

**Amendment No. 1 to
MEMORANDUM OF AGREEMENT
AMONG THE
BUREAU OF INDIAN AFFAIRS, WESTERN REGIONAL OFFICE
MOAPA BAND OF PAIUTE INDIANS
BUREAU OF LAND MANAGEMENT
AIYA SOLAR PROJECT, LLC
AND
THE NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING
RESOLUTION OF ADVERSE EFFECTS FOR THE
AIYA SOLAR PROJECT ON THE MOAPA RIVER INDIAN RESERVATION**

WHEREAS, the Memorandum of Agreement (Agreement) was executed on June 7, 2016; and

WHEREAS, the Moapa Band of Paiute Indians of the Moapa River Indian Reservation has formally assumed certain Historic Preservation Officer duties on their tribal lands in Nevada pursuant to Section 101(d)(2) of the NHPA, 54 U.S.C. § 302702, since the execution of the Agreement; and

WHEREAS, the undertaking's project proponent changed when the Aiya Solar, LLC lease option agreement ended and a new lease option agreement was signed on May 24, 2021 by Tamarack Solar Energy, LLC; and

WHEREAS, the project proponent, Tamarack Solar Energy, LLC, has changed the undertaking's name from Aiya Solar Project to Tamarack Solar Project; and

WHEREAS, the project proponent's new undertaking is 60 MW instead of 100MW capacity; and

WHEREAS, the BIA/WRO has determined that the Area of Potential Effects (APE) for the subject undertaking, originally 1000 acres in size, is now reduced to a maximum of 480 acres (Appendix A); and

WHEREAS, the BIA/WRO, in consultation with the consulting parties, has developed a Historic Properties Treatment Plan (HPTP) in accordance with Stipulation I of the Agreement (Appendix B); and

WHEREAS, the BIA/WRO, in consultation with the consulting parties, has identified two additional historic properties (26CK10137 and 26CK10145) eligible for the National Register of Historic Places under the Secretary of Interior's Significance Criterion D; and

WHEREAS, BIA/WRO will send a copy of this executed amendment to the Advisory Council on Historic Preservation (ACHP); and

NOW, THEREFORE, in accordance with Stipulation X of the Agreement, BIA/WRO, the Moapa Band of Paiutes, and the SHPO agree to amend the Agreement as follows:

- 1) Insert the Moapa Tribal Historic Preservation Officer into the title of the Agreement.
- 2) Replace all references to Aiya Solar Project, LLC with its successor Tamarack Solar Energy, LLC.
- 3) Replace all references to Aiya Solar Project with Tamarack Solar Project.
- 4) Insert a new WHEREAS clause to read:

WHEREAS, the Moapa Band of Paiute Indians (Tribe) has assumed certain Historic Preservation Officer duties through their Tribal Historic Preservation Office (THPO) for lands within the reservation boundaries pursuant to Section 101(d)(2) of the NHPA, 54 U.S.C. § 302702.

- 5) Insert a new WHEREAS clause:

WHEREAS, the THPO is authorized to enter into this Agreement in order to fulfill its role of advising and assisting federal agencies in carrying out their Section 106 responsibilities under Section of the NHPA, 54 U.S.C. § 306108; and

- 6) Amend Stipulation I.B so that it reads as follows:

B. For the historic properties 26CK10094, 26CK10095, 26CK10137, and 26CK10145 the HPTP will include, but not be limited to:

- 7) Amend Stipulation II.A so that it reads as follows:

A. Within 14 calendar days after the completion of all fieldwork at 26CK10094, 26CK10095, 26CK10137, and 26CK10145 Tamarack Solar Energy, LLC, through its qualified consultant responsible for the work, will prepare and submit a brief Preliminary Report of Findings to BIA/WRO. This report shall contain, at a minimum:

- 8) Attach a map of the APE for the undertaking titled Appendix A.
- 9) Amend the HPTP to include historic properties 26CK10137 and 26CK10145 and, once reviewed by the consulting parties in accordance with Stipulation I, attach the HPTP for the undertaking to the Agreement as Appendix B.

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SIGNATORY PARTIES:

APPROVED: BUREAU OF INDIAN AFFAIRS, WESTERN REGIONAL OFFICE

By: _____ Date _____
Acting Regional Director

APPROVED: MOAPA BAND OF PAIUTE INDIANS

By: _____ Date _____
Chairwoman, Moapa Business Council

APPROVED: MOAPA TRIBAL HISTORIC PRESERVATION OFFICE

By: _____ Date _____
Moapa Tribal Historic Preservation Officer

APPROVED: NEVADA STATE HISTORIC PRESERVATION OFFICE

By: _____ Date _____
Nevada State Historic Preservation Officer

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INVITED SIGNATORY PARTIES:

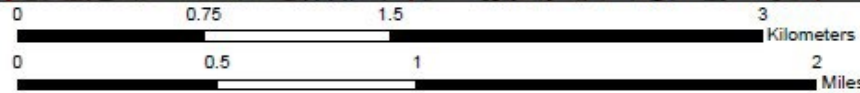
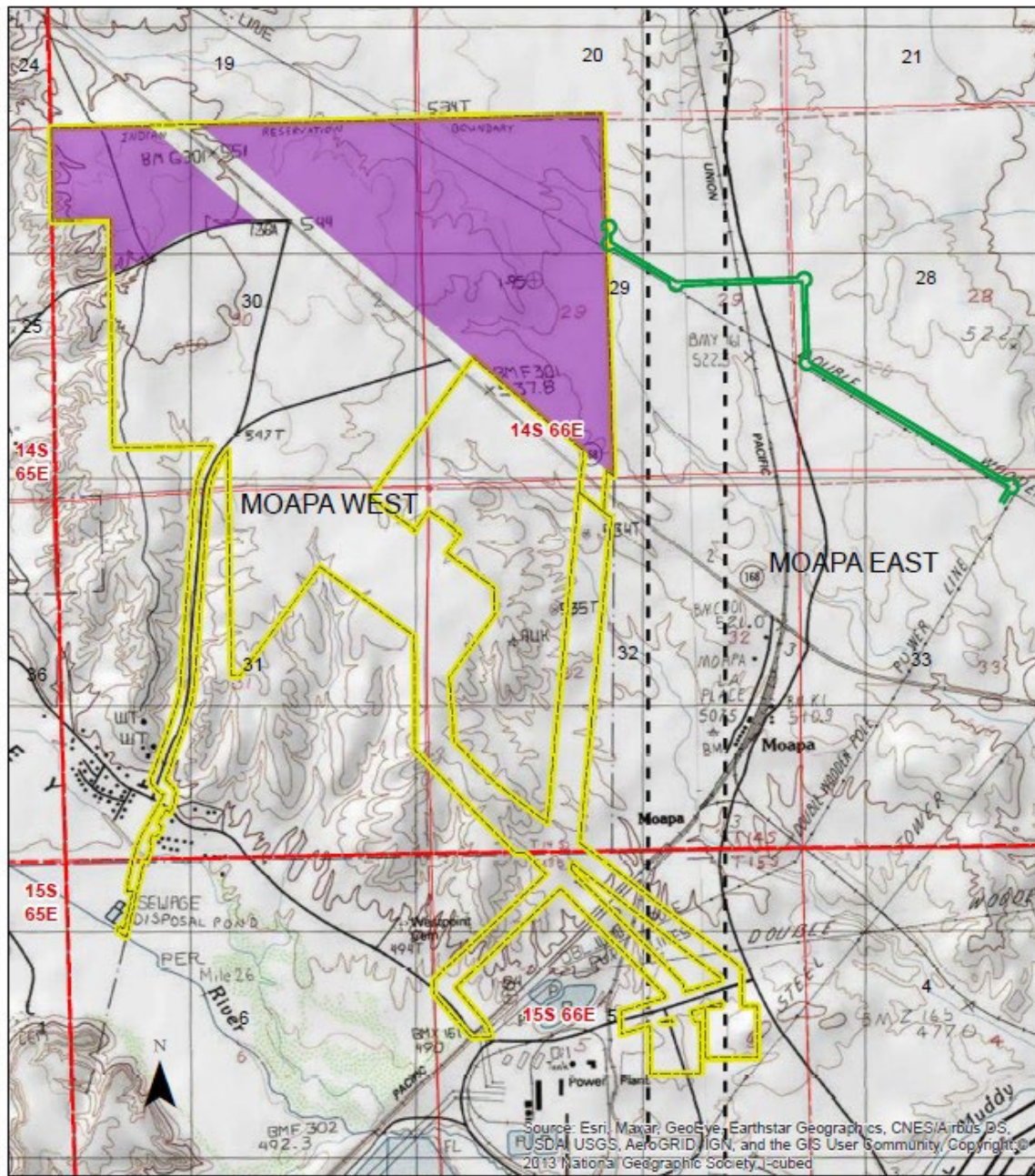
**APPROVED: BUREAU OF LAND MANAGEMENT, SOUTHERN NEVADA DISTRICT,
LAS VEGAS FIELD OFFICE**

By: _____ Date _____
Field Office Manager




APPROVED: TAMARACK SOLAR ENERGY, LLC

By: _____ Date _____
Vice President, Project Development

**APPENDIX A
MAP OF TAMARACK SOLAR PROJECT AREA**



Tamarack Solar Project Area
Project Located on the Moapa West and
Moapa East, NV 7.5-minute USGS Topographic Map
Map by A.J. Thompson, January 4, 2022
Knight & Leavitt Associates, Inc.

-  Tamarck Project Area
-  Gen-Tie Permanent Easement
-  Aiya Cultural Resource Survey Area