

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

WHEREAS, the United States Army Corps of Engineers, Sacramento District (USACE) proposes to issue a permit pursuant to Section 404 of the Clean Water Act to the Regional Transportation Commission (RTC) for the South East Connector Project (Undertaking), located in the City of Reno, Washoe County, Nevada; and

WHEREAS, the Undertaking would include construction of a 4.5-mile long, 6-lane road extending from approximately 800 feet south of Clean Water Way to the intersection of South Meadows Parkway and Veterans Parkway, within a 490-acre Undertaking site; and

WHEREAS, the USACE, in consultation with the Nevada State Historic Preservation Officer (SHPO) and in accordance with 36 CFR § 800.4(a)(1), has established the Undertaking's Direct Area of Potential Effects (Direct APE) as all areas to be developed as part of the Undertaking, including all access, staging, construction, and mitigation areas, and the Undertaking's Indirect Area of Potential Effects (Indirect APE) as all areas which may be indirectly affected by the visual, atmospheric, and audible effects of the Undertaking, as depicted in Figure 1.1 in Attachment 1 to this Memorandum of Agreement (MOA); and

WHEREAS, the USACE, in consultation with the SHPO and in accordance with 36 CFR § 800.4(b) and § 800.4(c), has inventoried the Direct and Indirect APE for historic properties and has determined that sites 26WA5186, 26WA5187, 26WA7867, and 26WA7853 are eligible for listing in the National Register of Historic Places (NRHP) under Criterion D, and that segments of 26WA6653, including Gate's Ranch Ditch Nos. 1 and 2 and Ancillary Ditches 1-5, are eligible for listing in the NRHP under Criterion A; and

WHEREAS, the USACE, in consultation with the SHPO and in accordance with 36 CFR § 800.4(b)(2), has elected to defer evaluation of sites 26WA5205, 26WA7858, 26WA8320, and 26WA9528, pending additional research to be completed through the execution and implementation of this MOA; and

WHEREAS, the USACE, in consultation with the SHPO, has applied the criteria of adverse effect in accordance with 36 CFR § 800.5(a) and determined that the Undertaking will have an adverse effect on 26WA5186, 26WA5187, 26WA7867, 26WA7853, segments of 26WA6653, and four unevaluated resources (26WA5205, 26WA7858, 26WA8320, and 26WA9528); and

WHEREAS, the USACE, in consultation with the SHPO, has considered alternatives to the Undertaking and has chosen to proceed with the Undertaking, and has determined to resolve adverse effects of the Undertaking through the execution and implementation of this MOA; and

WHEREAS, RTC has participated in the development of this MOA and this MOA assigns substantial responsibilities to the RTC, the USACE has invited RTC to sign this MOA as an Invited Signatory Party; and

WHEREAS, the USACE has consulted with the Reno-Sparks Indian Colony (RSIC), the Pyramid Lake Paiute Tribe (PLPT), and the Washoe Tribe of California and Nevada (Washoe) and invited the RSIC, PLPT, and Washoe (hereinafter collectively referred to as the Tribes) to sign this MOA as Concurring Parties; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the USACE notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation and the ACHP has declined to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii) in a letter dated March 30, 2015; 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 effects of the Undertaking on historic properties, and further agree that these Stipulations shall govern the Undertaking and all of its parts.

STIPULATIONS

The USACE shall make this MOA a condition of the proposed Clean Water Act Section 404 permit for the Undertaking and shall ensure that the following measures are carried out by the RTC to the satisfaction of the USACE:

I. DEFINITIONS

The definitions set forth in 36 CFR § 800.16 are incorporated herein by reference and apply throughout this MOA.

II. AREA OF POTENTIAL EFFECTS (APE)

The USACE, in consultation with the SHPO, has defined the Undertaking's Direct and Indirect APE (Attachment 1, Figure 1.1). The USACE may amend the APE as needed, or as requested by a Signatory or Invited Signatory, without amending the MOA proper. If amended, all consulting parties will receive formal notification of the amended APE. Within thirty (30) calendar days of their receipt of the proposed amendment, any consulting party may request that the MOA be amended in accordance with the processes outlined in Stipulation XI.C. Following the USACE's receipt of the request, the Signatories and Invited Signatory shall prepare an amendment document.

III. AVOIDANCE AND TREATMENT OF ADVERSE EFFECTS TO HISTORIC PROPERTIES

- A. The USACE, in consultation with the SHPO, RTC, and the Tribes, designated an avoidance area around each historic property and unevaluated cultural resource to ensure protection of their NRHP values until adverse effects to the historic properties are addressed by appropriate mitigation in accord with Stipulation III.E-N or the USACE determines the unevaluated cultural resources to be ineligible for the National Register consistent with Stipulation IV. These avoidance areas are depicted in maps found in Attachments 2 and 4 (Figures 2.1-2.4 and Figure 4-1).
- B. Upon execution of the MOA, and prior to initiating surface disturbing activities associated with the Undertaking, RTC's Cultural Resource Specialist (CRS) shall place flagging or fencing around all avoidance areas consistent with the requirements of Attachment 6.H. If the USACE, in consultation with RTC, determines that signs are necessary, they should read "environmentally sensitive area."
- C. The CRS shall monitor all avoidance areas at least once per week to ensure that all flagging or fencing remains intact and that no unauthorized disturbances have occurred within the avoidance areas. The CRS shall report any such disturbances to the USACE and RTC within 24 hours of discovery.
- D. RTC shall ensure that all RTC personnel, employees of all contractors, and any authorized individuals inside the project area are aware that no ground disturbance is permitted inside the avoidance areas except that conducted by the CRS and the CRS's employees.
- E. RTC shall direct its CRS to develop Historic Properties Treatment Plans (HPTPs) for all historic properties in the APE. The HPTPs shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 CFR 44716-37) and follow the guidance provided in the ACHP's *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites*, dated June 17, 1999 and the *Mitigation Standards for Historical Resources of Local and State Significance* (BLM, 2014).
- F. Within twelve (12) months of the execution of this MOA, RTC, through its CRS, shall submit all of the draft HPTPs to the USACE for review. The HPTPs may be submitted separately for review. HPTP review will proceed in accordance with Stipulation III.G-M.
- G. The USACE will review and comment on any or all draft HPTPs within thirty (30) calendar days of receipt.

- H. The USACE shall provide comments on any or all draft HPTPs to RTC and RTC, through its CRS, shall revise any or all of the draft HPTPs to address the USACE comments within ten (10) calendar days of RTC's receipt of those comments.
- I. Upon USACE approval of any or all HPTPs, the USACE shall submit the draft HPTPs to the SHPO for review.
- J. The USACE shall concurrently provide a copy of the draft HPTPs to the Tribes as appropriate.
- K. The SHPO, and the Tribes as appropriate, shall provide comments to the USACE within thirty (30) calendar days of receipt of any or all draft HPTPs. If no comments are received within the comment period, the USACE may assume SHPO and the Tribes have no objection to the contents of any or all of the draft HPTPs.
- L. RTC's CRS will address any comments provided by the SHPO, and the Tribes as appropriate, and supply final HPTPs to the USACE within ten (10) calendar days of RTC's receipt of those comments.
- M. Upon approval of a final HPTP by the USACE, the USACE shall provide final copies of the HPTPs to the SHPO, and the Tribes as appropriate, and authorize RTC to initiate any or all of reviewed and finalized HPTPs.
- N. Within thirty (30) calendar days of completion of fieldwork as defined in the specific HPTP, RTC, through the CRS, shall provide USACE with a preliminary fieldwork summary report outlining fieldwork activities, sampling, and preliminary findings on any or all historic properties.
- O. RTC, through the CRS, shall provide the USACE with a draft data recovery and/or mitigation report on any or all historic properties within nine (9) months after the completion of the fieldwork associated with the activity, unless otherwise negotiated.
- P. The USACE shall ensure that all such reports are consistent with contemporary professional standards and the Department of Interior's Formal Standards for Final Reports of Data Recovery Programs (48 CFR 44716-44740).
- Q. The USACE shall submit any or all draft data recovery and/or mitigation reports to the SHPO, and the Tribes as appropriate. The SHPO and the Tribes will have thirty (30) calendar days from their receipt to review and comment on any submission. If no comments are received within the comment period, the USACE may assume SHPO and the Tribes have no comment on the contents of any submitted draft data recovery and/or mitigation report and may direct the CRS to finalize the report.

- R. RTC's CRS shall provide the USACE with a final draft data recovery and/or mitigation report within sixty (60) calendar days after receiving USACE notification per stipulation III.Q above.
- S. The USACE shall ensure that all final data recovery and/or mitigation reports resulting from actions pursuant to this MOA will be provided to the SHPO, and Tribes as appropriate.
- T. The USACE shall ensure that all records and materials resulting from identification and treatment efforts are curated in a public repository or museum that meets requirements of 36 CFR 79 until the final data recovery reports are complete. At that time, the CRS will return all collected materials to the property owner for disposition. RTC will pay all curation fees and provide the USACE with a copy of an agreement with, or other written commitment from, a curation facility to accept artifacts from this Undertaking. Any agreements concerning curation will be retained and available for audit for the life of the Undertaking.
- U. Human remains and associated grave goods will be handled according to the provisions of Nevada Revised Statutes Chapter 383.

IV. TESTING AND EVALUATION OF UNEVALUATED CULTURAL RESOURCES

- A. The RTC, through the CRS, shall implement the *Unevaluated Site Testing Plan (USTP)* (Attachment 4) within one year of the execution of the MOA.
- B. The RTC, through the CRS, shall provide the USACE with the results of the USTP including recommendations for the National Register eligibility of sites 26WA5205, 26WA7858, 26WA8320, and 26WA9528 within thirty (30) days of the completion of the USTP.
- C. The USACE, in consultation with the SHPO, and the Tribes as appropriate, shall determine the NRHP eligibility of all unevaluated sites tested under the USTP. The SHPO, and the Tribes as appropriate, will have thirty (30) calendar days from their receipt to review these NRHP determinations. If no comments are received within the review period, the USACE may assume SHPO and the Tribes have no comments or objections to the NRHP determinations.
- D. The RTC, through the CRS, shall implement the mitigation procedures found in Stipulation III.E-S for all historic properties identified in Stipulation IV.C above.

V. ARCHAEOLOGICAL SENSITIVITY TESTING AND MONITORING

- A. RTC shall implement the *Construction Corridor Testing Plan (CCTP)* (Attachment 5) prior to the start of construction within any of the archaeologically sensitive areas (Attachment 3, Figure 3.1).

- B. Upon completion of the auger probing stipulated in the CCTP, the CRS shall prepare a draft final archaeological sensitivity map (sensitivity map) to direct further monitoring of ground-disturbing activities as construction proceeds.
- C. RTC shall submit the sensitivity map to the USACE for review. The USACE will review and comment on the sensitivity map within seven (7) working days of receipt.
- D. The USACE shall submit the sensitivity map to the SHPO, and Tribes as appropriate, for review. The SHPO shall provide comments to the USACE within five (5) calendar days of receipt. If no comments are received within the comment period, the USACE may assume SHPO has no comment and will finalize the sensitivity map.

VI. INITIATION OF CONSTRUCTION

Upon execution of the MOA, the USACE may authorize RTC to proceed with individual construction activities or areas under any of the following conditions:

- A. The USACE has provided RTC with a written determination that the construction activities or areas are not inside the culturally sensitive area depicted in Attachment 3, Figure 3-1 or the avoidance areas defined in Stipulation III.A; or
- B. The USACE has provided RTC with a written determination that the construction activities are inside the culturally sensitive area depicted in Attachment 3, Figure 3-1 and the sensitivity map has been reviewed consistent with Stipulation V.D, and all monitoring requirements in Attachment 6.A-C have been implemented and the construction activities are not inside the avoidance areas defined in Stipulation III.A; or
- C. The USACE has provided RTC with a written determination that RTC has implemented the HPTP for an historic property in accord with Stipulation III.M and:
 - 1. The fieldwork phase of the HPTP has been completed; and
 - 2. The USACE has accepted a summary description of the fieldwork performed and a reporting schedule for that work; and
 - 3. The USACE shall provide an electronic copy of the summary to SHPO; and
 - 4. The SHPO will review the summary and if the SHPO concurs or does not respond within two (2) working days of receipt, the USACE shall assume concurrence and provide RTC with a written determination that construction activities inside the avoidance area for that historic property may proceed.

- D. RTC shall not begin any ground disturbing activities within the boundary of any historic property until the USACE has provided RTC with a written determination that construction activities may proceed within the avoidance area of that historic property.

VII. DISCOVERY OF CULTURAL RESOURCES DURING GROUND-DISTURBING ACTIVITIES

Stipulations of this MOA are intended to identify and mitigate adverse effects to historic properties. Unplanned discoveries of buried cultural resources are not anticipated, however if there is an unplanned discovery, the USACE will ensure that provisions found in Attachment 6.C-G are met.

VIII. NATIVE AMERICAN CONSULTATION AND MONITORING

RTC shall allow a Native American monitor to be present during all project-related ground-disturbing activities as described in Attachment 6.H.

IX. REPORTING REQUIREMENTS AND RELATED REVIEWS

- A. RTC shall submit an Annual Report to the USACE, the SHPO, and the Tribes within forty-five (45) calendar days of the anniversary of the execution of this MOA.
- B. The Annual Report shall contain a summary of actions taken under the MOA, all findings and determinations to date, accomplishments, objections, and unanticipated discoveries.
- C. All Signatory and Concurring Parties will review the Annual Report and provide any comments within thirty (30) calendar days of receipt to the USACE. If no comments are received within the review period, the USACE may assume SHPO and the Tribes have no comment on the Annual Report and accept the findings.
- D. The USACE will provide all comments on the Annual Report to RTC. RTC will address these comments and provide a response to the USACE within ten (10) calendar days of receipt of the comments. Upon receipt, the USACE will provide RTC's response to the commenting party.
- E. Annual reporting requirements will remain in effect for the duration of the MOA.

X. PROFESSIONAL QUALIFICATIONS STANDARDS

All historic preservation 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 Interior's *Professional Qualifications Standards* (PQS) for Archeology, History, or Architectural History, as appropriate (48 FR 44738-39).

XI. ADMINISTRATIVE STIPULATIONS

A. Confidentiality

All Signatories, the Invited Signatory, and Concurring Parties to this MOA acknowledge that cultural resources covered by this MOA are or may be subject to the provisions of Section 304 of the NHPA (54 U.S.C. § 307103) and 36 CFR §800.11(c), relating to the disclosure of sensitive archaeological site information and, having so acknowledged, will ensure that all actions and documentation prescribed by this MOA are consistent with Section 304 of the NHPA, 36 CFR § 800.11(c), and 5 U.S.C. § 552, as amended (Freedom of Information Act).

B. Dispute Resolution

Should any Signatory, the Invited Signatory, or Concurring Party object at any time to any actions proposed or to the manner in which the terms of this MOA are implemented, they shall immediately submit the objection in writing to the USACE. The USACE shall immediately notify the Signatory, Invited Signatory, and Concurring Parties to this MOA of the objection, and shall request their comments on the objection be provided within fifteen (15) calendar days following receipt of the USACE's notification, and proceed to consult with the objecting party for no more than thirty (30) days to resolve the objection.

1. If the objection is resolved during the thirty (30) calendar-day consultation period, the USACE may proceed with the disputed action in accordance with the terms of that resolution.
2. If the USACE determines that the objection cannot be resolved through consultation, the USACE shall forward all documentation relevant to the dispute, including the USACE'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, Signatory, Invited Signatory, and Concurring Parties, and provide them with a copy of this written response. The USACE will then proceed according to its final decision.
3. 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 Signatory, Invited Signatory, and Concurring Parties to the MOA, and provide them and the ACHP with a copy of such written response.
4. At any time during the implementation of the terms of this MOA, should an objection pertaining to such implementation be raised by a member of the public, the USACE shall immediately notify the Signatory, Invited Signatory, and Concurring Parties to

this MOA in writing of the objection and take the objection into consideration. The USACE shall consult with the objecting party and, if the objecting party so requests, with the Signatory, Invited Signatory, and Concurring Parties to this MOA, for no more than fifteen (15) calendar days. Within ten (10) calendar days following closure of this consultation period, the USACE will render a decision regarding the objection and notify the Signatory, Invited Signatory, and Concurring Parties to this MOA of its decision in writing. In reaching its decision, the USACE will take into account any comments from the consulting parties regarding the objection, including the objecting party. The USACE's decision regarding the resolution will be final. The objection will thereby be resolved.

5. The USACE may authorize any action subject to objection under this Stipulation to proceed after the objection has been resolved in accordance with the terms of this Stipulation.
6. 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.

C. Amendments

Any party to this MOA may propose that this MOA be amended, whereupon the Signatories and Invited Signatory will consult for no more than thirty (30) calendar days to consider such amendment. The USACE may extend this consultation period at its discretion. The amendment process shall comply with 36 CFR § 800.6(c)(1) and § 800.6(c)(7). This MOA may be amended only upon the written agreement of the Signatories and Invited Signatory. The amendment will be effective on the date the amendment is signed by all of the Signatories and Invited Signatory.

D. Termination

1. Only a Signatory or Invited Signatory may propose termination of this MOA. If this MOA is not amended as provided for in Stipulation XI.C, or an Invited Signatory party or Signatory party proposes termination of this MOA for other reasons, the party proposing termination shall, in writing, notify the other parties to this MOA, explain the reasons for proposing termination, and consult with the other parties to this MOA for at least thirty (30) calendar days to seek alternatives to termination. Should such consultation result in an agreement on an alternative to termination, then the parties shall proceed in accordance with the terms of that agreement. Such consultation shall not be required if the USACE proposes termination because the Undertaking no longer meets the definition set forth at 36 CFR § 800.16(y).
2. Should such consultation fail, the party proposing termination may terminate this MOA by promptly notifying the other parties to this MOA in writing. Termination hereunder shall render this MOA without further force or effect.

3. If this MOA is terminated hereunder, and if the USACE determines that the Undertaking will nonetheless proceed, the USACE shall either (a) execute a new MOA pursuant to 36 CFR § 800.6(c)(1) or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7(a). The USACE shall notify the Signatory and Invited Signatory as to the course of action it will pursue.

E. Duration

1. This MOA will be in effect following execution by the Signatories. This MOA will remain in effect until the USACE, in consultation with the SHPO, RTC, and the Tribes, determines that all the terms of this MOA have been satisfactorily fulfilled or for five (5) years after execution, whichever comes first.
2. If the USACE determines that the requirements of the MOA cannot be met, the Signatories, Invited Signatory, and Concurring Parties will consult to reconsider its terms. Reconsideration may include the continuation of the MOA as originally executed, amendment of the MOA, or termination. In the event of termination, the USACE will comply with Stipulation XI.D, if it determines that the Undertaking will proceed notwithstanding termination of this MOA.
3. If the Undertaking has not been authorized under Section 404 of the Clean Water Act within five (5) years following execution of this MOA by the Signatories, this MOA shall automatically terminate and have no further force or effect. In such event, the USACE shall notify the other parties in writing and, if it chooses to continue with the Undertaking, shall reinitiate review of the Undertaking in accordance with Section 106 of the NHPA (54 U.S.C. § 306108) and all applicable regulations.

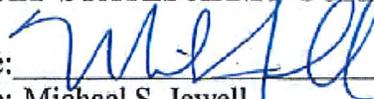
XII. AUTHORIZING SIGNATURES

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. The USACE will distribute copies of all signed pages to the Signatories once the MOA is fully executed.

EXECUTION of this MOA by the USACE and the SHPO and implementation of its terms evidence that the 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: 6 April 2015
Name: Michael S. Jewell
Title: Chief, Regulatory Division

NEVADA STATE HISTORIC PRESERVATION OFFICER

Name: _____ Date: _____
Name: Rebecca Lynn Palmer
Title: State Historic Preservation Officer

INVITED SIGNATORY PARTY:

REGIONAL TRANSPORTATION COMMISSION

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

SIGNATORY PARTIES:

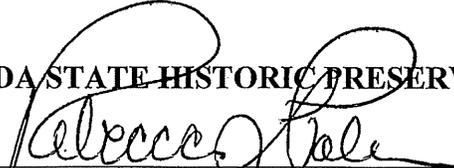
UNITED STATES ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT

Name: _____ Date: _____

Name: Michael S. Jewell

Title: Chief, Regulatory Division

NEVADA STATE HISTORIC PRESERVATION OFFICER

Name:  _____

Date: April 6, 2015

Name: Rebecca Lynn Palmer

Title: State Historic Preservation Officer

INVITED SIGNATORY PARTY:

REGIONAL TRANSPORTATION COMMISSION

Name: _____ Date: _____

Name: Lee G. Gibson

Title: Executive Director

SIGNATORY PARTIES:

UNITED STATES ARMY CORPS OF ENGINEERS, SACRAMENTO DISTRICT

Name: _____ Date: _____

Name: Michael S. Jewell

Title: Chief, Regulatory Division

NEVADA STATE HISTORIC PRESERVATION OFFICER

Name: _____ Date: _____

Name: Rebecca Lynn Palmer

Title: State Historic Preservation Officer

INVITED SIGNATORY PARTY:

REGIONAL TRANSPORTATION COMMISSION

Name: _____ Date: 4/06/2015

Name: Lee G. Gibson

Title: Executive Director

CONCURRING PARTIES:

RENO-SPARKS INDIAN COLONY

Name: _____ Date: _____

Name: Arlan D. Melendez

Title: Chairperson

PYRAMID LAKE PAIUTE TRIBE

Name: _____ Date: _____

Name: Vinton Hawley

Title: Chairperson

WASHOE TRIBE OF NEVADA AND CALIFORNIA

Name: _____ Date: _____

Name: Neil Mortimer

Title: Chairperson

Attachment List

Attachment 1 - APE Map

Figure 1 .1 Direct/Indirect APE

Attachment 2 - Cultural Resource Avoidance Areas

Figure 2.1 Cultural Resource Avoidance Areas

Figure 2.2 North 1/3 of the Project Area

Figure 2.3 Central 1/3 of the Project Area

Figure 2.4 South 1/3 of the Project Area

Attachment 3 - Archaeological Sensitivity Assessment Map

Figure 3.1 Draft Archaeological Sensitivity Map

Attachment 4 - Unevaluated Site Testing Plan

Figure 4.1 Unevaluated Site Map

Attachment 5 - Construction Corridor Testing Plan

Attachment 6 - Cultural Resources Monitoring and Discovery Plan

ATTACHMENT 1
Direct and Indirect Area of Potential Effects



N
W E
S

0 300 600
Meters

1:24,000

Legend

Direct Effects APE

Indirect Effects APE

Source: Esri, DigitalGlobe, GeoEye, I-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

Figure 1.1 - APE Map
 Base Maps: *Steamboat* and *Vista* (Baumer 1983: Sheets 23 and 28). T.18N., R.20E., Sections 3-4 and T.19N., R.20E. Sections 10-11, 14-15, 21-23, 27-28, and 33-34, Datum (UTM NAD 83, meters)
 Project: SouthEast Connector
 ACE Permit Number: SRK-2010-01058



ATTACHMENT 2
Cultural Resource Avoidance Areas

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

Please consult the appropriate federal agency to obtain this information.

ATTACHMENT 3
Archaeological Sensitivity Assessment Map

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

Please consult the appropriate federal agency to obtain this information.

ATTACHMENT 4
Unevaluated Site Testing Plan

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

Please consult the appropriate federal agency to obtain this information.

ATTACHMENT 5
Construction Corridor Testing Plan

Attachment 5

Construction Corridor Testing Plan

The South East Connector roadway alignment crosses the Truckee Meadows, in the southeast portion of the City of Reno, Washoe County, Nevada. Locally, the Truckee Meadows is composed of alluvial soil deposited by Steamboat Creek and the Truckee River. Previous archaeological work conducted within the region has shown that these alluvial soils have the potential to contain intact, stratified archeological resources (Simons and Hutchins 1996; Ringhoff and Stoner 2011; Zeier and Elston 1986).

The exact location and depth of archaeological resources within this area is unknown, having been obscured over time by periodic flood events and by historic-modern era development. Archaeological resources that may have once been visible on the surface may be obscured by modern-era flood events, and within agricultural fields, impacted by the “plow zone”, typically affecting the first two feet of soil. Furthermore, due to channelization of Steamboat Creek and the leveling of agricultural fields for irrigation, the depth of original ground surface may vary across the region. Below these surface impacts, prehistoric archaeological resources may still be intact. As a result, there exists a high potential to encounter previously undocumented archaeological resources within the Direct APE.

To assist in pre-construction identification of resources, auger probe testing will be conducted within areas of these archeologically sensitive soils. The natural stratigraphy of the Truckee Meadows consists of relatively old alluvium of the Donner Lake Outwash overlain by younger Holocene aged alluvium deposited in terraces of Steamboat Creek. The alluvium of the Donner Lake Outwash is archaeologically sterile, but archaeological deposits are found in the overlying Holocene aged alluvium (Young et al. 1997). Where not extensively modified in the historic-modern eras, these Holocene aged alluvial deposits constitute archaeologically sensitive soil deposits for the purposes of the South East Connector (Baumer 1983). These soils are illustrated in Attachment 3.

The CRS will perform auger probing within the areas delineated as possessing archaeologically sensitive soils. The auger probing will be implemented using a systematic testing strategy. Auger probes will be placed within proposed construction areas that overlap the archaeologically sensitive soils using a 30 meter interval grid. As currently designed, 522 auger probes will be placed across the Undertaking area.

Previously conducted archaeological work in the Truckee Meadows indicates that the occurrence of cultural materials within known archaeological sites drops off considerably after 1 meter below ground surface. This drop off in cultural materials corresponds to the average depth that the archaeologically sterile Donner Lake Outwash alluvium is encountered locally (Simons and Hutchins 1996; Simons 1997). Therefore, the auger probes will be conducted in 20 cm intervals, to a depth of 1 meter. Negative results after 1 meter of testing will conclude the auger probe. Should archaeological material be encountered, the auger testing will continue in 20 cm levels until two levels of sterile soil are encountered.

Should archaeological materials be encountered during the auger probe, testing and evaluation of the find will be conducted following the procedures outlined in Attachment 6.F.

Should archaeological materials not be encountered during auger testing, archaeological monitoring will not be conducted in the area(s) unless construction-related excavations below one (1) meter from ground surface are planned. Should construction related excavations be planned below one (1) meter, the area will be subject to the archaeological monitoring protocols described in Attachment 6.C.

Citations

Baumer, O. W.

1983 *Soil Survey of Washoe County, Nevada, South Part*. U.S. Department of Agriculture, Soil Conservation Service, Washington, D.C.

Ringhoff, M., and E. J. Stoner

2011 *The River and the Railroad: An Archaeological History of Reno*. Shepperson Series in Nevada History. Reno: University of Nevada Press.

Simons, D. D.

1997 *Late Prehistoric Continuity in the Truckee Meadows*. Kautz Environmental Consultants, Reno, Nevada. Prepared for South Meadows Properties, Reno, Nevada. On file, Nevada State Museum Indian Hills Curatorial Center, Carson City, Report No. 16-817.

Simons, D. D., and J. Hutchins

1996 *Martis in the Meadows: Data Recovery at 26 Wa4319: A Martis Phase Logistical Camp in the South Truckee Meadows, Washoe County, Nevada*. Kautz Environmental Consultants, Reno, Nevada. On file, Nevada State Museum, Carson City, Report No. 16-819.

Young, D. C., Jr., D. Simons, and R. Kautz

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Zeier, C. D., and R. G. Elston

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ATTACHMENT 6
Cultural Resources Monitoring and Discovery Plan

Attachment 6

Cultural Resources Monitoring and Unanticipated Discovery Plan (Plan)

Archaeological monitoring of ground-disturbing activities will be conducted in accordance with the following Plan.

Participants in this Plan include the USACE, RTC, the project's construction management firms (Atkins and CH2M HILL), the CRS, the Tribes, the lead construction company (Granite Construction), and the SHPO. To allow for clear communication among all participants, each organization will designate a Point of Contact (POC) to receive and transmit all cultural resources-related communications.

Cultural resources monitoring will take place within areas of high sensitivity as delineated on the sensitivity map prepared in accord with Stipulation V. All monitoring activities shall be directly supervised by a qualified archaeologist meeting the U.S. Secretary of Interior's Professional Qualifications Standards, as published in the Code of Federal Regulations (36 CFR Part 61) for their respective discipline.

A. Worker Environmental Awareness Training

The RTC 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 in accord with Stipulation III.D. Training can be in association with the RTC's safety and/or related job training and project orientation. The RTC shall cooperate with the USACE to ensure compliance with the Nevada Revised Statutes (NRS 381) for the project.

B. Designation of a Cultural Resources Specialist (CRS)

At least one month prior to the start of any project-related ground disturbance, the RTC 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, architectural 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 four 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 find 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 a daily report and daily email for the CRS using the attached form.

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 (see 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 brief weekly monitoring report to be provided to the RTC, the USACE, and the SHPO in an electronic format.
6. Preparation of a final cultural resources report following the completion of all tasks associated with archaeological monitoring of the Undertaking. The report will include:
 - a. Management Summary,
 - b. Setting,
 - c. Research Design,
 - d. Methods,
 - e. Report of Findings,
 - f. Discussion/Interpretation,
 - g. Management Considerations, and
 - h. References.

A representative 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 archaeological and Native American monitors (Section H). 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 ineligible 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 RTC and CRS will discuss this with the CRM when giving 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 over 45 years in age will be recorded on appropriate forms, mapped, and photographed.

Previously undiscovered cultural resources over 45 years in age in categories Section E.2 and Section E.3 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 Attachment 6.F. 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:
 - 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. The form shall identify the category (from Sections E.2 and E.3) for each discovery.
 - 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 and Section E.3.
 - e. The CRS shall notify RTC'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 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) scatters of lithic debitage that do not contain obsidian or non-local lithic materials.

- 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 (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 eligible for the NRHP under the Secretary of Interior's criterion d for the purposes of the Undertaking:
- 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. Unanticipated 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 RTC'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 RTC and/or CRS shall ensure that the discovery is adequately fenced or flagged and that remains protected until a NTP is issued consistent with Stipulation VI.
3. The CRS shall notify the USACE'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 the USACE 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 (.5 x .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.
 - c. Any artifacts recovered during testing will be temporarily stored until eligibility is determined, then handled accordingly. The USACE shall coordinate with RTC, the SHPO, and the Tribes regarding the final disposition of all artifacts. Objections shall be addressed in accordance with Stipulation XI.B of the MOA.
5. The USACE, within two (2) working days of receipt of the notification of the discovery, shall notify the SHPO, and 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 USACE determine of NRHP eligibility for the discovery. If no timely response is received, the USACE will assume concurrence with the determination.
 7. If the USACE, in consultation with the SHPO and the Tribes, determines that a discovery is not eligible for the NRHP the USACE will provide RTC with 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 the USACE, in consultation with the SHPO and the Tribes, determines that a discovery is a historic property and cannot be permanently avoided by Undertaking redesign, the USACE shall direct the RTC, through its CRS, to develop a HPTP in accord with Stipulation III.E of the MOA. The USACE, RTC, the SHPO, and the Tribes shall adhere to the process for review and implementation of the HPTP found in Stipulation III..

G. Avoidance Areas for Cultural Resources

Avoidance areas will consist of the entirety of the 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 (Attachments 2 and 4) will be provided to participants of this Plan to aid in the avoidance of sensitive resources and for Undertaking planning purposes. The map(s) will be updated during Undertaking implementation to reflect any changes resulting from a receipt of a NTP, or the identification of an unanticipated discovery.

H. Native American Participation

RTC will make provisions for the participation of Native American monitor(s) during ground-disturbing activities. The Native American monitor(s) will be from one of the three groups affected by the project including the Washoe Tribe of California and Nevada, Pyramid Lake Paiute, and the Reno-Sparks Indian Colony. Each Tribe participating in the project will provide the RTC with a POC to receive all monitoring related communication. If Native American prehistoric artifacts are encountered during ground disturbance, the Native American monitor will act as a liaison between Native Americans and archaeologists, developers, contractors, and

public agencies, to ensure that cultural features are treated appropriately from the Native American perspective. Construction will not occur until the affected Native American group is given notice by the RTC that ground disturbance is planned in undisturbed soil and given the opportunity to monitor that ground disturbance.

A Native American 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 Tribes.

I. Human Remains

Human remains may be discovered during project construction 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 USACE.

1. In the event that human remains are discovered, the CRM/CRS and/or RTC'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 RTC receives written notice to proceed from the USACE.
2. The CRS will immediately notify the RTC, the SHPO, the USACE, and the Washoe County Sheriff by telephone followed by written notification of the discovery. The RTC will provide 24-hour on-site security, if deemed appropriate. Protection of the buffered area will remain in place until the SHPO and the USACE have approved appropriate disposition of the human remains and any associated grave goods in accordance with applicable state statutes.
3. The CRS, in coordination with the RTC, the SHPO, the Washoe County Sheriff, and the USACE, will assess age, possible ethnic affiliation, and the particular circumstances of interment. Should the remains be identified as Native American, the USACE, in consultation with the SHPO, shall identify and coordinate with the individual's "most likely descendants" and ensure that the remains are repatriated to the appropriate Tribe(s).