

**MEMORANDUM OF AGREEMENT
BETWEEN
THE WELLS FIELD OFFICE OF THE BUREAU OF LAND MANAGEMENT
AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE RESOLUTION OF ADVERSE EFFECTS
RESULTING FROM THE CEDAR SPRING PIPELINE REPLACEMENT PROJECT**

UNDERTAKING: City of Wendover Cedar Spring Pipeline Replacement Project (BLM1-3058p)

STATE: Nevada

AGENCY: Bureau of Land Management, Elko District, Wells Field Office

WHEREAS, the Wells Field Office of the Bureau of Land Management (BLM) pursuant to the Nevada State Protocol (2014) and in consultation with the Nevada State Historic Preservation Office (SHPO), has determined that the Cedar Spring Collection Box and Pipeline (SHPO Resource Number S18 and 26EK10003) in Sections 4 and 9, T.36N, R.70E, MDM is eligible for inclusion in the National Register of Historic Places; and

WHEREAS, BLM has determined that approving the installation of the new pipeline for the City of Wendover, Utah, would result in an adverse effect to the existing pipeline segment; and

WHEREAS, the proponent, City of Wendover, participated in the consultation and has been invited to concur in this memorandum of agreement (MOA), and will pay for and implement mitigation measures for the property as outlined below in this MOA; and

NOW, THEREFORE, BLM and the SHPO enter into this MOA which provides that the undertaking shall be implemented in accordance with the following treatment measures in order to mitigate the effect of the undertaking on this historic property.

I. PURPOSE:

Execution of this MOA by BLM and SHPO, prior to project approval and implementation of its terms, is evidence that BLM has taken into account the effects of this undertaking on historic properties.

II. TREATMENT MEASURES:

The BLM shall ensure implementation of the following measures:

A. To mitigate the adverse effect, the City of Wendover will monitor the installation of the new pipeline and record any additional information of the existing pipeline segment, where it may be exposed, during project installation activities (see Appendix A, project location map). Documentation of the existing pipeline and any newly discovered cultural resources must adhere to the State Protocol Agreement (2014), Appendix G, Part C, Documentation Standards.

The proposed upgrade of the Cedar Spring Pipeline segment (S18/26EK10003) will affect the historic pipeline and one of two associated features (see Appendix A, site sketch map). The current pipeline segment consisting of transite, a composite of concrete and asbestos, which replaced the original wood stave pipe in the early 1940s, is slated for abandonment. The affected feature, the Cedar Spring Collection Box (F1), was thoroughly recorded during the proposed project inventory and additional mitigation is not recommended. The current box will be replaced with an upgraded, modern version. The second feature, the Cedar Spring Junction Box (F2), was mitigated and replaced during a previous project upgrade in 2004.

Mitigation of the abandoned pipeline includes preparation of a report that documents the technological date and construction techniques employed in the construction of the transite pipe, and any unknown existing original wooden pipeline sections, where it may be exposed. Based on the proposed project design, approximately 20 feet of current pipeline will be exposed during installation, near the connection to the junction box. This is to include a description of the existing transite (and/or wood stave) pipeline along its exposed length (differences in pipe diameter, type of pipe, nature of the fitting, etc., are to be documented) as well as a comparison of the extant pipe sections with the historic blue print and pipeline descriptions. The report is to include black and white archival quality photographs of the pipeline route, features, and transite pipe, and any potentially existing buried wood pipe.

B. Should any buried and/or previously unidentified resources be located during project activities, the City of Wendover will halt all work in the in the immediate area of the find and surrounding 100 foot buffer. The discovering individual(s) must notify the BLM Wells Field Office manager immediately by phone and then with written confirmation. The site and immediate area around the site must be protected until the land manager can respond to the situation. All work is to cease until further notice from the land manager. Work may resume once a recovery plan is agreed upon by the BLM and any participating Tribal entities and is successfully implemented, which can include but is not limited to leaving the burial

in place, or full excavation. BLM must still comply with Section 106 of the National Historic Preservation Act (1966), or Section 3(a) of the Archaeological and Historical Protection Act (1974).

C. That sections of the original wood stave pipeline currently on the surface (labeled A on site sketch map, Appendix A) in, and adjacent to the APE, be protected from damage by project activities through avoidance.

D. That vehicular access to the project area during construction is limited to the existing pipeline and existing access corridors to avoid unnecessary surface disturbance in the area.

III. DISPUTE RESOLUTION:

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

A. Forward all documentation relevant to the dispute, including the BLM's proposed resolution, to the Advisory Council on Historic Preservation (ACHP). The ACHP shall provide the BLM 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 BLM shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and signatories and concurring party provide them with a copy of this written response. BLM 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 BLM may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, BLM shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring party to the MOA, and provide them and the ACHP with a copy of such written response.

C. The BLM'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.

IV. AMENDMENT:

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.

V. DURATION:

This MOA shall expire if its stipulations are not carried out within five (5) years from the date of its execution.

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 parties to attempt to develop an amendment per Stipulation III, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

SIGNATORIES:

U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT

By: Bryan K. Fuell
Bryan K. Fuell, Wells Field Office Manager

Date: 11/13/14

NEVADA STATE HISTORIC PRESERVATION OFFICE

By: Rebecca Lynn Palmer, D-SHPO
For Rebecca Lynn Palmer, State Historic Preservation Officer

Date: 11/18/14

CONCURRING PARTY

By: _____
City of Wendover, Utah (Proponent)

Date: _____

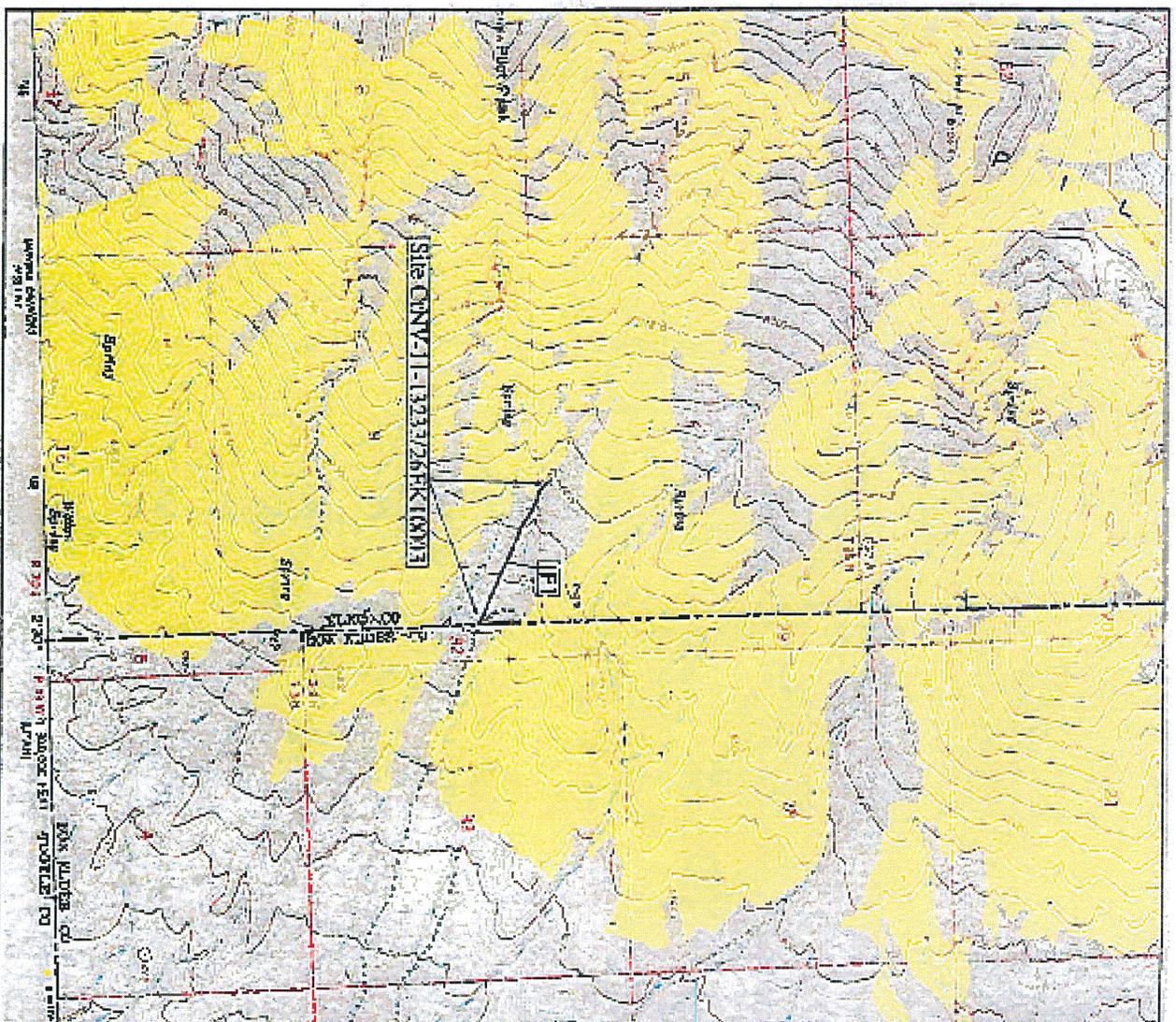
APPENDIX A

PROJECT AND SITE LOCATION MAP

AND

SITE S18 (26EK10003) SKETCH MAP

Cedar Spring Pipeline Replacement Project



Location of Project and Site S18 (C/NV-11-13233/26HK10003) identified during the Cedar Spring Pipeline Replacement Project survey, Elko County, Nevada. Pilot Peak, New-Utah Quadrangle, 7.5' (1967). TLM Report No. 1-3058.

This attachment contains information that may be exempt from
Freedom of Information Act requests.

Please consult the appropriate federal agency to obtain this information.