

**MEMORANDUM OF AGREEMENT
AMONG
THE BUREAU OF RECLAMATION
AND
THE NEVADA STATE HISTORIC PRESERVATION OFFICER
FOR PROPOSED SAFETY IMPROVEMENTS TO THE TOP OF HOOVER DAM,
CLARK COUNTY, NEVADA**

WHEREAS, the Bureau of Reclamation, Lower Colorado Regional Office (Reclamation) is proposing to remove Jersey barriers and install safety bollards at the outer edge of the sidewalk along both sides of the access road as it traverses the crest of Hoover Dam (the "Undertaking"). The Undertaking includes installation of bollards, accessible ramps and raised crosswalks, and widening existing sidewalks. The Undertaking is within the Hoover Dam National Historic Landmark (NHL) in Clark County, Nevada and Mohave County, Arizona, that will occur within the Undertaking's area of potential effect (APE) as depicted in Figures A.1 through A.6.; and

WHEREAS, the Undertaking, intended to increase safety for pedestrians by reducing the risk of vehicular collisions, will construct bollards at the outer edge of the sidewalk along both sides of the access road as it traverses the crest of Hoover Dam; and

WHEREAS, the proposed work includes widening of existing non-historic sidewalks, removal of some non-historic ramps, and installation of accessible ramps and raised crosswalks; and

WHEREAS, Reclamation, in consultation with the Nevada State Historic Preservation Officer (NSHPO), Arizona State Historic Preservation Officer (ASHPO), and National Park Service have previously determined that the Hoover Dam is a National Register and National Landmark property; and

WHEREAS, in consultation with the NSHPO, Reclamation has found the Undertaking will have an adverse effect to Hoover Dam and has consulted pursuant to 36 CFR § 800 of the regulations implementing Section 106 of the National Historic Preservation Act (NHPA; 54 U.S.C. § 306108) concerning its finding; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1) Reclamation has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect finding and provided the ACHP with the documentation specified at 36 CFR § 800.11(e) and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the Signatories agree that this Memorandum of Agreement (MOA) may be signed in counterparts and the executed MOA, and each signature, will be effective and binding as if all the Signatories had signed the same document; and

NOW, THEREFORE, Reclamation and the NSHPO 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

Reclamation shall ensure the following stipulations are carried out:

1. Photo documentation of the Crest of Hoover Dam.

Reclamation will document the crest of Hoover Dam using archival quality photo-documentation in large format negatives and photos.

- A. Reclamation will complete photo documentation prior to any construction or ground disturbance associated with the Undertaking and submit draft images to the NSHPO for review and comment.
 - B. The NSHPO will review the draft images within fifteen (15) calendar days of receipt. The SHPO will send its comments to Reclamation for action, if needed. Reclamation will consider all substantive written comments for incorporation into the final documents or other deliverables. If NSHPO does not comment within fifteen (15) days, Reclamation may finalize the photos and proceed with the Undertaking.
2. Display of historic photographs showing the top of Hoover Dam prior to bollard construction in a location that is viewable by visitors:

- A. Reclamation will develop a draft educational information display that will convey historical information to Hoover Dam visitors about Reclamation, Hoover Dam, and the crest of Hoover Dam before the bollards were installed, and the changing security needs that required installation of the bollards. Reclamation shall submit the draft information to the NSHPO for review and comment. The exhibit will include photographs, and narrative interpretations.
- B. The NSHPO will review the draft education information within thirty (30) calendar days of receipt. The SHPO will send its comments to Reclamation for action, if needed. Reclamation will consider all substantive written comments for incorporation into the final documents or other deliverables. If NSHPO does not comment within thirty (30) days of receipt, Reclamation may finalize the education information.

3. Duration of This Agreement

This MOA will expire if its stipulations are not carried out within five (5) years from the date of its execution. At such time, and prior to work continuing on the Undertaking, Reclamation shall either (a) execute a MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. Prior to such time, Reclamation may consult with the SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation 4 below. Reclamation shall notify the SHPO as to the course of action it will pursue.

4. 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, Reclamation shall consult with such party to resolve the objection. If Reclamation determines that such objection cannot be resolved, Reclamation will:

- A. Forward all documentation relevant to the dispute, including Reclamation's proposed resolution, to the ACHP. The ACHP shall provide Reclamation 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, Reclamation shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, the SHPO, and other consulting parties, and provide them with a copy of this written response. Reclamation will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, Reclamation may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, Reclamation shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO and other consulting parties to the MOA and provide them and the ACHP with a copy of such written response.
- C. Reclamation's responsibilities to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

5. Amendments

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

6. Termination

If any Signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other party to attempt to develop an amendment per Stipulation 5, above. If within thirty (30) days an amendment cannot be reached, any Signatory may terminate the MOA upon written notification to the other Signatory.


Once the MOA is terminated, and prior to work continuing on the Undertaking, Reclamation must either (a) execute a MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. Reclamation shall notify the SHPO as to the course of action it will pursue.

EXECUTION of this MOA by Reclamation and the NSHPO, and the implementation of its terms, will evidence that Reclamation has afforded the ACHP an opportunity to comment on the

Undertaking and that Reclamation has taken into account the effects of the Undertaking on historic properties.

SIGNATORY PARTIES

BUREAU OF RECLAMATION

By:  Date: Feb 21, 2020
Leonard Schilling, Area Manager, Lower Colorado Dams Office

NEVADA STATE HISTORIC PRESERVATION OFFICER

By:  Date: March 04, 2020
Rebecca L. Palmer, Nevada Historic Preservation Officer

Appendix A
Exhibits

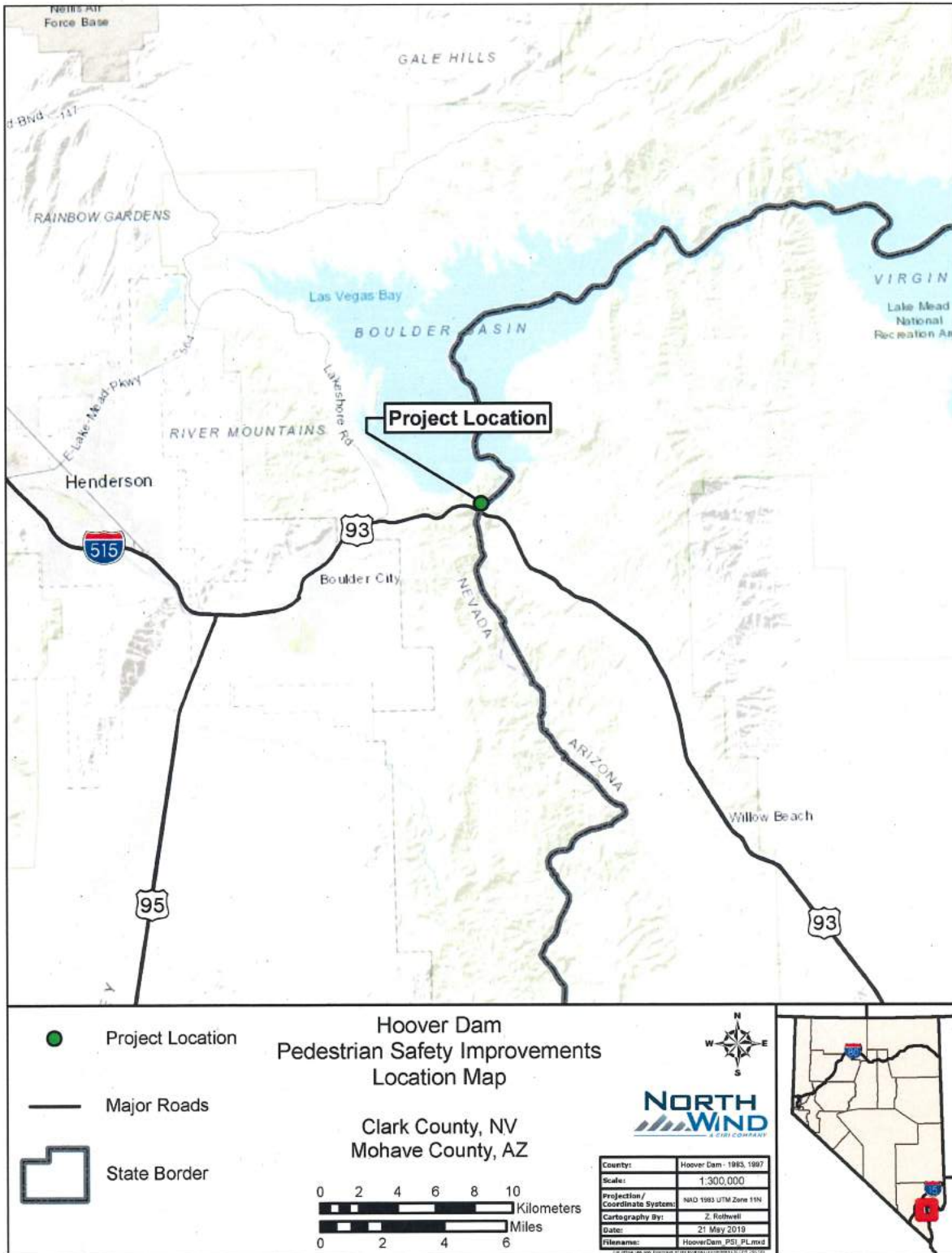


Figure A.1. Project Location Map.

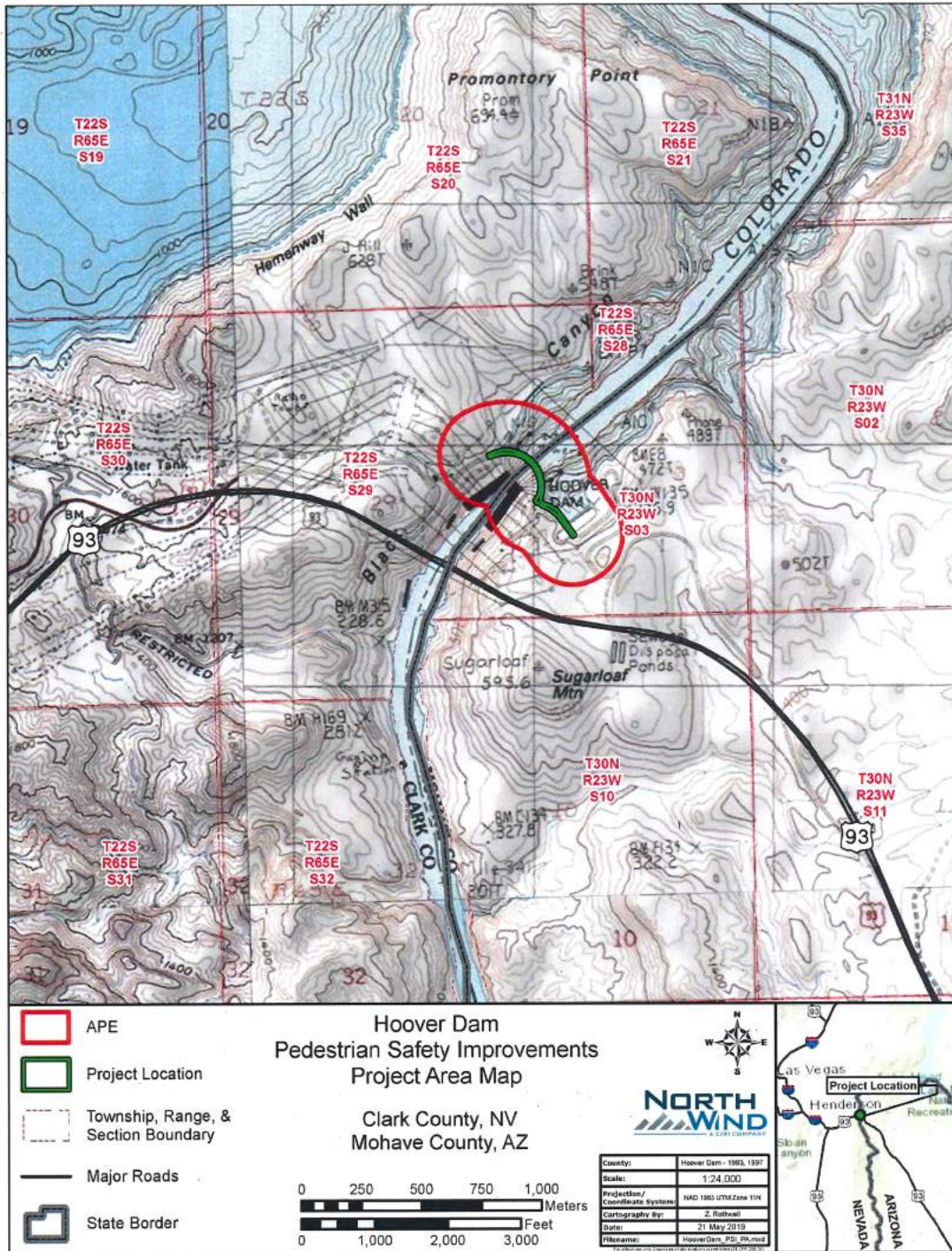


Figure A.2. Project Area Map showing location of undertaking in green.

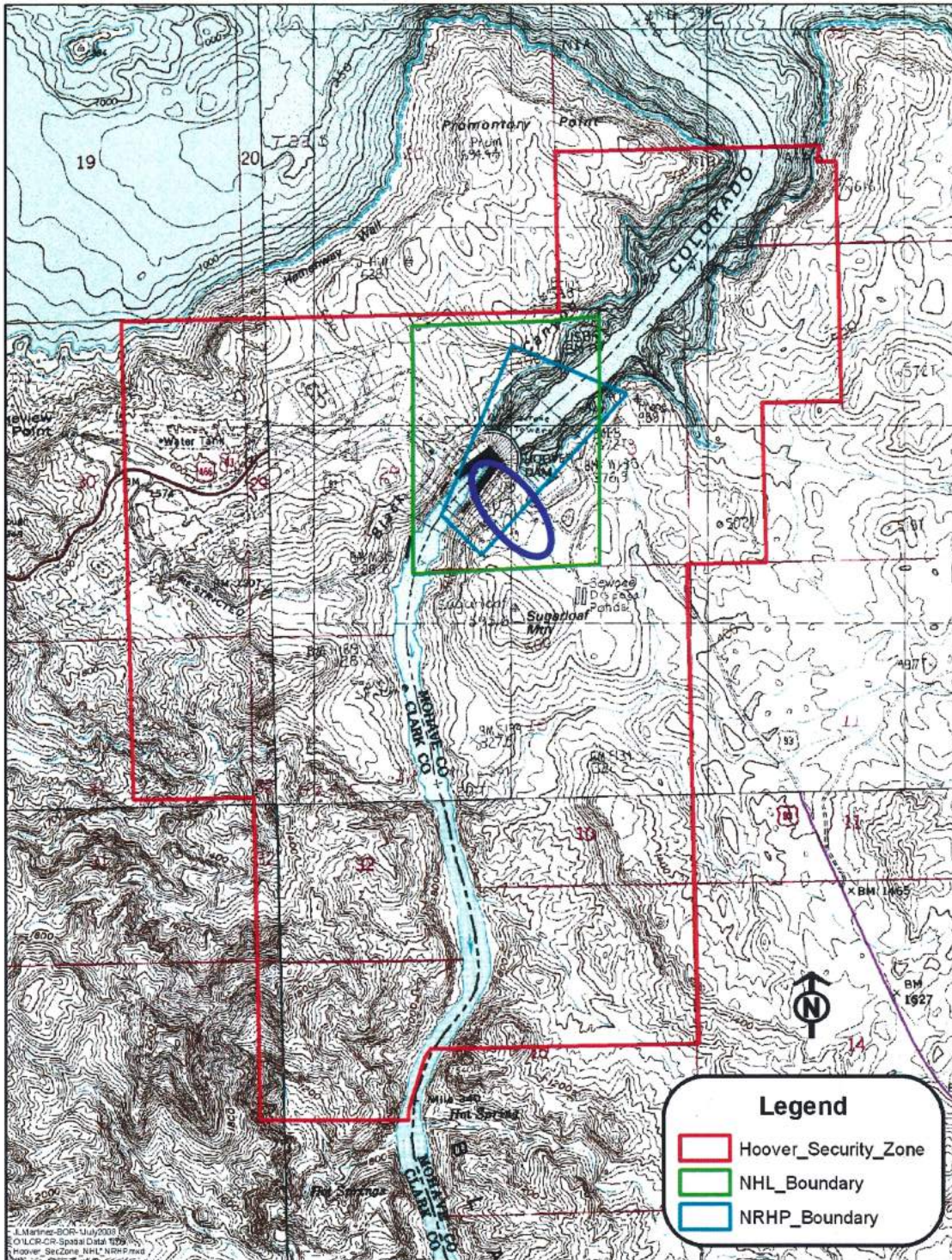


Figure A.3. Map showing the project area outlined in purple in relation to the Hoover Dam NHL and NRHP district boundaries (Reclamation 2008).

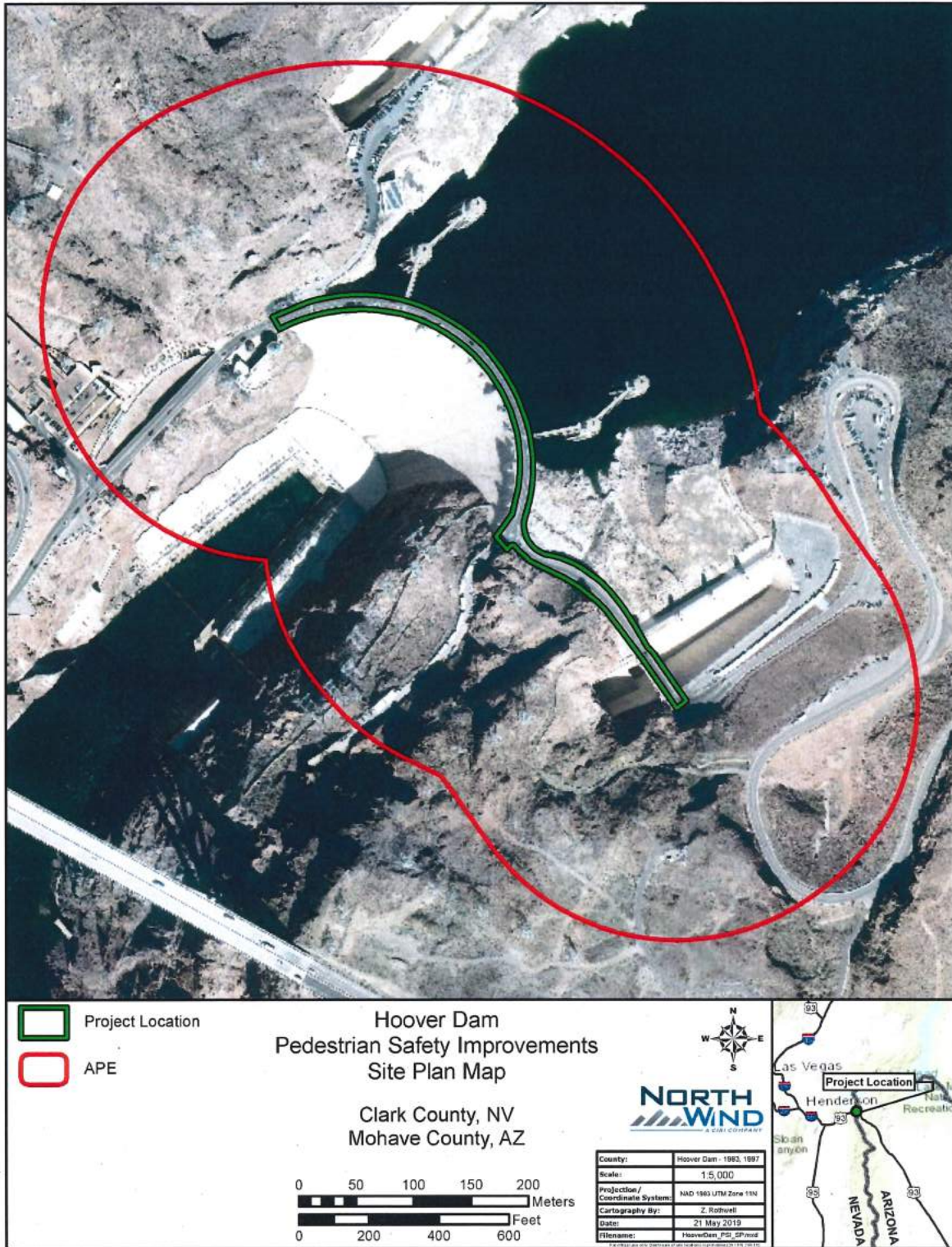


Figure A.4. Site Plan Map showing APE and location of undertaking.



Figure A.5. Currently installed Jersey barriers, fencing, and crosswalk at Hoover Dam.

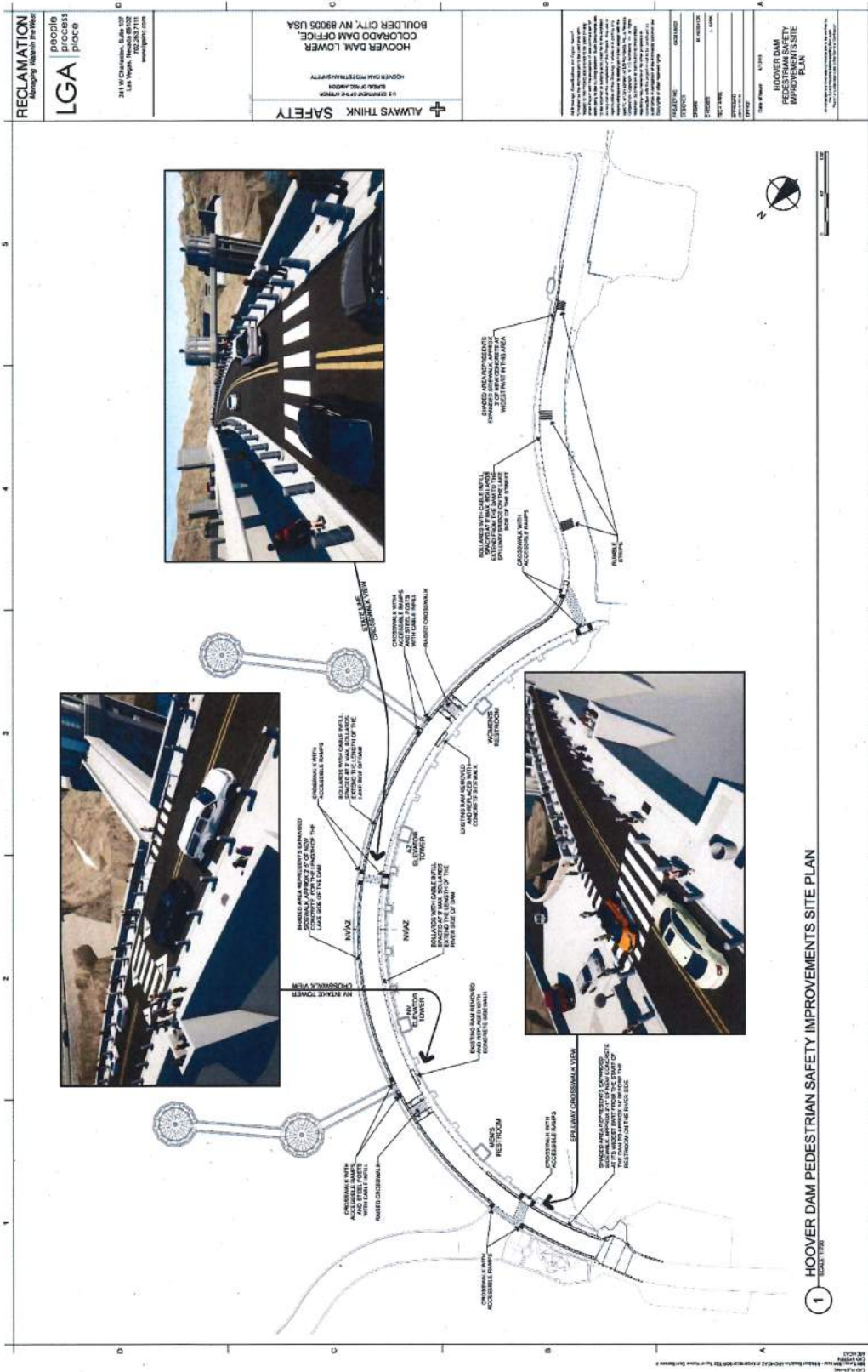


Figure A.6. Proposed bollards, fencing, and crosswalk at Hoover Dam.