

**MEMORANDUM OF AGREEMENT
BETWEEN THE
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT WINNEMUCCA DISTRICT OFFICE
AND THE
NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
ORNI 35 LLC/ORMAT
NEW YORK CANYON TRANSMISSION LINE PROJECT
PERSHING COUNTY**

WHEREAS, the United States Department of the Interior, Bureau of Land Management, Winnemucca District (BLM) plans to issue a permit to Orni 35 LLC, a subsidiary of Ormat Technologies Inc. (collectively, Ormat) for the proposed New York Canyon Transmission Line (hereinafter known as the Project) situated in Pershing County, Nevada, thereby making the Project an undertaking subject to review under the National Historic Preservation Act, codified at 54 U.S.C. § 306101 et seq., and its implementing regulations at 36 CFR Part 800 et seq. (hereinafter known as Section 106); and

WHEREAS, the Project will construct a wooden-monopole-type 120-kilovolt electrical transmission line approximately 35.1 miles between the existing Oreana electrical substation located near Lovelock, Nevada, and the previously-approved but not-yet-constructed geothermal power facility located at New York Canyon at the western base of the Stillwater Mountains (Project description in Appendix A); and

WHEREAS, BLM has determined the Project's Direct Area of Potential Effects (APE) as an area approximately 35.1 miles long and 300 feet wide, totaling 1,277 acres, and the Indirect APE as a one-mile buffer around the transmission line totaling 46,516 acres immediately surrounding the Direct APE. The Direct and Indirect APEs cover public and private lands in Antelope Valley and across the West Humboldt Range through Coal Canyon in Pershing County, Nevada, located across Township 29 North, Range 33 East; Township 28 North, Range 33 East; Township 28 North, Range 32 East; Township 27 North, Range 32 East; Township 27 North, Range 33 East; Township 26 North, Range 33 East; Township 26 North, Range 34 East; Township 25 North, Range 34 East; Township 26 North, Range 35 East; Township 25 North, Range 35 East (Appendix A); and

WHEREAS, the BLM, in consultation with the Nevada State Historic Preservation Officer (SHPO), has determined that implementation of the Project will have adverse effects on three (3) sites (Appendix B, ^{Supplement} Table 1.1) and will require the monitoring of four (4) sites (Appendix B, Table 3.1)(hereinafter known as the historic properties) located within the Direct and Indirect APEs which are eligible for listing in the National Register of Historic Places (NRHP) under the Secretary of Interior's Significance Criteria A, B, and D; and

WHEREAS, the Advisory Council on Historic Preservation (ACHP) has not been invited to participate in this undertaking because the BLM has determined that it does not meet the regulatory requirements for ACHP participation as stipulated in Component 5 of the 2012 *Programmatic Agreement Among the Bureau of Land Management, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers Regarding the Manner in Which BLM Will Meet Its Responsibilities Under the National Historic Preservation Act*; and

*Patricia
4/21/22*

WHEREAS, the BLM has notified the following Native American tribes in the area about the Project—the Fallon Paiute-Shoshone Tribe, Lovelock Paiute Tribe, and Winnemucca Indian Colony (collectively the Tribes or individually by name)—and the BLM has offered Tribes the opportunity to be concurring parties to this Memorandum of Agreement (MOA); and

WHEREAS, the BLM has coordinated public participation for this MOA through the process set forth in NEPA, and has determined that there are no interested members of the public who might have concerns regarding the effect of the Project on historic properties; and

WHEREAS, the BLM has consulted with Ormat regarding the effects of the Project on historic properties and has invited Ormat to sign this MOA as an invited signatory; and

WHEREAS, jointly the BLM, the SHPO, and Ormat will be called the signatories and individually as signatory or by their name; and

WHEREAS, the definitions in the 2014 *State Protocol Agreement between The Bureau of Land Management, Nevada and the Nevada State Historic Preservation Officer for Implementing the National Historic Preservation Act* regarding the identification, evaluation, and treatment of historic properties on lands managed by the Nevada BLM are applicable throughout this MOA;

NOW, THEREFORE, it is mutually agreed by BLM and the SHPO that the Project will be implemented in accordance with the following stipulations in order to take into account the effects of the Project on the historic properties.

STIPULATIONS

BLM shall ensure that the following stipulations are implemented:

I. Historic Properties Treatment Plan (HPTP) Implementation

- A. The BLM, in consultation with the SHPO, has developed a HPTP (Appendix B, Campana and Spidell ²⁰²¹ 2019) for the historic properties that cannot be avoided by the Project and will be adversely affected. R. Palmer
4/21/22
- B. Ormat shall ensure completion of the HPTP and that a qualified (as determined by the BLM through the cultural resource use permitting process) cultural resource management firm (hereinafter known as the cultural contractor) completes the tasks and treatments outlined in the HPTP. All deliverables such as reports will be written or reviewed by a Principal Investigator qualified for the resource type and location according to the cultural contractor's BLM cultural resource use permit. All monitoring will be conducted by a Principal Investigator or Crew Chief qualified for the resource type and location according to the cultural contractor's BLM cultural resource use permit.
- C. The schedule for the completion of treatment tasks is outlined in the HPTP (Appendix B, Chapter 4). If changes are needed after the start date due to any unforeseen circumstances associated with the Project and the schedule, Ormat and the cultural contractor will revise the dates accordingly and submit them to the BLM for review and approval. The BLM

shall provide the revised schedule to all signatories to this MOA. This revision may not require an amendment to the MOA per Stipulation VI.

II. Notifications and Notices to Proceed

- A. Ormat shall not begin any ground disturbing activity within one mile of any of the historic properties until the BLM issues an NTP.
- B. Ormat or the cultural contractor shall notify the BLM via email or phone call at least one (1) business day prior to the implementation of ground disturbing activity within 30 meters of any of the historic properties that require archaeological monitoring (Appendix B, Table 3.1). The notification will at a minimum include information regarding dates and locations of ground disturbing activities, and the name of the cultural contractor and specific staff who will be conducting the monitoring.
- C. The BLM may issue Notices to Proceed (NTP) to Ormat after the BLM and the SHPO have had the opportunity to review the following to ensure conformance with the HPTP. In the event that all proposed ground disturbing activities do not occur concurrently, the BLM may issue separate NTPs specifying the locations where ground disturbing activities may occur.
 - 1. Ormat shall ensure that the cultural contractor provides the BLM with a summary of the fieldwork (e.g., photo-documentation, mapping, etc.) for each historic property after it is completed. Ormat shall ensure the fieldwork summaries are submitted to the BLM within five (5) business days of completion of the work.
 - 2. BLM shall complete their review of fieldwork summaries within ten (10) business days of receipt. The BLM will determine if the fieldwork satisfies the requirements of the HPTP. Ormat shall ensure that the cultural contractor addresses any comments raised by the BLM within ten (10) business days of receipt and resubmits the fieldwork summary for BLM review.
 - 3. BLM will forward to the SHPO the fieldwork summary and the BLM's intention to issue an NTP and request concurrence from the SHPO.
 - 4. The SHPO will complete their review within ten (10) business days. If the SHPO does not respond within the ten (10) business days, the BLM may issue the NTP.
 - 5. BLM will address SHPO comments on the fieldwork summaries and submit the updated fieldwork summary to the SHPO for review and comment. The SHPO will review and comment on the updated fieldwork summary within five (5) business days from date of receipt of an updated summary. If the SHPO does not respond within five (5) business days from date of receipt of the updated fieldwork summary, the BLM may issue the NTP.

III. Review of HPTP Mitigation Deliverables

- A. BLM shall ensure that Ormat, or the cultural contractor, submits drafts of all mitigation products and deliverables (e.g., resource documentation packages, updated IMACS forms,

monitoring reports; hereinafter referred to as mitigation documents) described in the HPTP to BLM either individually or as a single submission. The mitigation documents will be produced and submitted to BLM in accordance with the schedule outlined in the HPTP.

1. BLM shall review the draft mitigation documents and notify the cultural contractor and Ormat that BLM either accepts or rejects the draft mitigation documents. The BLM may provide comments or suggested edits to the cultural contractor to update the draft mitigation documents.
2. Ormat, through its cultural contractor, will revise the draft mitigation documents to address BLM comments. Upon BLM approval of the draft mitigation documents, BLM shall provide the draft mitigation documents to the SHPO for review and comment.
3. The SHPO will have thirty (30) calendar days from receipt to provide comments on the draft mitigation documents. If the SHPO does not respond within thirty (30) calendar days of receipt, the BLM may finalize the draft mitigation documents.
4. BLM, or Ormat through the cultural contractor, shall address all SHPO comments on the draft mitigation documents, by making any necessary changes and addressing any outstanding issues.
5. BLM will submit the updated final mitigation documents to the SHPO.

IV. Post-Review Discoveries and Unanticipated Adverse Effects to Historic Properties

A. Inadvertent discoveries or unanticipated adverse effects to historic properties while this MOA is in effect will be addressed as follows.

1. Upon discovery of previously unknown cultural resources, any work in or in the vicinity of the historic property will be immediately stopped and a 30-meter avoidance buffer established around the discovered property. The cultural contractor and/or BLM will visit, document, and assess the site and document their eligibility recommendation or determination, respectively. The BLM will consult with the SHPO on the eligibility of the resource. If the BLM and the SHPO agree that the site is not eligible, then BLM may issue a NTP to resume activity within the site. If the BLM and the SHPO agree that the site is a historic property, then the resource will either be avoided or mitigated via an amendment to this MOA and HPTP in consultation with the SHPO and the Tribes. The BLM may issue a NTP to resume activity after the historic property is mitigated.
2. Upon finding unanticipated effects on historic properties, any work in or in the vicinity of the historic property will be immediately stopped and a 30-meter avoidance buffer established around the discovered property. The cultural contractor and/or BLM will visit, document, and assess the site. The BLM will consult with the SHPO and the Tribes on the proper resolution to the unanticipated effects and any necessary mitigation will occur via an amendment to this MOA and HPTP. The BLM may issue a NTP to resume activity after the unanticipated effects are resolved.

- B. In the event that inadvertent discoveries are made, or unanticipated adverse effects are determined that cannot be addressed by the HPTP, then the processes outlined in 36 CFR § 800.13(b)(2) or the NAGPRA regulations at 43 CFR § 10.3 and 43 CFR § 10.4, as appropriate, will be implemented.
- C. Human remains and associated grave goods discovered on private land will be addressed in accordance with the provisions of Nevada Revised Statutes 383. This MOA is intended to meet the terms found in NRS 383.121 as amended (Chapter 523, Statutes of Nevada 2017, page 3544) for an “existing agreement with a federal agency that was executed pursuant to federal law and that relates to the discovery of prehistoric native Indian human remains or a funerary object.” Execution of this MOA means that the provisions for notification found in NRS 383.121, as amended, do not apply. Standard notification requirements found in NRS 383.150 to NRS 383.190, amended, do apply.

V. Dispute Resolution

- A. Should any signatory or concurring party object to any proposed actions or to the manner in which the terms of this MOA are implemented, the BLM shall consult with the objecting party to resolve the objection. If either the objecting party or the BLM determines the objection cannot be resolved, the following actions may be taken:
 - 1. The BLM shall forward all the documentation relevant to the dispute to the ACHP. The ACHP shall provide the BLM and the objecting party its advice on resolution of the objection within 30 days of receipt of adequate documentation. Prior to reaching a final decision on the dispute, the BLM shall prepare a written response that takes into account the advice provided by the ACHP and any comments from signatories or concurring parties to this MOA. The BLM shall provide the written response to all signatories and concurring parties. The BLM shall then proceed according to its final decision.
 - 2. If the ACHP does not provide advice regarding the dispute within 30 days, the BLM may make a final decision provided it has taken into account the comments provided by the signatories and concurring parties. The BLM shall provide all parties and ACHP with the final written decision and proceed accordingly.
 - 3. BLM’s responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of a dispute will remain unchanged.

VI. Amendments

This MOA may be amended with the written consent of the signatories. Any amendment will be effective on the date a copy is signed by all the signatories. BLM shall file a copy with the ACHP.

VII. Termination

If any signatory to this MOA determines that its terms will not or cannot be carried out, that signatory shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VI, above. If within thirty (30) days (or another time period

agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

If the MOA is terminated, and prior to work continuing on the undertaking, the BLM must either (a) execute an 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.

VIII. Duration

This MOA will become effective upon execution by the BLM and the SHPO and will expire if its stipulations are not carried out within five (5) years from the date of full execution or unless it is terminated under Stipulation VII. Prior to such time, BLM may consult with the SHPO and Ormat to reconsider the terms of the MOA and amend it in accordance with Stipulation VI above. BLM shall notify the SHPO and Ormat as to the course of action it will pursue.

IX. Transfer

If the Project is sold or otherwise transferred to another operator or entity, all provisions of this MOA will remain in effect unless the MOA is amended or terminated following the stipulated processes. BLM shall notify the SHPO of any sale or transfer within sixty (60) days of the event.

X. Execution

- A. Execution of this MOA by the BLM and the SHPO, and implementation of its terms evidence that the BLM has taken into account the effects of the Project on historic properties.
- B. This MOA may be executed in counterparts, each of which shall constitute an original, and all of which shall constitute one and the same agreement.

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SIGNATORIES:

Department of the Interior, Bureau of Land Management, Winnemucca District

For Susan Grande *3.24.22*

Kathleen Rehberg HRFO Field Manager Date

Nevada State Historic Preservation Office

Rebecca L. Palmer *4/21/2022*

Rebecca L. Palmer, Nevada State Historic Preservation Officer Date

INVITED SIGNATORY:

Ormat Technologies Inc.

Date

CONCURRING PARTIES:

Fallon Paiute-Shoshone Tribe

Len George, Chairman Date

Lovelock Paiute Tribe

Stephanie Rhodes, Chairwoman Date

Winnemucca Indian Colony

Judy Rojo, Chairwoman Date

LIST OF APPENDICES

Appendix A: Project Proposed Action and Figures

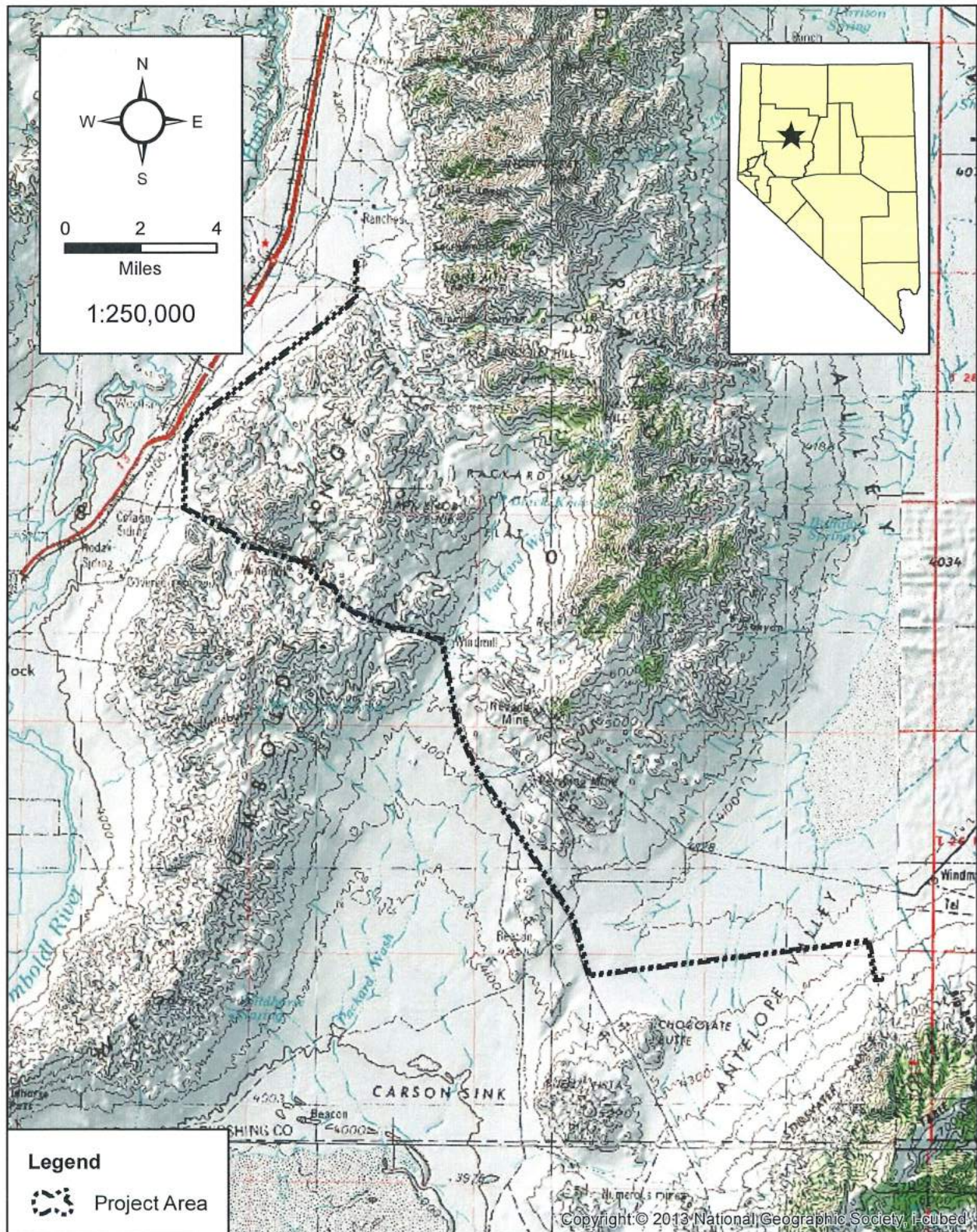
Appendix B: *A Historic Properties Treatment Plan for the New York Canyon Project 120Kv Transmission Line, Pershing County, Nevada*

**APPENDIX A:
PROPOSED ACTION
AND
PROJECT FIGURES**

The following project description was summarized from the Environmental Assessment for the New York Canyon Geothermal Utilization and Interconnect Project (DOI-BLM-NV-W010-2012-0005-EA) as well as the Cultural Resource Inventory Needs Assessment of the Orni 35 LLC/Ormat New York Canyon Transmission Line Project:

In March 2011, Terra-Gen Power Dixie Development LLC (TGP) submitted a Plan of Utilization and Plan of Development to the BLM Winnemucca District Humboldt River Field Office to develop a geothermal power plant and facilities as well as a 230-kilovolt electrical transmission line. The BLM approved the project in June 2013, conditional upon US Fish and Wildlife Service concurrence on an Eagle Conservation Plan which as of February 2020 has yet to occur.

In May 2016, Orni 35 LLC, a subsidiary of Ormat Technologies Inc. (Ormat), purchased geothermal leases from TGP. In May 2017, Ormat submitted an application to the BLM Humboldt River Field Office to obtain a transmission line right-of-way. The proposed transmission line consists of a 120-kilovolt transmission line originating at the approved but not-yet-constructed New York Canyon Substation adjacent to the power plant, and terminating at its tie-in at the NV Energy power grid at the existing Oreana Substation. The proposed transmission line would travel approximately 35.1 miles from the approved power plant, west across Antelope Valley, north to Coal Canyon, northwest through Coal Canyon, then northeast along the western base of the West Humboldt Range to Oreana, Nevada. A large majority (80-90%) of the proposed transmission line would be constructed adjacent to existing roads and/or old rights-of-way such as dismantled NV Energy transmission lines. The transmission line length on BLM administered lands would be approximately 21 miles; the remaining length would be located on private lands. The transmission line would consist of a single 120-kilovolt circuit on direct-buried wood monopole structures. Poles would be approximately 1.5 to 2 feet in diameter and heights would be 61 to 92.5 feet above ground level. Overhead line spans would be approximately 450 feet between poles. The transmission line right-of-way would be 300 feet wide, consisting of a 90-foot permanent right-of-way and a temporary 210-foot temporary construction right-of-way.



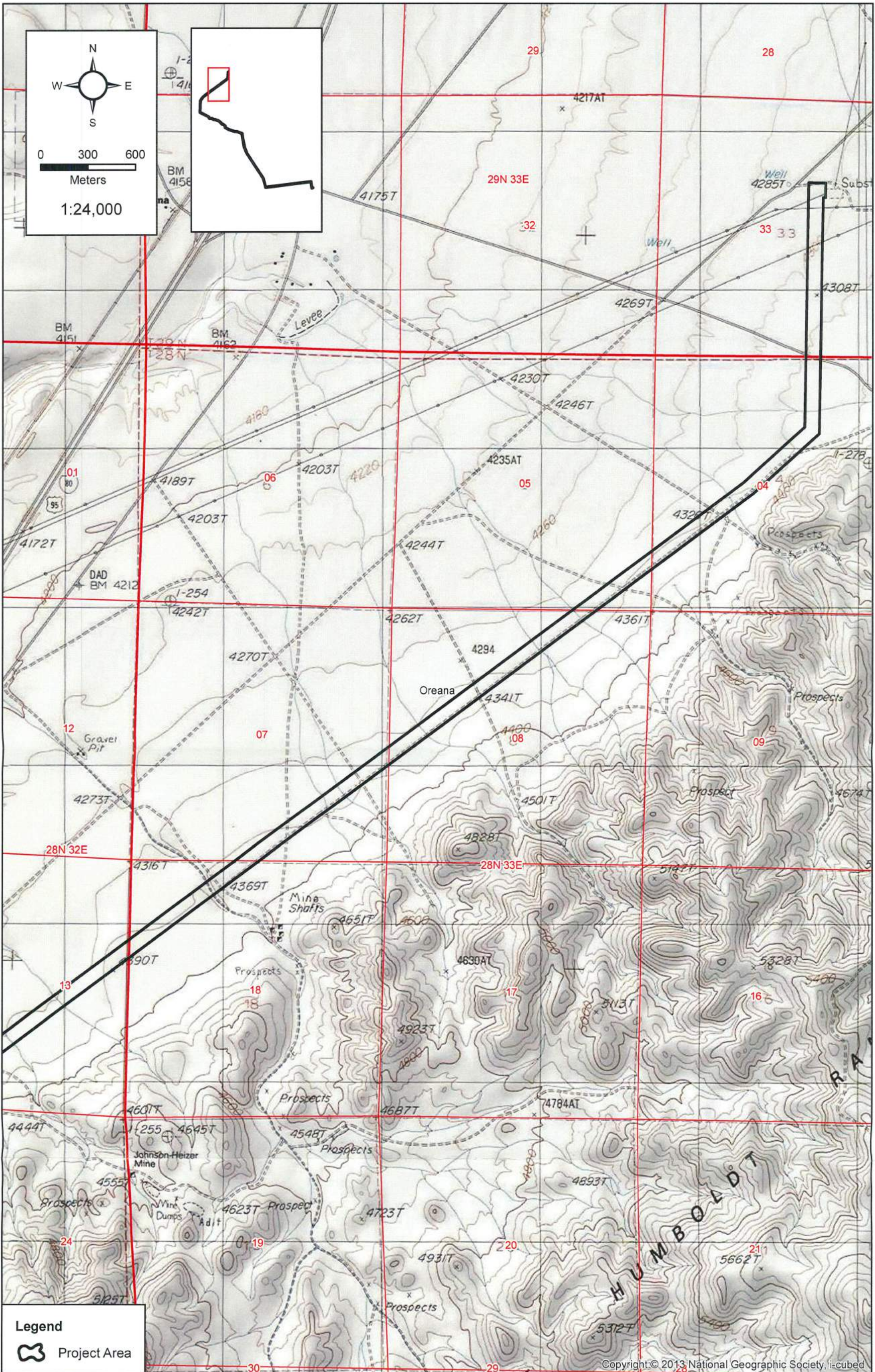
Legend

 Project Area

Appendix A: Figure 1.1 - Project Vicinity Map
 Base Map: USGS 1:100,000 or 250,000 *Lovelock, Nev.*, 1995. T.25-29N., R.32-45E., Sections 33, 4-5, 7-8, 18, 13, 23-24, 26, 34-35, 1-2, 12, 7-8, 16-17, 21-25, 36, 1, 12, 6-7, 17-18, 20-21, 28-29, 33, 1-4, 2, 6, and 31-35, Datum (NAD 83, meters)
 Project: New York Canyon Project 120 kV Transmission Line, Pershing County, Nevada (KEC-1157)
 Report No. CR2-3388(P)
 Author: Kautz Environmental Consultants
 Date Produced: 10/29/2019

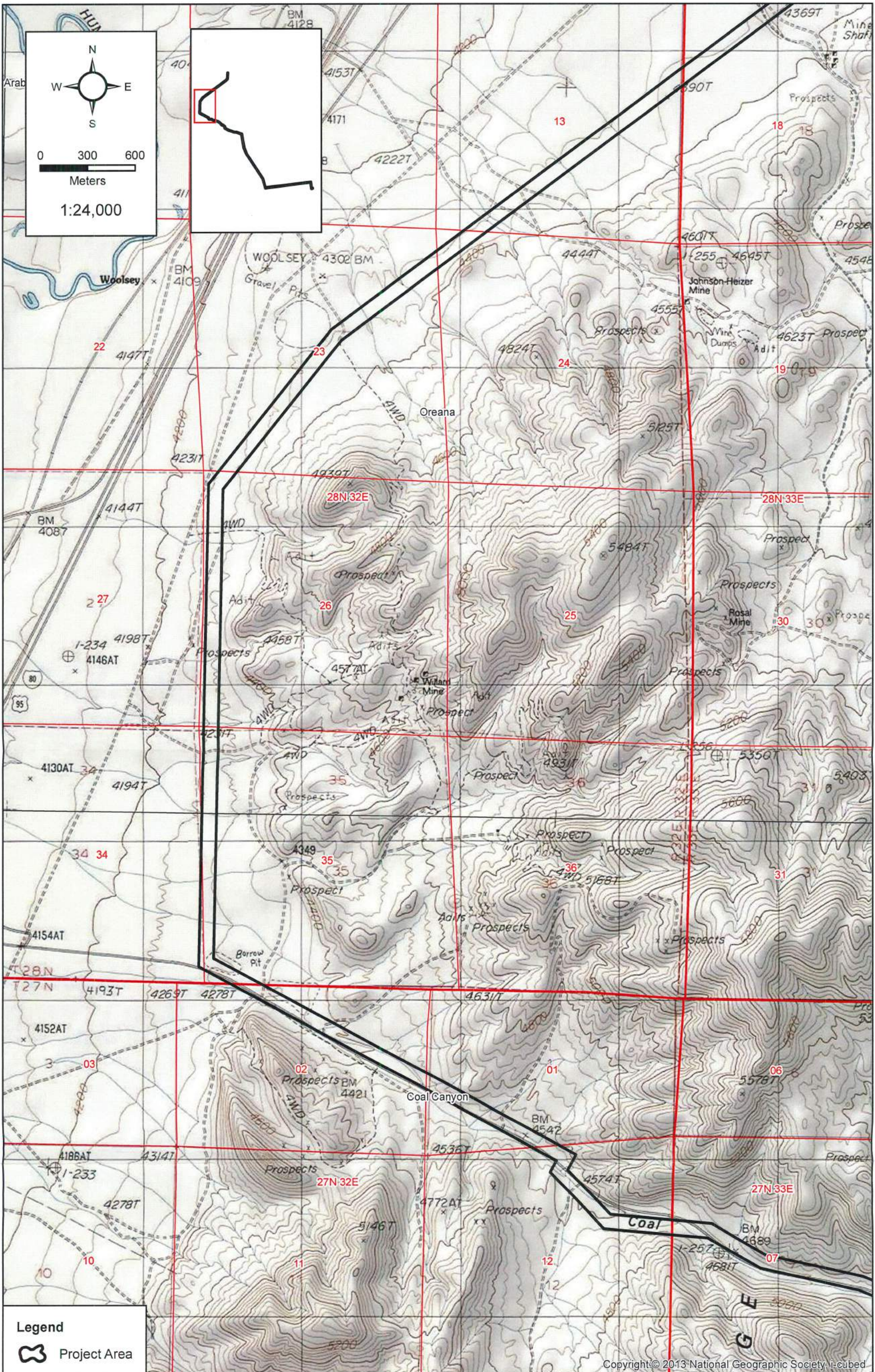
kautz
 ENVIRONMENTAL CONSULTANTS, INC.





Appendix A: Figure 1.2 - Project Location Map 1
 Base Map: USGS 7.5 Oreana, Nev., 1987. T.28-29N., R.32-33E., Sections 33, 4-5, 7-8, 18, and 13,
 Datum (NAD 83, meters)
 Project: New York Canyon Project 120 kV Transmission Line, Pershing County, Nevada (KEC-1157)
 Report No. CR2-3388(P)
 Author: Kautz Environmental Consultants
 Date Produced: 10/29/2019

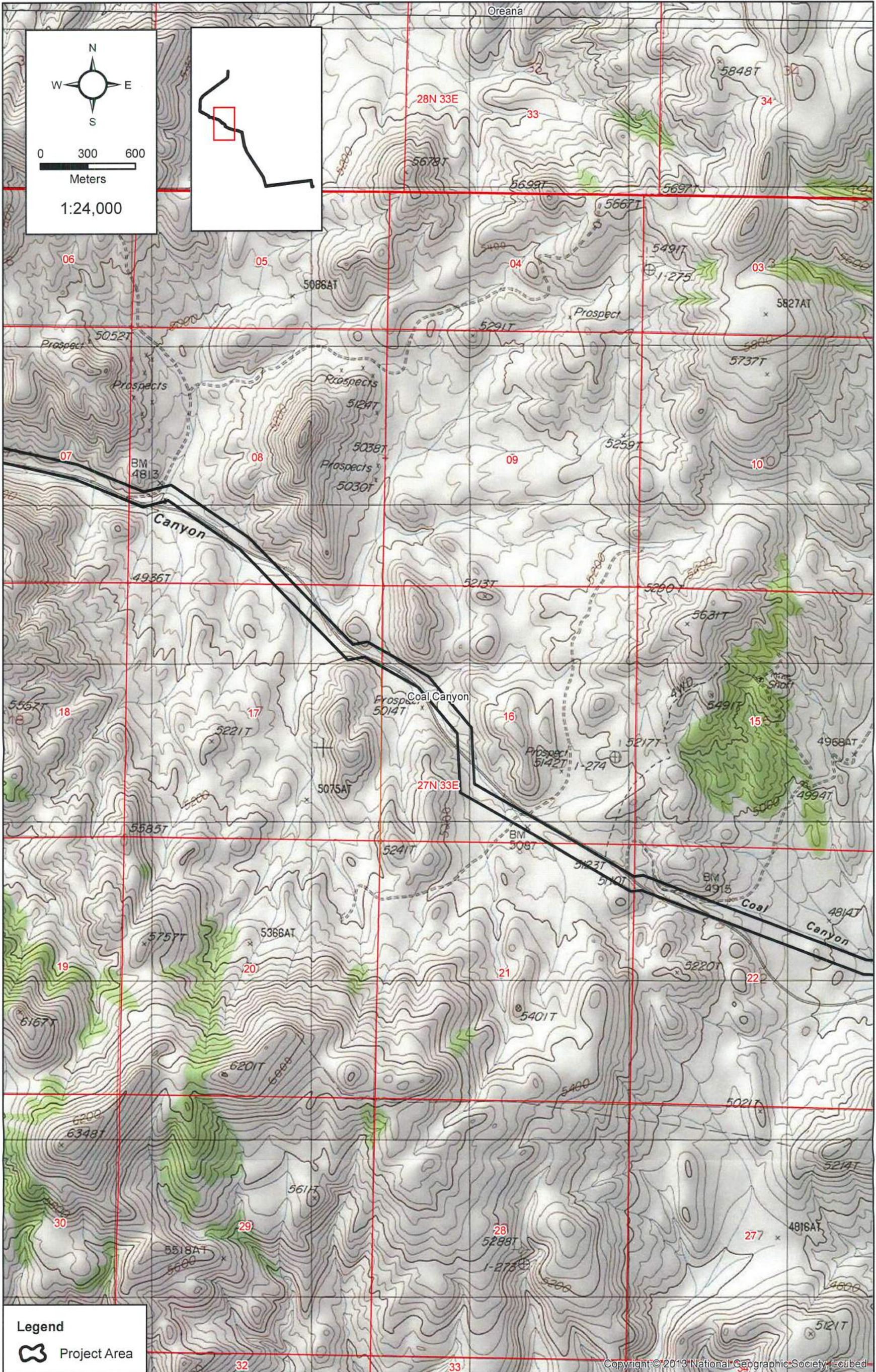




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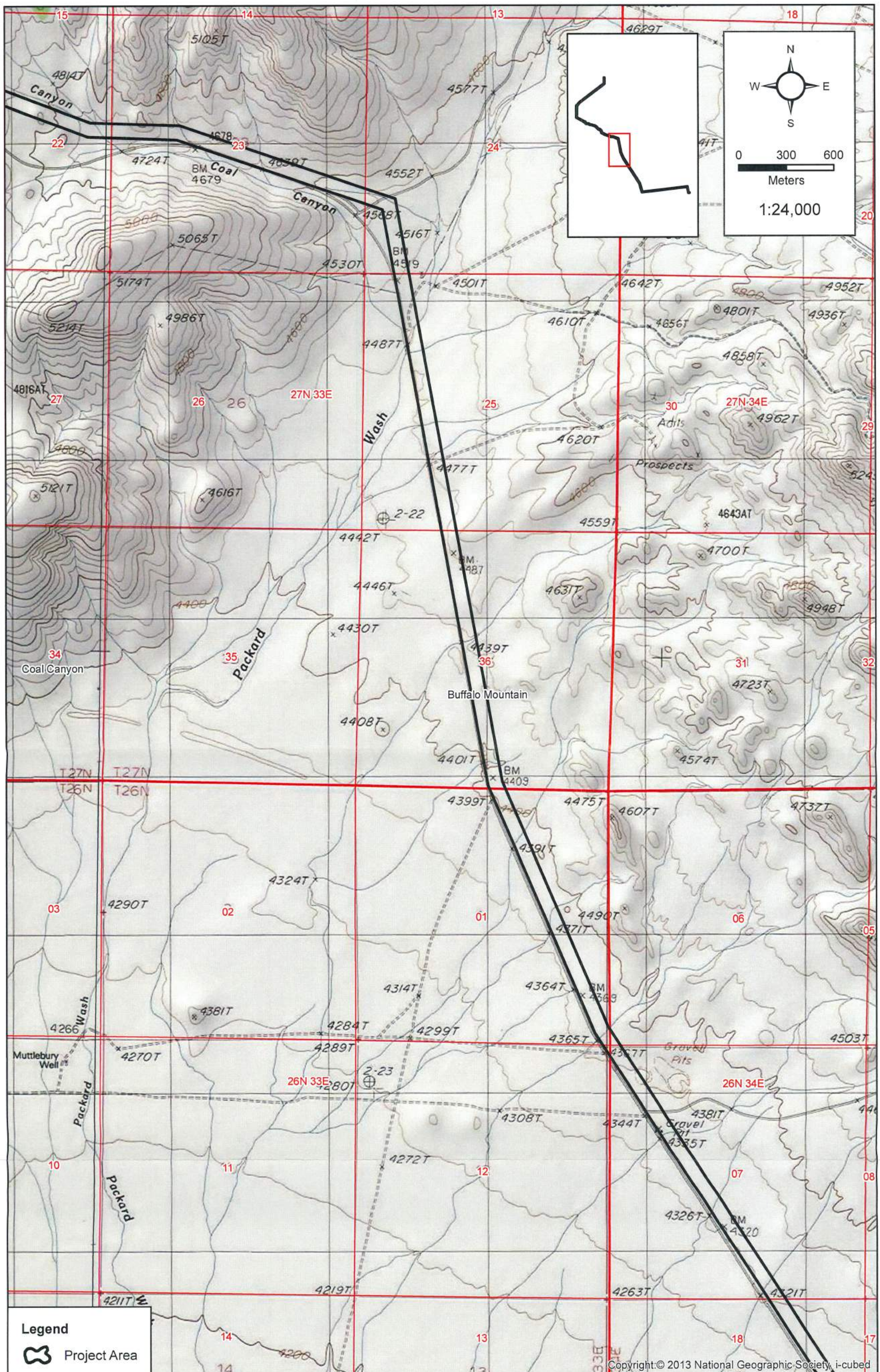
Appendix A: Figure 1.2 - Project Location Map 2
 Base Map: USGS 7.5 Oreana, Nev., 1987 and Coal Canyon, Nev., 1987. T.27-28N., R.32-33E.,
 Sections 18, 13, 23-24, 26, 34-35, 1-2, 12, and 7, Datum (NAD 83, meters)
 Project: New York Canyon Project 120 kV Transmission Line, Pershing County, Nevada (KEC-1157)
 Report No. CR2-3388(P)
 Author: Kautz Environmental Consultants
 Date Produced: 10/29/2019





Appendix A: Figure 1.2 - Project Location Map 3
 Base Map: USGS 7.5 Coal Canyon, Nev., 1987. T.27N., R.33E., Sections 7-8, 16-17, and 21-22, Datum (NAD 83, meters)
 Project: New York Canyon Project 120 kV Transmission Line, Pershing County, Nevada (KEC-1157)
 Report No. CR2-3388(P)
 Author: Kautz Environmental Consultants
 Date Produced: 10/29/2019

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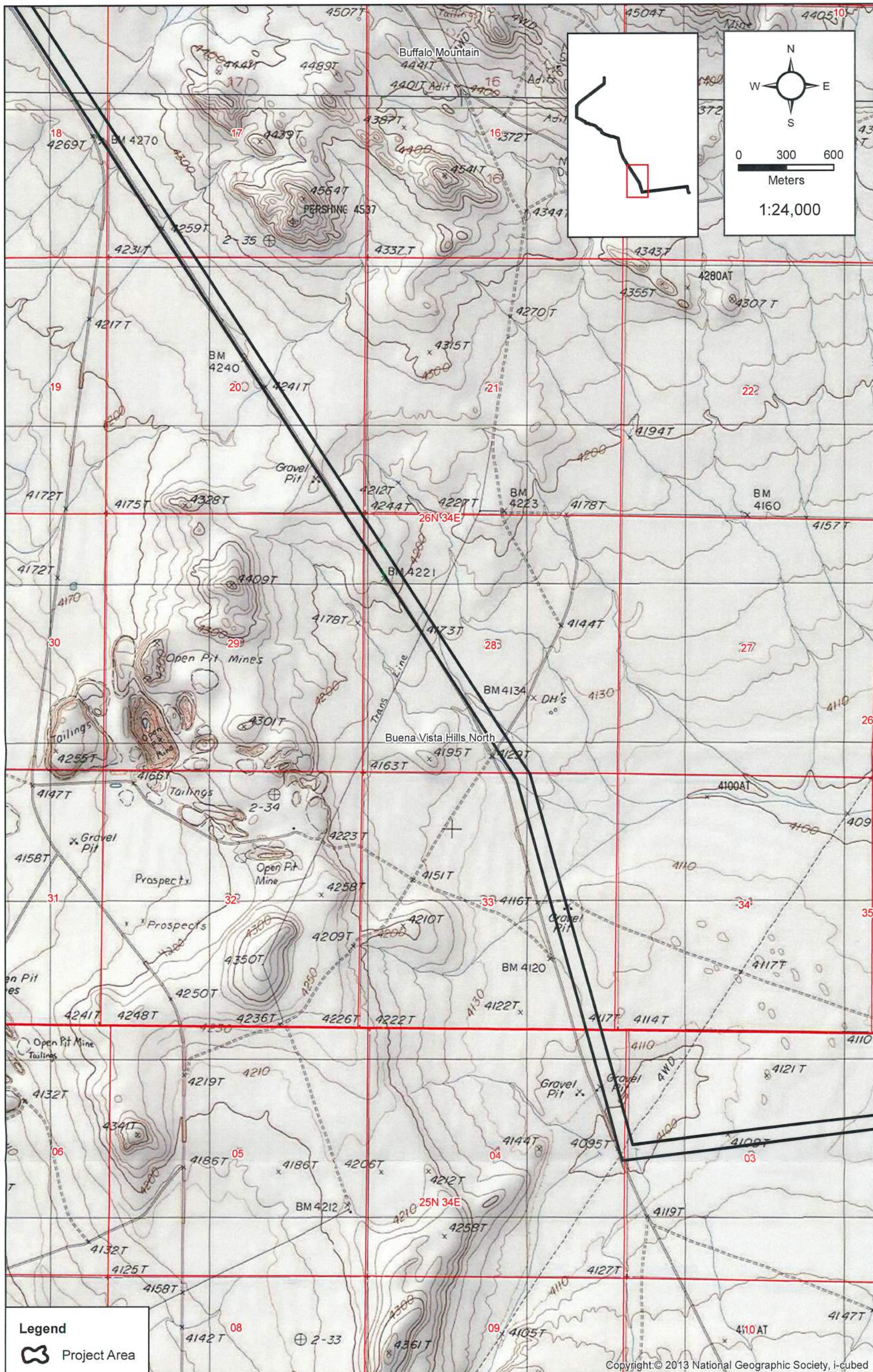


Legend
 Project Area

Appendix A: Figure 1.2 - Project Location Map 4
 Base Map: USGS 7.5 Coal Canyon, Nev., 1987 and Buffalo Mountain, Nev., 1987. T.26-27N., R.33-34E., Sections 22-25, 36, 1, 12, 6-7, and 18, Datum (NAD 83, meters)
 Project: New York Canyon Project 120 kV Transmission Line, Pershing County, Nevada (KEC-1157)
 Report No. CR2-3388(P)
 Author: Kautz Environmental Consultants
 Date Produced: 10/29/2019



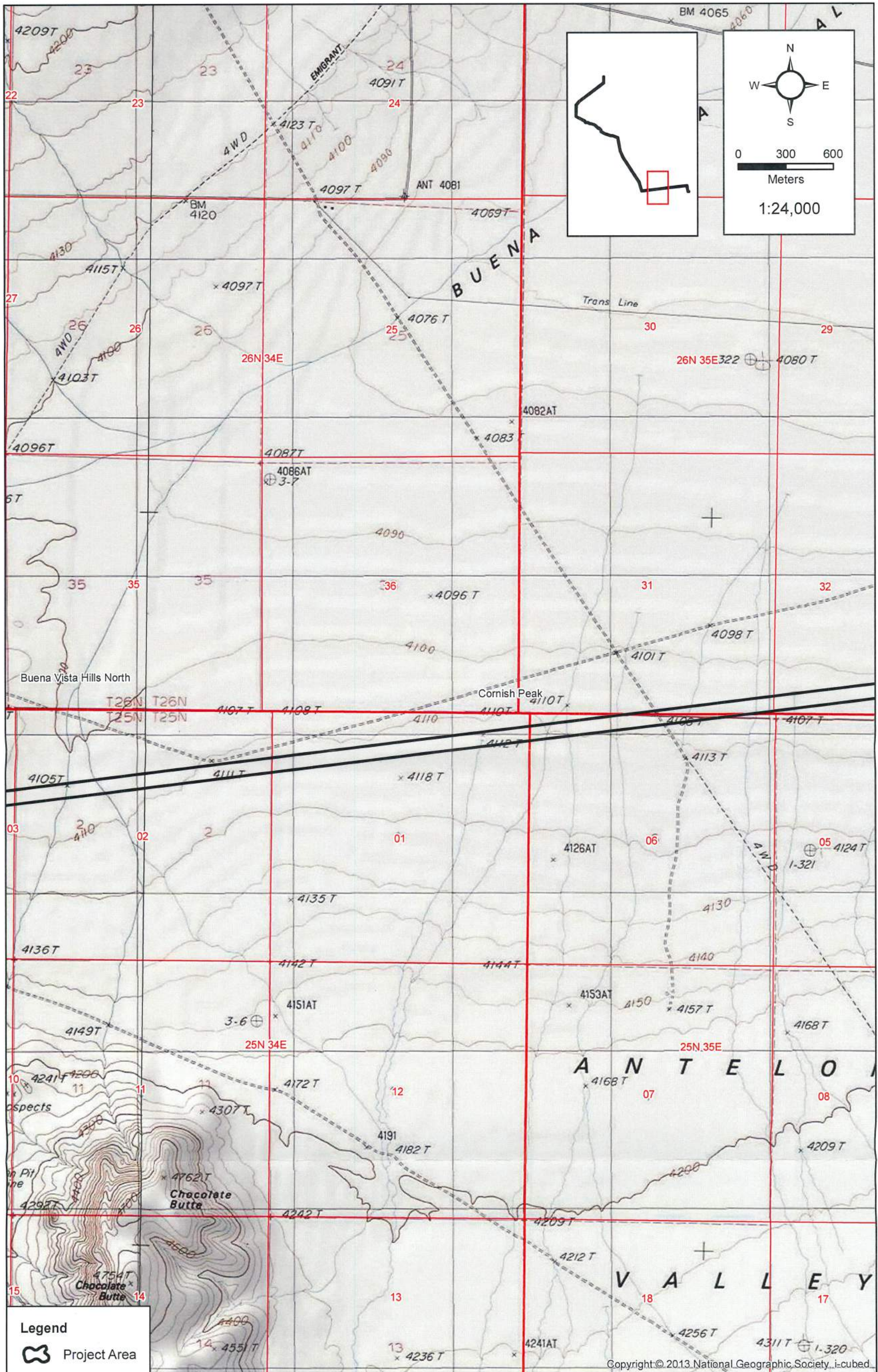
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Appendix A: Figure 1.2 - Project Location Map 5
 Base Map: USGS 7.5 Buena Vista Hills North, Nev., 1987 and Buffalo Mountain, Nev., 1987. T.25-26N., R.34E., Sections 7, 17-18, 20-21, 28-29, 33, and 3-4, Datum (NAD 83, meters)
 Project: New York Canyon Project 120 kV Transmission Line, Pershing County, Nevada (KEC-1157)
 Report No. CR2-3388(P)
 Author: Kautz Environmental Consultants
 Date Produced: 10/29/2019



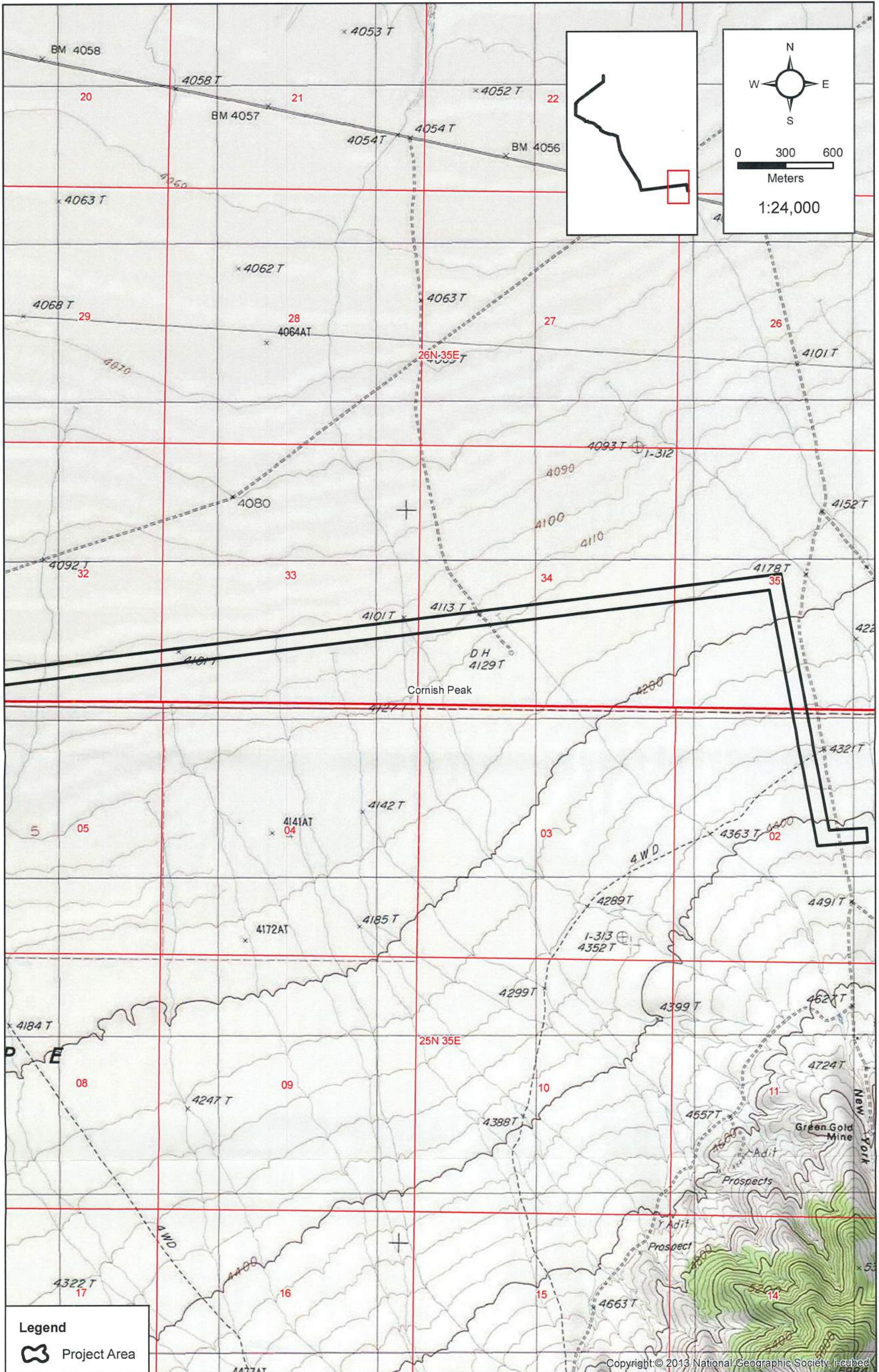


Legend
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Appendix A: Figure 1.2 - Project Location Map 6
 Base Map: USGS 7.5 Buena Vista Hills North, Nev., 1987 and Cornish Peak, Nev., 1987. T.25-26N., R.34-35E., Sections 1-3, 6, and 31-32 Datum (NAD 83, meters)
 Project: New York Canyon Project 120 kV Transmission Line, Pershing County, Nevada (KEC-1157)
 Report No. CR2-3388(P)
 Author: Kautz Environmental Consultants
 Date Produced: 10/29/2019

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Legend
 Project Area

Appendix A: Figure 1.2 - Project Location Map 7
 Base Map: USGS 7.5 Cornish Peak, Nev., 1987. T.25-26N., R.35E., Sections 32-35, and 2 Datum (NAD 83, meters)
 Project: New York Canyon Project 120 kV Transmission Line, Pershing County, Nevada (KEC-1157)
 Report No. CR2-3388(P)
 Author: Kautz Environmental Consultants
 Date Produced: 10/29/2019

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APPENDIX B:
HISTORIC PROPERTY TREATMENT PLAN

APPENDIX B (SUPPLEMENT):

TABLES FROM THE HISTORIC PROPERTY TREATMENT PLAN

(created by SHPO on 4/15/22 based on data from *Historic Properties Treatment Plan for the New York Canyon Project 120Kv Transmission Line, Pershing County Nevada* (Campana and Spidell; 2021)

Table 1.1: Historic Properties Adversely Affected by the Project

Agency Number	Trinomial	Historic Property Description	NRHP Eligibility Significance Criterion
CrNV-02-00471	26PE3862	Nevada Short Line Railroad Segment	Criteria A and B
CrNV-02-9577	26PE3551	Historic Road	Criteria A and D
CrNV-02-12749	26PE4263	County Road 396/Coal Canyon-Stillwater Road	Criterion A

Table 3.1: Historic Properties Avoided and Monitored during the Project

Agency Number	Trinomial	Historic Property Description	NRHP Eligibility Significance Criterion
CrNV-02-471	26PE3862	Nevada Short Line Railroad Segment	Criteria A and B
CrNV-02-9577	26PE3551	Historic Road	Criteria A and D
CrNV-02-13540	26PE4595	Humboldt Intermediate Airfield	Criterion D
CrNV-02-13541	26PE4596	Lithic Scatter	Criterion D

This attachment contains information that may be considered privileged and that may be exempt from Freedom of Information Act (FOIA) requests.

Please consult the appropriate federal agency concerning this attachment for further information.