

**MEMORANDUM OF AGREEMENT
BETWEEN THE
FEDERAL HIGHWAY ADMINISTRATION,
NEVADA HISTORIC STATE PRESERVATION OFFICER, AND
THE RENO-SPARKS INDIAN COLONY
REGARDING
THE I-80/I-580/US 395 SPAGHETTI BOWL INTERCHANGE RECONSTRUCTION
PROJECT
WASHOE COUNTY, NEVADA
FEDERAL PROJECT #: NHFP-080-1(172), NDOT#: 74020, SHPO #: 2017- 4848**

WHEREAS, the Federal Highway Administration (FHWA) and the Nevada Department of Transportation (NDOT) propose to construct NDOT Project E.A. 74020/NDOT WA17-010, which involves improving the Spaghetti Bowl (Interstate 80/Interstate 580/U.S. Highway 395 [I-80/I-580/US 395]) freeway-system interchange on I-80 between Keystone Avenue to the west and McCarran Boulevard to the east, and on I-580/US 395 between Meadowood Mall Way to the south and Parr Avenue/Dandini Boulevard to the north in Washoe County, Nevada (Project) (Attachment A); and

WHEREAS, FHWA and NDOT have analyzed three different alternatives for the Project, known as Alternatives 1, 2, and 3 and have selected Alternative 2 as the Project's Preferred Alternative following application of an environmental and functional selection criteria; consideration of cost; input from the public, local and Indian tribal officials, and state and federal agencies; and consideration of federal regulations (36 CFR Part 800); and

WHEREAS, since a portion of the undertaking occurs on Tribal land held by the Reno-Sparks Indian Colony (RSIC), the *Programmatic Agreement Among the Federal Highway Administration, the Nevada Department of Transportation, the Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Implementation of Federal-Aid Transportation Projects in the State of Nevada* (2014 PA, amended 2017) is not applicable for the Undertaking, per Stipulation I.B of the PA, and FHWA shall follow the procedures in 36 CFR Part 800; and

WHEREAS, FHWA has determined that the Project is an undertaking subject to review by FHWA under Section 106 (54 USC § 306108) of the National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq.), and its implementing regulations "Protection of Historic Properties" (36 CFR Part 800) and shall be responsible for ensuring all requirements of this Memorandum of Agreement (MOA) are fulfilled; and

WHEREAS, FHWA, in consultation with the Nevada State Historic Preservation Officer (SHPO) and the Reno-Sparks Indian Colony Tribal Historic Preservation Officer (THPO), has defined the Area of Potential Effects (APE) for the Project to be the area illustrated on the attached map and aerial image which also includes RSIC tribal trust lands ("RSIC Lands") (Attachment B); and

WHEREAS, in accordance with 36 CFR § 800.2(a) and 36 CFR § 800.6(c)(2), FHWA authorizes NDOT to carry out FHWA's responsibilities and to act as an Invited Signatory on this MOA; and

WHEREAS, FHWA, in consultation with the SHPO, THPO, and NDOT has determined that the Project may have an adverse effect on the Mineral Manor Historic District (D202), which FHWA determined eligible for inclusion in the National Register of Historic Places under the Secretary of Interior's Significance Criteria A and C, and may have an adverse effect on the Coney Island Bar (Nevada State Register 070146), which is listed in the Nevada State Register of Historic Places under the SHPO's Significance Criterion A and may have an adverse effect on RSIC Lands; and

WHEREAS, FHWA has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effects and invited the ACHP to participate in the consultation, pursuant to 36 CFR § 800.6(a)(1), in an email dated May 17, 2019; and

WHEREAS, the ACHP declined to participate in the consultation in an email dated May 31, 2019; and

WHEREAS, FHWA has consulted with, and will continue to consult with, the Pyramid Lake Paiute Tribe and the Washoe Tribe of Nevada and California as part of the Project and has invited these Tribes to be Concurring Parties to this MOA; and

WHEREAS, FHWA has consulted with, and will continue to consult with, the U.S. Department of Housing and Urban Development (HUD) since the Project may have an adverse effect on a HUD-assisted housing development (Mineral Manor) and has invited HUD to be a Concurring Party to this MOA; and

WHEREAS, FHWA and NDOT have consulted with interested parties regarding the Project, including members of the public, Indian tribal officials, state and local agencies, municipalities, and area organizations (Attachment C); and

NOW, THEREFORE, FHWA, the SHPO, THPO, and NDOT agree that the Project shall be implemented in accordance with the following stipulations in order to take into account the effect of the Project on historic properties in compliance with Section 106 of the NHPA.

STIPULATIONS

The FHWA shall ensure that the following stipulations are implemented:

I. MITIGATION FOR THE ADVERSE EFFECT ON HISTORIC PROPERTIES

NDOT shall ensure that a qualified professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History and

History, as defined in 36 CFR Part 61, completes Stipulations I.A, I.B, and I.C of the MOA.

A. PHOTOGRAPHIC DOCUMENTATION

1. NDOT will take color digital images of exterior and interior views of the Mineral Manor Historic District and the Coney Island Bar in accordance with the National Park Service's Photo Policy for "Best" practices as outlined in their document: https://www.nps.gov/nr/publications/guidance/photo_policy_final.pdf. NDOT will submit the draft documents in separate packages. The documentation will consist of the following:
 - a. All photographs will be saved on an archival CD.
 - b. Photographs will be accompanied by a photolog that includes the name of the property, city, county, state, the date the photo was taken, the name of the photographer, and the orientation of the photograph. All photos must be keyed to an aerial photograph or site plan.
 - c. The buildings shall be documented by the following views (note: all elevations of buildings must be recorded to the greatest extent possible, dependent on vegetation and access) including:
 - i. the front and one side; and
 - ii. the rear and one side; and
 - iii. the front elevation; and
 - iv. environmental view showing the building as part of its larger landscape; and
 - v. major architectural features, elements, and stylistic details, such as windows, doors, and cladding materials; and
 - vi. details, such as materials and hardware; and
 - vii. Interior photographs that should yield information about the floor plan. Three or four views should be sufficient to document the significant elements of the interior.
 - d. In addition to the views required in Stipulation I.A.1.c above, the Mineral Manor Historic District (D202) photographic documentation will also include:
 - i. Photographs of each building elevation for the units within D202 that will be demolished or physically altered.
 - ii. Photographs of streets and roadways within the boundaries of D202 that will be realigned and physically altered.

- iii. FHWA and NDOT will ensure that a representative sample of each property type in D202 will be documented in accord with Stipulation I.A.1.c above. The property types at D202 consist of:
 - 1. Type A buildings with one-bedroom and three-bedroom units.
 - 2. Type B buildings with two-bedroom and four-bedroom units.
 - 3. Type C buildings with two-bedroom and three-bedroom units.
 - 4. Type D buildings with two two-bedroom units.
 - 5. Administrative Building and Childcare Center.
2. Review of draft photographic documentation.
- a. The Cultural Resources Management (CRM) firm will complete the draft digital photographs within sixty (60) calendar days of receiving a notice from FHWA and NDOT to proceed with fieldwork.
 - b. The CRM firm will provide FHWA and NDOT with the draft digital photographs within thirty (30) calendar days after the work as described in Stipulation I.A.1 has been completed.
 - c. FHWA and NDOT shall review the draft digital photographs within thirty (30) calendar days of receipt, NDOT shall notify the CRM firm that FHWA, and NDOT either accepts or rejects the digital photographs.
 - d. If FHWA and NDOT reject the draft digital photographs, FHWA and NDOT will provide comments to the CRM firm. The CRM firm will make any modifications requested by FHWA and NDOT and return the draft documents within fifteen (15) working days.
 - e. If FHWA and NDOT approve the draft digital photographs, FHWA and NDOT will provide a copy of the draft digital photographs identified in Stipulation I.A.1.c to the SHPO and THPO (to the extent the fieldwork impacts RSIC Lands, and/or Native American Cultural Resources), and other Concurring Parties as appropriate no later than ten (10) working days of receiving the approved draft documentation.

- f. The SHPO, THPO, and Concurring Parties as appropriate, may review and provide comment on the draft digital photographs within thirty (30) calendar days of receipt. If the SHPO, THPO, and Concurring Parties, do not respond within thirty (30) calendar days of receipt, NDOT may finalize the digital photographs.
- g. FHWA and NDOT will ensure that the CRM firm addresses the comments provided by the SHPO, THPO and Concurring Parties on the draft digital photographs. The FHWA and NDOT will submit the updated summary of the draft digital photographs to the SHPO, THPO, and Concurring Parties for review.
- h. The SHPO, THPO, and Concurring Parties will review the updated digital photographs and provide any comments within thirty (30) calendar days of receipt. If the SHPO, THPO, and Concurring Parties do not respond within thirty (30) calendar days of receipt, NDOT may finalize the digital photographs.
- i. Upon finalization of the digital photographs, FHWA and NDOT may issue a NTP in accord with Stipulation II to the construction contractor for the remaining portion of the Project.
- j. No later than six (6) months after the finalization of the digital photography in Stipulation I.A.2.i above, FHWA and NDOT will print all of the digital photographs as 8-1/2 x 11 prints at 600 dpi on archival paper and provide these prints to the SHPO and the THPO.

B. HISTORICAL DOCUMENTATION

1. Historical Documentation is a detailed record of the historical context and significance of a property presented in a report format. Sources will be cited so that other researchers can verify or locate information discovered during research. Historical research to create documentation uses secondary source materials, archival materials, and primary sources, such as personal records, deed and title books, newspapers, plats, maps, atlases, photographs, vital records, censuses, historical narratives, and interviews with individuals. Separate historical documentation materials will be prepared for Mineral Manor Historic District (D202) and the Coney Island Bar (Nevada State Register 070146). The documentation will include, but not be limited to, the following elements:
 - a. Title Page--shall include the title of the report, including the nature and location of the project, the author of the report, the sponsoring

institution, association or agency, and the date the report was prepared.

- b. Table of Contents--shall list report chapters and all subdivisions thereof, including study unit sections. Page numbers must be shown in the Table of Contents.
- c. Introduction--shall summarize the purpose of the documentation and the reason for the treatment (e.g., impending adverse effect to the resource), objectives for conducting the historical documentation, the scope of the project, and the agencies involved. A map showing the location of the project must be included.
- d. Documentation Methodology--shall include an explanation of the procedures used to execute the documentation, including the name of the researcher, date(s) of the research, sources searched, and limitations of the project.
- e. Historical Narrative--shall provide a full description of the resource(s), a historical context, and a comprehensive history of the resource. The following elements shall be included in this section:
 - i. Historical Context--including a historical overview, and physical development of the project area. The historical context will be guided by the thematic study units identified in the Nevada Comprehensive Preservation Plan (1991).
 - ii. Designers, Engineers, and Builders--including biographical information on architects, landscape architects, engineers, builders and contractors, and other designers connected with each historic property, if known.
 - iii. Notable People--including biographical information on major figures and individuals connected with the history of each historic property, if applicable.
- f. Bibliography--references to secondary sources shall indicate author, title, and date of publication. Primary sources shall be identified by name, collection identifier, and location. Interviews shall be noted including the date and location of the interview, and names of both parties, and where the interviews have been curated.
- g. Appendices--If applicable, the report will include an appendix or appendices containing photocopies of historic plan sets, drawings,

and/or historic photographs. The photocopies will not exceed 11" x 17" in size.

2. Review of draft historical documentation.

- a. The CRM firm will complete the draft historical documentation within twelve (12) months of receiving a notice from FHWA and NDOT to proceed.
- b. The CRM firm will provide FHWA and NDOT with the draft historical documentation within thirty (30) calendar days after the work as described in Stipulation I.B.1 has been completed.
- c. FHWA and NDOT shall review the draft historical documentation within thirty (30) calendar days of receipt. NDOT shall notify the CRM firm that FHWA and NDOT either accepts or rejects the draft document.
- d. If FHWA and NDOT reject the draft documentation, FHWA and NDOT will provide comments to the CRM firm. The CRM firm will make any modifications requested by FHWA and NDOT and return the draft document within fifteen (15) working days.
- e. If FHWA and NDOT approve the draft documentation, FHWA and NDOT will provide a copy of the draft documentation to the SHPO and THPO, and other Concurring Parties as appropriate, no later than ten (10) working days of receiving the approved draft documentation.
- f. FHWA and NDOT will provide the draft historical documentation to the SHPO, THPO, and Concurring Parties as appropriate. These parties may review and provide comment on the draft document within thirty (30) calendar days of receipt. If the SHPO, THPO, and Concurring Parties, do not respond within thirty (30) calendar days of receipt, NDOT may finalize the historical documentation.
- g. FHWA and NDOT will ensure that the CRM firm addresses the comments provided by the SHPO, THPO, and Concurring Parties on the draft documentation. The FHWA and NDOT will submit the updated documentation to the SHPO, THPO, and Concurring Parties for review.
- h. The SHPO, THPO, and Concurring Parties will review the updated historical documentation and provide any comments within thirty (30) calendar days of receipt. If the SHPO, THPO, and Concurring

Parties do not respond within thirty (30) calendar days of receipt, NDOT may finalize the historical documentation.

C. PUBLIC INTERPRETATION MATERIALS

1. FHWA and NDOT, in consultation with the SHPO and THPO, will develop a draft printed publication available to local historical societies and libraries in Reno and Sparks that educates the public on the Mineral Manor Historic District (D202), and the Coney Island Bar (Nevada State Register 070146), based on information included in Stipulations I.A and I.B within three (3) months of the completion of Stipulation I.B above. The document will include, but not be limited to:
 - a. A history of the Mineral Manor Historic District and the Coney Island Bar; and
 - b. Current and historic photographs with captions, if available of the historic properties; and
 - c. Discussion of the significant design characteristics of the Mineral Manor Historic District; and
 - d. Discussion of larger relevant historic themes and contexts, such as Washoe County public housing for the Mineral Manor Historic District and roadside businesses associated with U.S. Highway 40 for the Coney Island Bar.
2. FHWA and NDOT shall submit the draft printed publication document identified in Stipulation I.C.1 to the SHPO, THPO, and Concurring Parties, as appropriate, for review and comment within 12 months of its development.
3. The SHPO, THPO, and Concurring Parties will review the draft printed publication document within thirty (30) calendar days of receipt. The SHPO, THPO, and the Concurring Parties will send their comments to FHWA and NDOT for action, if needed. If the SHPO, THPO, or the Concurring Parties fail to respond within this timeframe, FHWA and NDOT may finalize the printed publication document.
4. FHWA and NDOT shall review and address the changes requested by the SHPO, THPO, and Concurring Parties and submit the final draft publication document to the SHPO, THPO, and Concurring Parties for a thirty (30) day review upon their receipt. If the SHPO, THPO, or Concurring Parties fail to respond within the timeframe, FHWA and NDOT may finalize the printed publication document.
5. Upon finalization of the printed publication document, FHWA and NDOT shall distribute the printed publication document and all final products produced in Stipulations I.A.2.j above I.B.2.h to the SHPO, THPO, Historic Reno

Preservation Society (HRPS), Nevada Historical Society, and all public libraries in Reno and Sparks.

II. NOTICE TO PROCEED

Upon execution of this MOA, FHWA and NDOT shall issue a Notice to Proceed (NTP) for ground-disturbing activities (construction) in any part of the APE for the project except for the avoidance areas for Mineral Manor and the Coney Island Bar. A NTP for construction in the avoidance areas will be issued upon finalization of the digital photographs in accord with Stipulation I.A.2.i above.

Avoidance Areas (AA) will be established up to 250 feet past the boundaries of the Mineral Manor Historic District and Coney Island Bar, as depicted in Attachment D. The boundaries of the Mineral Manor Historic District include Assessor Parcel Numbers (APN) 008-213-02 and 008-214-09. The boundaries of the Coney Island Bar include APN 032-013-01. NDOT, in consultation with FHWA and the Contractor, shall ensure that the AA are adequately marked on construction plans and that the AA are protected by other means deemed appropriate.

The AA shall consist of the entirety of each cultural resource and their surroundings. The AA will be physically marked on the ground. Upon marking, NDOT will inform the Signatories what methods were used. The intent of the AA is to protect the resources and their settings until the mitigation documentation photographs are taken. Construction should not be visible in the foreground or background of any photos.

NDOT and the Contractor may remove the AA upon the finalization of the digital photographs in accord with Stipulation I.A.2.i above.

III. DURATION

This MOA will expire if its stipulations are not carried out within five (5) years from the date of its execution. At such time, and prior to continuing work on the undertaking, FHWA shall either (a) execute a MOA pursuant to 36 CFR § 800.6, or (b) request, consider, and respond to the comments of the ACHP under 36 CFR § 800.7. Prior to such time, FHWA may consult with the SHPO, THPO, and NDOT to reconsider the terms of the MOA and amend it in accordance with Stipulation VI below. FHWA shall notify the SHPO, THPO, and NDOT as to the course of action it will pursue.

IV. POST-REVIEW DISCOVERIES

If previously unidentified archaeological or architectural resources or unanticipated effects to previously identified historic properties, are discovered,

FHWA and NDOT will follow the Cultural Resources Monitoring and Discovery Plan (Plan) (Attachment E).

V. MONITORING AND OBSERVING

- A. FHWA and NDOT may require cultural resources monitoring during the Project operations. The CRM may undertake such monitoring, when determined necessary by FHWA and NDOT, in accord with Attachment E.
- B. FHWA and NDOT may require a RSIC cultural monitor and an archaeological monitor (each designated by RSIC in accordance with the Plan) to be present for ground disturbing activities:
 - 1. Within 100 feet from the mean high-water mark (established by the State of Nevada) of the Truckee River (the "Truckee River Impact Area"); and
 - 2. On RSIC Lands.
- C. The SHPO, THPO, and Concurring Parties may, at their own expense, observe any actions carried out to comply with this MOA at any time. To the extent practicable, every effort will be made to minimize the number of observers involved. Depending on the activity or area being observed, the observers may be required to attend mandatory safety training prior to entering an active construction area.

VI. DISPUTE RESOLUTION

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

- A. Forward all documentation relevant to the dispute, including FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA 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, FHWA shall prepare a written response that considers any timely advice or comments regarding the dispute from the ACHP, SHPO, THPO and NDOT, and provide them with a copy of this written response. FHWA 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, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that considers any timely comments regarding the dispute

from the SHPO, THPO and NDOT and provide them and the ACHP with a copy of such written response.

- C. FHWA'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.

VII. AMENDMENTS

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

VIII. TERMINATION

If any Signatory or Invited 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 VII, above. If within ten (10) days (or another time period agreed to by all Signatories and the Invited Signatory) an amendment cannot be reached, any Signatory or the Invited Signatory may terminate the MOA upon written notification to the other Signatories.

Once the MOA is terminated, and prior to work continuing, FHWA must either (a) execute a 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. FHWA shall notify the Signatories and Invited Signatories as to the course of action it will pursue.

The execution of this MOA by the FHWA, the SHPO, the THPO, and NDOT, together with implementation of its terms, is evidence that FHWA has considered the effects of this Project on historic properties and fully satisfied its obligations under Section 106 of the NHPA and its implementing regulations.

This MOA may be signed by the Signatories using photocopy, facsimile, or counterpart signature pages. FHWA shall distribute copies of the complete MOA to the Signatories and Invited Signatories once the MOA is fully executed.

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SIGNATORIES:

FEDERAL HIGHWAY ADMINISTRATION


By: 
Susan Klekar
Nevada Division Administrator

Date: 7/11/19

RENO-SPARKS INDIAN COLONY


By: 
Arlan D. Melendez
Tribal Chairman

Date: 7/8/19

By: 
Michon R. Eben
Tribal Historic Preservation Officer

Date: 7/8/19


NEVADA STATE HISTORIC PRESERVATION OFFICE

By: 
Rebecca L. Palmer
Nevada State Historic Preservation Officer

Date: 07/11/19

INVITED SIGNATORY:

NEVADA DEPARTMENT OF TRANSPORTATION

By: 
Kristina L. Swallow
NDOT Director

Date: 7/9/19

CONCURRING PARTIES:

PYRAMID LAKE PAIUTE TRIBE

By: _____ Date: _____
Betty Aleck
Tribal Historic Preservation Officer

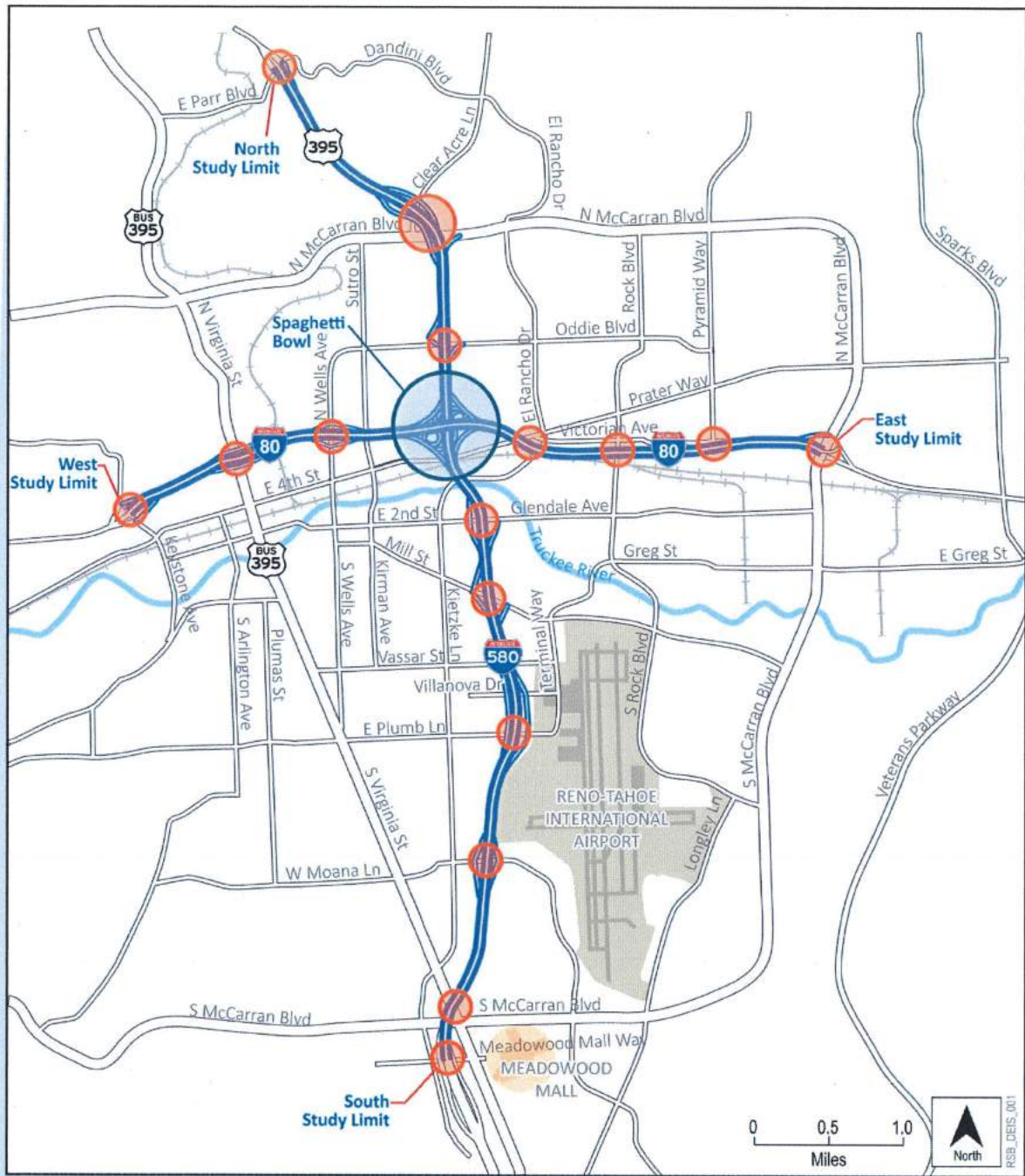
WASHOE TRIBE OF NEVADA AND CALIFORNIA

By: _____ Date: _____
Darrel Cruz
Tribal Historic Preservation Officer

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

By: _____ Date: _____
Tamara Thomas
Acting Field Director, Reno Office

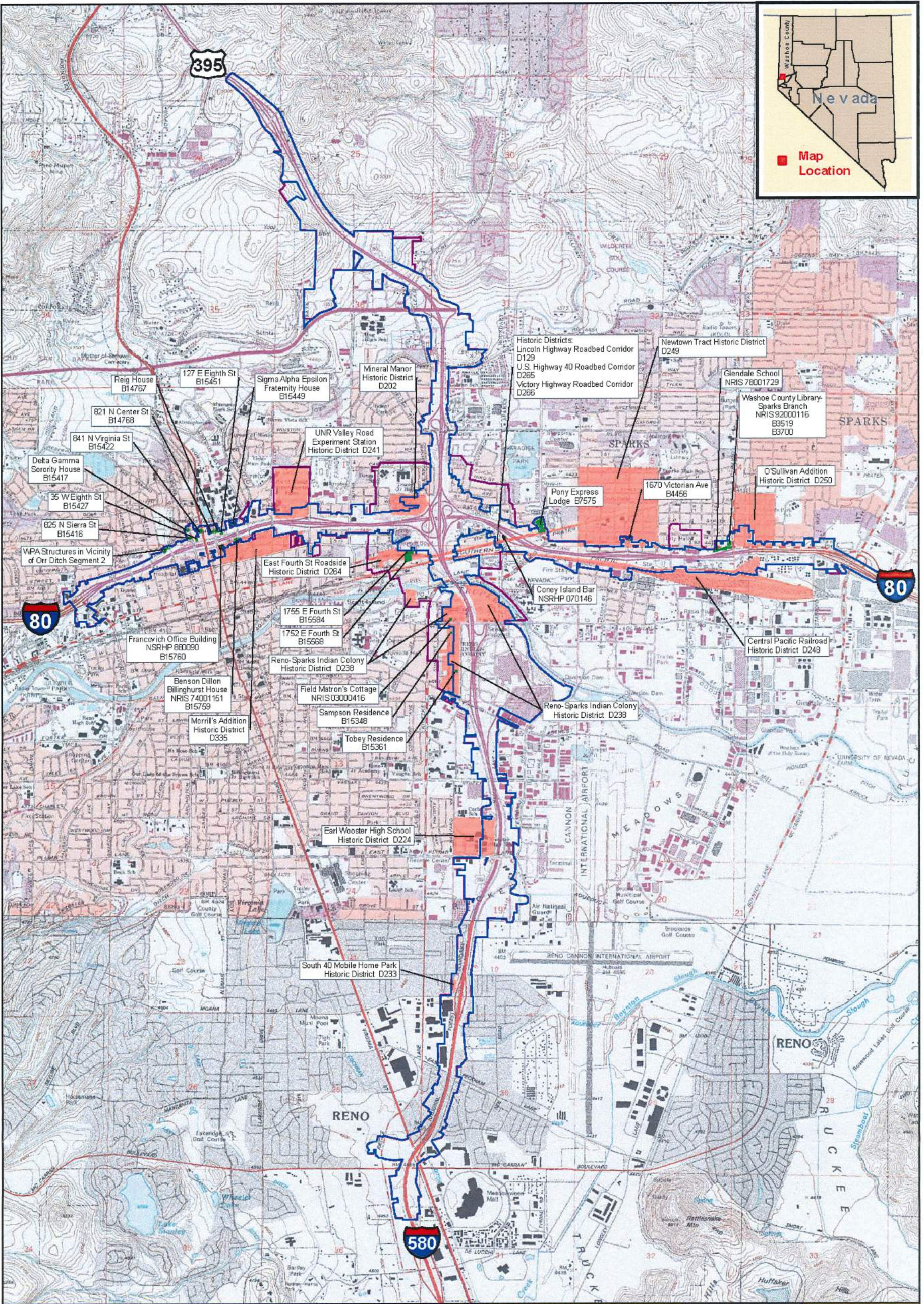
ATTACHMENT A



- Legend**
- Service Interchange
 - Freeway-to-Freeway Interchange

Reno Spaghetti Bowl Project Map

ATTACHMENT B

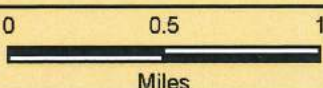


- Direct Effects Area of Potential Effects (APE)
- Indirect Effects APE
- Individual National Register of Historic Places (NRHP)-Eligible/Listed Historic Property
- NRHP-Eligible/Listed Historic District
- Nevada State Register of Historic Places-Listed Property



Reno/Sparks
Washoe County
Nevada

Section 106 Assessment of Effects Report
**HISTORIC PROPERTIES
OVERVIEW MAP**



Miles
BASE MAP SOURCE: USGS TOPO

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Data Sources: CH2M, NDOT, Washoe County

ATTACHMENT C

INTERESTED PARTIES CONSULTED AS PART OF THE RENO SPAGHETTI BOWL PROJECT

- Washoe Tribe of Nevada and California
- Reno-Sparks Indian Colony
- Pyramid Lake Paiute Tribe
- City of Reno
- City of Sparks
- Reno Historic Resources Commission Certified Local Government
- Corridor business and owners
- Corridor residents
- Department of Public Safety
- Emergency Service Providers
- Grand Sierra Resort
- Nevada Trucking Association
- Reno Chamber of Commerce
- Reno Convention and Visitors Authority
- Reno Police Department
- Reno-Tahoe Airport Authority
- Sparks Chamber of Commerce
- Sparks Nugget Casino Resort
- Sparks Police Department
- Truckee Meadows Flood Management Authority
- Truckee Meadows Water Authority


- UNR
- Union Pacific Railroad
- Lincoln Highway Association
- NPS
- Walmart
- West of Wells Avenue
- Washoe County Commissioners
- Washoe County Regional Transportation Commission
- Washoe County Sheriff

ATTACHMENT D

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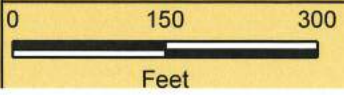
AVOIDANCE AREA

 Avoidance Area, Mineral Manor Historic District



Reno/Sparks
Washoe County
Nevada


Figure 1
AVOIDANCE AREA
MINERAL MANOR
HISTORIC DISTRICT





APN: 032-013-01

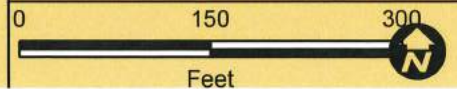
AVOIDANCE AREA

 Avoidance Area, Coney Island Bar



Reno/Sparks
Washoe County
Nevada

Figure 2
**AVOIDANCE AREA
CONEY ISLAND BAR**



ATTACHMENT E

Attachment E

Cultural Resources Monitoring and Unanticipated Discovery Plan (Plan)

Archaeological monitoring of ground-disturbing activities will be conducted in accordance with the following Plan. Participants referenced in this Plan include the Federal Highway Administration (FHWA), Nevada Department of Transportation (NDOT), Washoe Tribe of Nevada and California, the Pyramid Lake Paiute Tribe, Reno-Sparks Indian Colony (RSIC), and the Nevada State Historic Preservation Officer (SHPO). To allow for clear communication among all participants, each organization should designate a Point of Contact (POC) to receive and transmit all cultural resources-related communications.

A. Worker Environmental Awareness Training

The FHWA and NDOT shall ensure that all persons working in the field are provided with archaeological and cultural resource awareness training and that subsequent hires will be required to be trained prior to operating in the field. Training can be in association with the FHWA and NDOT's safety and/or related job training and project orientation. The FHWA and NDOT shall cooperate with the SHPO to ensure compliance with the Nevada Revised Statutes (NRS 381 and 383) for the project.

B. Designation of a Cultural Resources Specialist (CRS)

Prior to the start of any project-related ground disturbance, the FHWA and NDOT will identify a lead CRS. The CRS will possess training and background conforming to the Secretary of Interior's Professional Qualifications Standards, as published 36 CFR Part 61. In addition, the CRS shall have the following qualifications:

1. The CRS's qualifications shall be appropriate to the needs of the resources and shall include a background in anthropology, archaeology, history, or a related field; and
2. At least three years of archaeological or historic, as appropriate, resources mitigation and field experience in Nevada; and
3. At least one year of experience in a decision-making capacity on cultural resources projects in Nevada and the appropriate training and experience to knowledgeably make recommendations regarding the significance of cultural resources.

C. Construction Monitoring and Reporting

For the purposes of this plan, archaeological construction monitoring is defined as on-the-ground, close-up observation of construction related ground disturbance by a Cultural Resources Monitor (CRM) who is empowered in a discovery situation to halt all activities in the immediate vicinity of the discovery with a buffer of 15 meters to ensure protection of the discovery. CRMs shall have the following qualifications:

1. A BS or BA degree in anthropology, archaeology, historical archaeology or a related field and one year's experience monitoring in Nevada; or
2. An AS or AA degree in anthropology, archaeology, historical archaeology, or a related field, and two years of experience monitoring in Nevada; or
3. Enrollment in upper division classes pursuing a degree in the fields of anthropology, archaeology, historical archaeology, or a related field, and two years of monitoring experience in Nevada.

CRMs report directly to the CRS on a daily basis. The CRM watches for any kind of archaeological remains that are exposed during ground-disturbing construction activities. The CRM will be responsible for:

1. The definition and identification of any discovered cultural or archaeological find.
2. Halting all construction in the vicinity of a discovery and the prescribed buffer area in order to evaluate the discovery.
3. The preparation of a daily log of construction activities observed and any archaeological discoveries made.
4. The preparation of a daily report and daily email for the CRS.

The CRS will be responsible for:

1. The immediate supervision and assignment of CRMs.
2. The determination as to whether any newly discovered cultural materials can be treated as eligible for listing in the NRHP for the purposes of the Undertaking in accordance with Section E, below.
3. Ensuring that either they or the CRMs will be equipped with basic archaeological field equipment necessary to record and map discovered sites and photograph the finds. A full suite of field gear needed to recover cultural materials will be brought on site as required. If necessary, the CRS will arrange with the construction superintendent's field office to cache frequently needed gear or supplies.
4. Determinations of the number of CRMs needed taking into account such factors as number of active ground-disturbing work areas, archaeological sensitivity, and proximity to known resources.
5. The preparation of a monitoring report at the conclusion of monitoring to be provided to the FHWA and NDOT in an electronic format.

A POC for the lead construction company will be designated prior to construction and will be responsible for providing a weekly construction schedule detailing the next week's planned activities to the project engineering firm for the purpose of scheduling the CRM monitor(s) and Native American monitor(s) (addressed in Section H, below). The construction schedule will describe work locations, depths of anticipated excavations, and estimated duration of construction activities. Recognizing that construction can be dynamic, notification of any need for a monitor will be provided to the project-engineering firm no less than 48 hours prior to the commencement of construction.

D. Discoveries of Materials Less Than 45 Years of Age

All of the materials listed below are less than 45 years of age and, unless of exceptional significance as determined by the CRM/CRS, are considered not eligible for the NRHP and do not merit recordation or mitigation if discovered during monitoring or construction. If there is any doubt regarding the age of a historic-period find, the FHWA and NDOT and CRS will discuss this with the CRM when given notice of the find. The following materials will not be recorded:

1. Plastic products limited to Styrofoam® and other foamed polystyrene products, Velcro®, Teflon®-coated cookware, polyvinylchloride (PVC) pipe, high-density polyethylene, polypropylene, polyimide, thermoplastic polyester, linear low-density polyethylene, liquid crystal polymers, and products marked with resin codes,
2. Cans made from aluminum or bi-metal, or those with pull-tab or push-tab (metal or plastic) openings,
3. Aluminum foil containers,
4. Synthetic tires and car parts unless determined to be over 45 years in age or found in association with resources over 45 years in age,
5. Modern electronics (CD players, VCRs, electronic appliances, personal electronics, computers, printers),
6. Compact disks, floppy computer disks, magnetic tape media,
7. Unidentifiable metal fragments not found in association with other historic materials,
8. Rubberized metal, and
9. Clothing or shoes made of plastic or synthetic materials unless determined to be over 45 years in age or found in association with resources over 45 years in age.

CRMs shall have sufficient familiarity with historic-era resources prior to monitoring at the project location to differentiate materials that are more than 45 years of age from more recent materials.

E. Discoveries of Materials 45 Years of Age or Older

The CRS shall ensure that all cultural resources more than 45 years in age will be recorded on appropriate forms, mapped, and photographed.

Previously unidentified cultural resources more than 45 years in age in categories Section E.2 below will be treated as eligible under the Secretary of Interior's Criterion D for the purposes of the Undertaking and will be mitigated in the manner described in Section E.1 below. Cultural resources not included in categories Section E.2 or Section E.3 will be evaluated for their NRHP eligibility consistent with Section F, below. Any deposits containing human remains will not be treated using the process outlined in Section E.1.

1. Mitigation for discoveries treated as eligible for the purposes of the Undertaking (Section E2):
 - a. The CRS/CRM shall halt construction in the immediate vicinity of the discovery with a buffer of 15 meters to ensure protection of the discovery.
 - b. The CRS shall record the discovery on the Nevada Intermountain Antiquities Computer System (IMACS) form.
 - c. The CRS shall ensure that each form is accompanied by a location map and photographs of the discovery.
 - d. The CRS shall not collect artifacts found in discoveries described in Section E.2.
 - e. The CRS shall notify FHWA and NDOT's Construction Manager that construction may resume.
 - f. The CRS shall submit the required IMACS form for each individual discovery as an attachment to the next Cultural Resources Weekly Compliance Report.

2. The following classes of prehistoric archaeological resources shall be treated as not eligible for the NRHP under the Secretary of Interior's Criterion D for the purposes of the Undertaking:
 - a. Small, sparse (less than three pieces per square meter) lithic scatters.
 - b. Sparse occurrences of fragments of fire-affected rock weighing less than 15 grams (less than three pieces per square meter, with no other cultural constituents within 1 square meter).
 - c. Small clusters (less than 0.5-meter x 0.5 meter in horizontal extent) of unidentifiable, unworked, and not fire-affected shell or bone (whole or fragmented) not in association with artifacts or other cultural materials.
 - d. Isolated (not found within 30 meters of other artifacts) prehistoric artifacts.

3. The following classes of historic archaeological resources shall be treated as not eligible for the NRHP under the Secretary of Interior's Criterion D for the purposes of the Undertaking and no further consideration will be required if discovered:
 - a. Roadside disposal of debris or refuse.
 - b. Unmodified bovine, or other domesticated animal bone.
 - c. Small, isolated artifact concentrations (fewer than five artifacts or the fragments of one object) with no subsurface deposit.
 - d. Deposits of concrete, brick or other building materials not *in situ*.
 - e. Metal, concrete or ceramic pipes, conduits, or culverts not *in situ*.
 - f. Isolated (not found within 30 meters of other artifacts) historic artifacts.

F. Post-Review Discoveries Requiring NRHP Evaluation

In the event that construction activities reveal previously unidentified cultural resources that are not described in the categories found in Sections E.2 and E.3, the following procedures shall be implemented:

1. The CRM/CRS and FHWA and NDOT's Construction Manager shall ensure that all ground-disturbing construction activity will cease within a 15-meter radius around the entirety of the discovery.
2. The FHWA and NDOT and/or CRS shall ensure that the discovery is adequately fenced or flagged and that remains protected until FHWA and NDOT are provided with a written determination that construction activities may proceed.
3. The CRS shall notify the FHWA and NDOT's POC no later than 24 hours following the time of discovery.
4. The CRS will initiate an evaluation of the discovery and within 24 hours the CRS shall provide a NRHP eligibility recommendation for the discovery to FHWA and NDOT that will include a site record and a summary report of the testing operations.
 - a. Evaluations of cultural resources will be made, if possible, from the data collected during monitoring or auger probing. If additional information is needed to evaluate the NRHP eligibility of a discovery, limited testing by hand excavation units (0.5 x 0.5 meter, 1 x 1 meter) will be conducted until sufficient information is collected to allow for a NRHP evaluation.
 - b. All testing operations will cease upon collection of sufficient data to allow for a NRHP evaluation.
5. The FHWA and NDOT, within two (2) working days of receipt of the notification of the discovery, shall notify the SHPO, and the Washoe Tribe of Nevada and California, the Pyramid Lake Paiute Tribe, the Reno-Sparks Indian Colony (collectively, the Tribes), as appropriate, of the discovery and provide a NRHP eligibility determination for the discovery.
6. The SHPO, and the Tribes, as appropriate, shall have seven (7) working days from receipt to comment on the FHWA and NDOT's determination of NRHP eligibility for the discovery. If no timely response is received, the FHWA and NDOT will proceed in accordance with the determination.
7. If FHWA and NDOT, in consultation with the SHPO and the Tribes, determine that a discovery is not eligible for the NRHP, FHWA and NDOT will provide a written determination that construction activities may proceed within the discovery and avoidance area, as defined in Section F.1, within two (2) working days.

8. If FHWA and NDOT, in consultation with the SHPO and the Tribes, determines that a discovery is a historic property and cannot be avoided by Undertaking redesign, FHWA and NDOT shall direct, through its CRS, the development of a historic properties treatment plan (HPTP) that is consistent with the *Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716-44742, September 23, 1983) (Standards) and that takes into consideration the ACHP's Section 106 Archaeology Guidance (2009; available online at www.achp.gov/archguide), and any other applicable guidelines or standards.
9. The FHWA and NDOT will review and comment on any or all draft HPTPs within ten (10) calendar days of receipt.
10. Upon the FHWA and NDOT' approval of any or all HPTPs, the FHWA and NDOT shall submit the draft HPTPs to the SHPO and RSIC THPO for review.
11. The FHWA and NDOT shall concurrently provide a copy of the draft HPTP(s) to the Tribes.
12. The SHPO, and the Tribes, as appropriate, shall provide comments to the FHWA and NDOT within fifteen (15) calendar days of receipt of any or all draft HPTPs. The FHWA and NDOT shall then provide any comments from the Tribes to the SHPO. If no comments are received within the comment period, FHWA and NDOT's CRS may proceed with finalization of the HPTP(s).
13. FHWA and NDOT's CRS will address any comments provided by the SHPO or the Tribes and provide final HPTPs within ten (10) calendar days of FHWA and NDOT's receipt.
14. Upon approval of a final HPTP by the FHWA and NDOT, FHWA and NDOT shall provide final copies of the HPTP to the SHPO, and the Tribes, as appropriate, and initiate treatment measures included in the finalized HPTP.

G. Avoidance Areas for Post-Review Discoveries

Avoidance areas will consist of the entirety of the previously unidentified cultural resource and will include a 15-meter buffer around the resource. The avoidance areas will be physically marked on the ground with survey lath and high visibility fencing. Maps illustrating the avoidance areas will be provided to participants of this Plan to aid in the avoidance of sensitive resources until the discovery is addressed in accordance with Sections E and/or F, above, or Section I, below.

H. Native American Participation

In the event that Native American human remains, human burials, associated funerary items, or burial cairns are inadvertently discovered during implementation of the Undertaking, FHWA and NDOT shall follow applicable state statutes (NRS 383.121) and follow the procedure below.

The FHWA and NDOT will invite the participation of Tribal monitor(s) during ground-disturbing activities. The Tribal monitor(s) will be designated by the Washoe Tribe of Nevada and California, Pyramid Lake Paiute Tribe, and/or the Reno-Sparks Indian Colony to represent those Tribe(s) onsite. Each Tribe participating in the project will provide the FHWA and NDOT with a POC to receive all monitoring related communication. The FHWA and NDOT will provide the tribal POC with a project POC and a cultural resources POC for ground disturbing activities scheduled in the immediate future. Construction will not occur until the affected Tribe is given notice by the FHWA and NDOT that ground disturbance is planned in undisturbed soil and given the opportunity to monitor that ground disturbance. For Cultural Monitoring, see V.C. in the MOA.

A Tribal monitor will also be invited to be on site during all data recovery and mitigation efforts. Notification of the need for a tribal monitor will be provided no less than 48 hours prior to the commencement of work. Tribal monitors will be responsible for providing monitoring updates to the Tribe(s) they are representing.

I. Human Remains

In case human remains are discovered during project construction and/or during archaeological excavations, human remains and associated grave goods will be handled according to provisions of the appropriate state statutes with guidance provided by the SHPO and the RSIC, PLPT and WTNC THPOs for the project, and RSIC THPO on RSIC Tribal lands.

1. In the event that human remains are discovered, the CRM/CRS and/or FHWA and NDOT's Construction Manager shall halt all construction activity within 15 meters of the discovery. No further activity will take place within this buffered area until the FHWA and NDOT Project Management receives written notice to proceed from the FHWA and NDOT Environmental.
2. The CRS will immediately notify the Resident Engineer. The Resident Engineer shall notify the Chief Cultural Resources Program Manager who will contact the SHPO and the Federally Recognized Groups (A federally recognized group is an American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs) within two hours of discovery. As soon as the Washoe County Sheriff's Department (Coroner) determines the human remains are not a crime scene: the SHPO, the Federal Agency involved, if applicable, and the Federally Recognized Groups

will be notified of this. Representatives for Federally Recognized Groups will be afforded the opportunity to inspect Native American Burials encountered at sites and will be left in place until they have been examined or 24 hours, whichever comes first. The FHWA and NDOT will provide 24-hour on-site security, if deemed appropriate. Protection of the buffered area will remain in place until the SHPO and the FHWA and NDOT have approved appropriate disposition of the human remains and any associated grave goods in accordance with applicable state statutes. Where burials are to be left in place, no human remains or associated funerary objects will be moved, removed or separated. In recognition of the ancestry, Federally Recognized Groups will be afforded the opportunity to conduct such rites and ceremonies as may be deemed appropriate for the discovery. Native American Human remains will not be displayed to the public or media. Native American Burials will not be discussed before the public or the press.