channel (AR-4)	1,170	4.5	0.12
Total	4,434	7	0.36

The recipient releases Stantec, its officers, employees, consultants and agents, from any and all claims, giving in any way from the content or provision of the data. Stantec disclaims no responsibility for data included in electronic format. The recipient accepts full responsibility for verifying the accuracy and completeness of the data.

Attachment B
Visual Zone

Visual Zone

SPK-2016-00866



Google earth



3000 ft

Attachment C
National Park Service's Historic American Landscapes Survey Guidance



United States Department of the Interior

NATIONAL PARK SERVICE
Interior Regions 8, 9, 10, and 12
333 Bush Street, Suite 500
San Francisco, CA 94104-2828



H40 (SF-CR)

November 25, 2019

Dan Herrick
Stantec Consulting Services, Inc.
6995 Sierra Center Parkway
Reno, Nevada 89511

Re: Stipulations for HALS documentation of Lompa Ranch

Dear Mr. Herrick:

Thank for requesting the National Park Service to stipulate the level of Historic American Landscapes Survey documentation of the Lompa Ranch Historic District. Documentation for this project will consist of written historical and descriptive data and photographic documentation. All documentation must be completed in accordance with HALS standards and guidelines, which are available online through the Heritage Documentation Programs website (<https://www.nps.gov/hdp/standards/index.htm>).

Written Historical and Descriptive Data

Please follow the HALS short report format as described in the HALS History Guidelines under <https://www.nps.gov/hdp/standards/halsguidelines.htm>. A short format history template is also available on that page. All contributing resources should be described in the report.

Photographs

Please provide large-format 4"x5", 5"x7", or 8"x10" black and white archival photographs showing the Lompa Ranch and its context. The photographs should document all contributing resources, including, but not limited to:

- The irrigation ditches and cottonwood trees that will be removed as a result of the flood control channel realignment project.
- Perspective views of the buildings and structures on the site, showing their spatial relationships. Buildings do not need to be photographed individually.
- Views of the agricultural fields looking outward from the ranch complex to illustrate views, setting, context, and spatial relationships of outlying features.

INTERIOR REGION 8 • LOWER COLORADO BASIN*
INTERIOR REGION 9 • COLUMBIA—PACIFIC NORTHWEST*
INTERIOR REGION 10 • CALIFORNIA—GREAT BASIN
INTERIOR REGION 12 • PACIFIC ISLANDS

AMERICAN SAMOA, ARIZONA*, CALIFORNIA, GUAM, HAWAII, IDAHO, MONTANA*,
NEVADA, NORTHERN MARIANA ISLANDS, OREGON, WASHINGTON

*PARTIAL

Follow the HALS guidelines for preparing the negatives and prints to ensure that they are archivally stable and meet HALS photographic standards. Two sets of photographs are required for the final submission; one for the Library of Congress and one for the Nevada SHPO.

If there are historic photographs of the ranch available, you may reproduce them either using large format photography and including them with the other photos, or, by scanning the photos and placing them at the end of the written report. Aerial photographs (historic or otherwise) can be especially helpful.

Other Illustrations

Please include a location map and an existing conditions plan that includes all of the contributing resources of the ranch. These illustrations can be placed at the end of the written report, with the same header and pagination as the rest of the written report. If there is important information that is not easily captured in the descriptive information or photographs, detail drawings should be included.

Submitting Draft Documentation

After you have prepared the documentation, please submit a draft copy to our office for review. You may submit this electronically in Word format, or you may submit a hard copy. Please include copies or scans of the large format photographs. If you choose to send a hard copy, you do not need to print the draft on archival paper, and do not submit the archival photographs and negatives with the draft. We will review, assign a HALS number, and return the draft with instructions for final preparation.

Once we have received and accepted the final documentation, we will submit it to the Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscape Survey Collection in the Library of Congress. A second archival copy also should be submitted, which we will transmit to the Nevada State Historic Preservation Officer; however, you are responsible for distributing copies to any other parties if specified in the Memorandum of Agreement.

Should you have any questions regarding this documentation, please contact Aaron Smith at (415) 623-2358 or by email at aaron_smith@nps.gov.

Sincerely,



Elaine Jackson-Retondo, Ph.D.
Program Manager, Preservation Partnerships
National Park Service
Interior Regions 8, 9, 10 and 12