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STATE HISTORIC
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**MEMORANDUM OF AGREEMENT (MOA)
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION (FHWA),
THE NEVADA HISTORIC PRESERVATION OFFICER (SHPO)
AND
THE NEVADA DEPARTMENT OF TRANSPORTATION (NDOT),
REGARDING
THE REPLACEMENT OF BRIDGE B-1610 IN LYON COUNTY, NEVADA**

WHEREAS, the FHWA proposes to provide funding to NDOT to demolish bridge B-1610, located on Nordyke Road, Lyon County, Nevada, and replace it with a two-lane reinforced concrete bridge at the same location (Undertaking); and

WHEREAS, the FHWA, in consultation with the SHPO, has defined the area of potential effects (APE) for the Undertaking, as the term is defined in 36 CFR § 800.16(d), to be the area within a 200-foot radius centered around the 0.17 mile section of right-of-way along Nordyke Road. (Appendix A, Maps 1, 2, and 3); and

WHEREAS, the FHWA, in consultation with the SHPO, has found that B-1610 (Nordyke Bridge, SHPO Resource Number S467) is within the APE; and

WHEREAS, the FHWA, in consultation with the SHPO, has determined, pursuant to 36 CFR § 800.4(c), that B-1610 is eligible for inclusion in the National Register of Historic Places under Criterion C; and

WHEREAS, the FHWA, in consultation with the SHPO, has determined pursuant to 36 CFR § 800.5(a) that the Undertaking will have an adverse effect on B-1610; and

WHEREAS, the FHWA has consulted with the SHPO in accordance with Section 106 of the National Historic Preservation Act (54 U.S.C. §306108) and its implementing regulations (36 CFR Part 800) to resolve the adverse effect on B-1610; and

WHEREAS, the FHWA has notified the Advisory Council on Historic Preservation (ACHP) of the adverse effect and invited the ACHP to participate in the consultation, pursuant to 36 CFR Section 800.6(a)(1), in a letter dated March 12, 2015; and

WHEREAS, the ACHP declined to participate in the consultation in a letter dated April 9, 2015; and

WHEREAS, the FHWA, in consultation with the SHPO, has invited NDOT to participate in the consultation and to become an invited signatory to this MOA; and

NOW, THEREFORE, the FHWA, the SHPO, and NDOT 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.

STIPULATIONS:

I. MITIGATION FOR THE UNDERTAKING

A. Photographic Documentation

1. High-quality digital photographs will be taken of Bridge B-1610. Photographs will be taken before the bridge is adversely affected by the project.
 - a. All photographs will be saved on an archival CD.
 - b. Photographs will be accompanied by a photo log 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.
 - c. Views of the bridge will include:
 - i. A minimum of five (5) views of the bridge including both elevations, both approaches, and the beneath the deck.
 - ii. Environmental view showing the bridge as part of its larger landscape.
 - iii. Major elements of the bridge, including railings, piers, end posts, deck, etc.
 - iv. Details, such as attachments, manufacturer's marks, and hardware.

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. The Historical Documentation for Bridge B-1610 will include 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, the eligibility criteria used to evaluate the resource, the level of significance the resource possesses, 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 against which significance is assessed, 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 the Bridge, if known.
 - iii. Notable People--including biographical information on major figures connected with the history of the Bridge, 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.

C. Public Outreach

1. NDOT will develop a poster commemorating historic bridges in Nevada.
2. Two hundred (200) posters will be distributed to the public.

D. Compatible Design of Replacement Bridge

1. The replacement bridge will be designed in such a way that it will minimize visual impacts by using massing, color, materials, and design that are compatible with the area and setting.

II. NOTICE TO PROCEED

A. NDOT may issue a Notice to Proceed (NTP) for the Undertaking after the SHPO has reviewed a copy of the photographs to ensure they will be sufficient documentation.

1. The SHPO has five (5) business days to review the photographs and either agree that they are sufficient, or state what is needed in order to constitute sufficiency.

2. The request for the SHPO review of the photographs and the SHPO's response to same may be transmitted electronically (e.g., via e-mail or fax).

B. The other components of the mitigation, (i.e. Historical Documentation, Public Outreach, and Compatible Design) may be submitted to the SHPO for their comment and concurrence after the NTP has been issued. This ensures that the bridge is adequately documented prior to any adverse effects, but minimizes construction delays that could occur from waiting for the other components to be completed.

III. POST-REVIEW DISCOVERIES AND TREATMENT OF HUMAN REMAINS

If the Undertaking affects a previously unidentified potential historic property or affects a known historic property in an unanticipated manner, FHWA and NDOT shall implement additional treatment according to approved plan(s) developed in consultation with the SHPO. All post-review discoveries and the treatment of human remains will be handled in accordance with Stipulation VII and Stipulation VIII of 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*.

IV. REPORTING

A. The draft mitigation submission must include one (1) copy sent to the SHPO for review. The SHPO may request additional copies if needed. The SHPO copy will include:

1. A cover letter to be included in the administrative record that describes the background of the project and summarizes the mitigation completed.
2. Photo log.

3. One archival CD containing high-quality digital images of B-1610.
 5. The Historical Documentation report.
 6. A draft design for the poster on Nevada's Historic Bridges
 7. A plan set of the new bridge, displaying a compatible design.
- B. Upon receipt, the SHPO will review the documentation for completeness.
- C. If the SHPO fails to respond to the FHWA within thirty (30) calendar days of receipt of a submission, the FHWA will presume the documentation is adequate and proceed accordingly.
- D. The FHWA will ensure that all final reports resulting from actions pursuant to this MOA will be provided to the SHPO. All such reports will be consistent with contemporary professional standards and the requirements of Stipulation I.

V. 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, 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 the FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within forty-five (45) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, 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 forty-five (45) 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 takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, 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.

VI. AMENDMENT

Any signatory to this MOA may request that it be amended, whereupon the parties shall consult to consider the proposed Amendment. The procedure found at 36 CFR §800.6(c)(7) shall govern the execution of any such Amendment. This MOA may be amended only upon written agreement of the signatories and invited signatory. The Amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

VII. CONFIDENTIALITY OF RECORDS AND INFORMATION

All parties to this MOA acknowledge that information about historic properties are or may be subject to the provisions of NHPA Section 304 and 36 CFR. § 800.1 l(c) relating to the disclosure of sensitive information, and having so acknowledged, will ensure that all actions and documentation prescribed by this MOA are, where necessary, consistent with the requirements of NHPA Section 304, 36 CFR § 800.1 l(c), and 5 U.S.C. § 552 (Freedom of Information Act), as amended.

VIII. DURATION AND TERMINATION

- A. This MOA will expire if its stipulations are not carried out within five (5) years from the date of execution. FHWA may consult with all signatories prior to expiration in order to re-examine the terms of the MOA, determine if those terms remain acceptable, and renew the MOA for another period of time not to exceed five (5) years.
- B. Any signatory to the MOA may terminate it by providing thirty (30) days written notice to other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.
- C. In the event of termination or that the FHWA does not carry out the terms of this MOA, FHWA shall comply with 36 CFR Parts 800.3 to 800.7 with regard to the review of this Undertaking.

IX. EXECUTION AND COMPLETION OF SECTION 106

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

X. AUTHORIZING SIGNATURES

In witness hereof, the following authorized representatives of the parties have signed their names on the dates indicated, thereby executing this MOA. This MOA may be signed by the Signatories using photocopy, facsimile, or counterpart signature pages. FHWA will distribute copies of all signed pages to the signatories once the MOA is fully executed.

SIGNATORIES

FEDERAL HIGHWAY ADMINISTRATION


By:  Date: 6/1/2015
Susan Klekar, Nevada Division Administrator

NEVADA STATE HISTORIC PRESERVATION OFFICE

By:  Date: 6/3/15
Rebecca L. Palmer, Nevada State Historic Preservation Officer

INVITED SIGNATORY

NEVADA DEPARTMENT OF TRANSPORTATION

By:  Date: 5-29-15
Rodolfo Malfabon, Director

**CONCURRING
APPENDIX A: MAPS**



**Nordyke Bridge (B-1610) Replacement
Yerington Vicinity, Lyon County, Nevada**

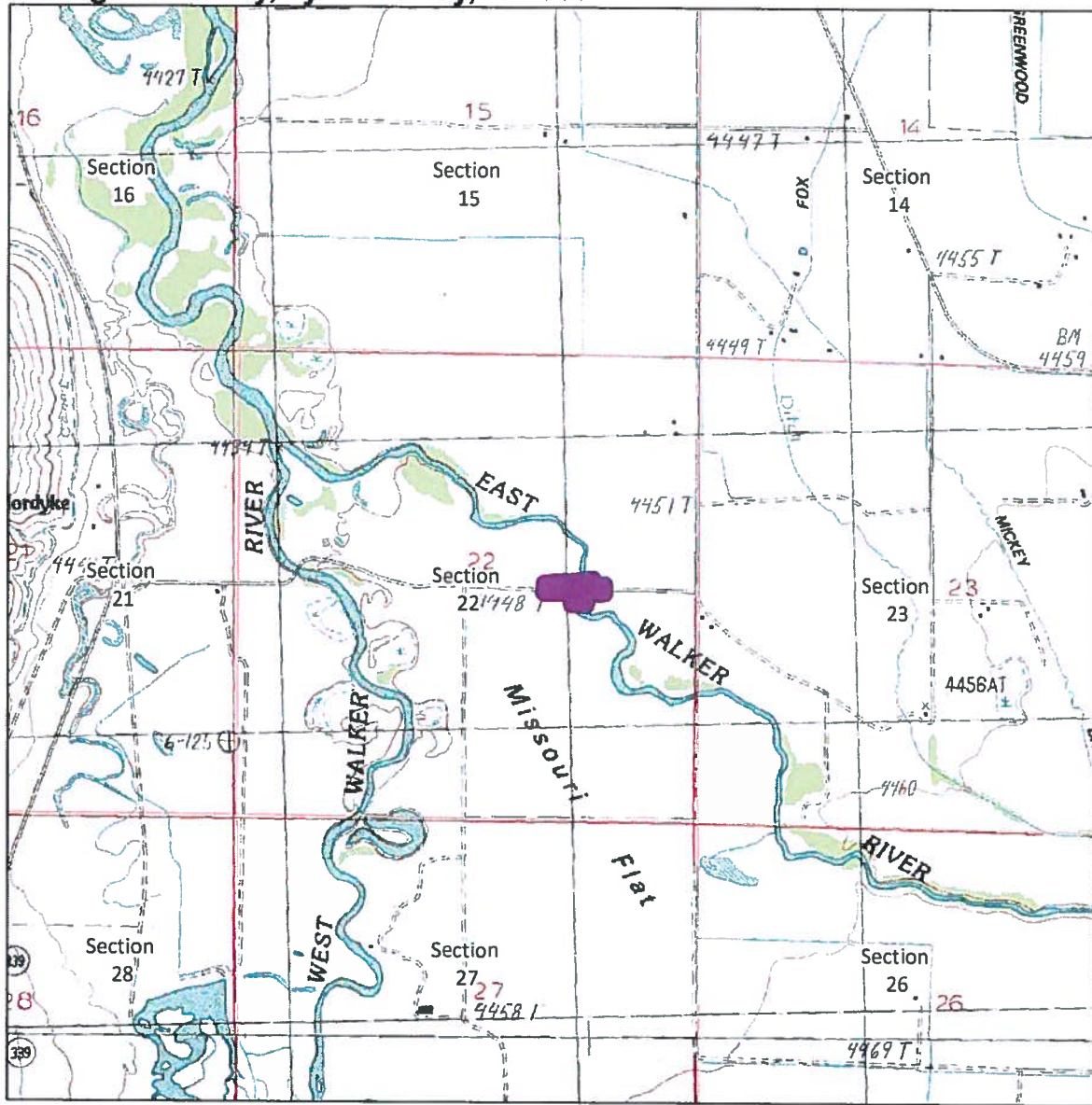


Map compiled from best available data,
Environmental Division, Cultural Resource Section
January 2014

Map 1: Project Area Map

**Memorandum of Agreement
Regarding the Replacement of Bridge B-1610 in Lyon County, Nevada**

Nordyke Bridge (B-1610) Replacement Yerington Vicinity, Lyon County, Nevada



1:24,000

 Area of Potential Effect

Yerington 7.5 Minute Topographic Map
T 12N, R 25 E, Section 22

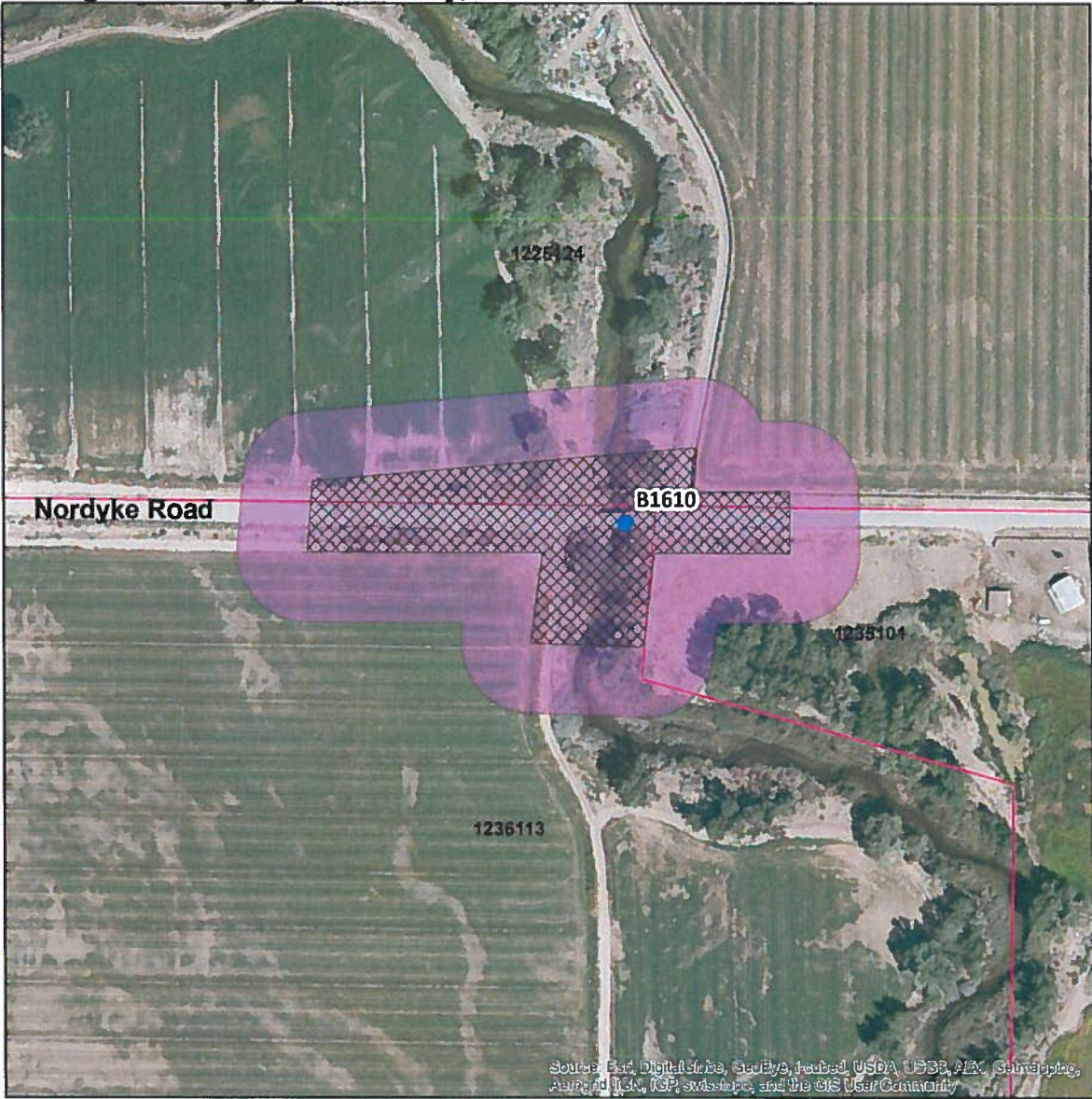
Map for informational purposes only. Compiled from best available data by
NDOT, Environmental Services Division, Cultural Resource Section, 2014

Map 2: Area of Potential Effect Map

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Nordyke Bridge (B-1610) Replacement Yerington Vicinity, Lyon County, Nevada



- Area of Potential Effect
- Area of Direct Impacts
- Parcels

Map for informational purposes only. Compiled from best available data by NDOT, Environmental Services Division, Cultural Resource Section, 2014

Map 3: Detail Map

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