

**Memorandum of Agreement
Between
The U.S. Department of Energy, National Nuclear Security Administration
and
The Nevada State Historic Preservation Office**

**Regarding the Demolition and Disposition of Tower 02-00 at Sandia National Laboratories,
Tonopah Test Range, Nye County, Nevada**

WHEREAS, the United States Department of Energy, National Nuclear Security Administration (DOE/NNSA) proposes to demolish and dispose of Tower 02-00, which is the Askania Camera Tower located north of Area 3 at the Tonopah Test Range (undertaking); and

WHEREAS, the DOE/NNSA has determined that the proposal constitutes an undertaking, as described in Section 106 of the National Historic Preservation Act 54 U.S.C. § 306108; and

WHEREAS, the DOE/NNSA has determined that the undertaking will have an adverse effect upon the Sandia National Laboratories/Tonopah Test Range (SNL/TTR) Historic District (historic district), which is eligible for inclusion in the National Register of Historic Places under the Secretary's Significance Criterion A, and seven of the historic district's contributing resources (including Tower 02-00) that are listed in Attachment A; and

WHEREAS, the DOE/NNSA has defined the undertaking's Area of Potential Effect (APE) as Tower 02-00 and the northern portion of the SNL/TTR Historic District inclusive of Area 3 and Main Lake (Attachment A); and

WHEREAS, the DOE/NNSA has consulted with the Nevada State Historic Preservation Officer (NV SHPO) concerning this undertaking pursuant to 36 C.F.R. Part 800, of the regulations implementing 54 U.S.C. § 306108; and

WHEREAS, the DOE/NNSA has consulted with 32 Native American tribal representatives, and four city and county governments to identify potential consulting parties (Attachment B) and none were identified; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), DOE/NNSA notified the Advisory Council on Historic Preservation (ACHP) on May 17, 2022 of its adverse effect determination with specified documentation pursuant to 36 C.F.R. § 800.11(e) and the ACHP has not responded; and

NOW, THEREFORE, the DOE/NNSA and the NV SHPO agree that, upon DOE/NNSA's decision to proceed with the demolition project, the undertaking shall be implemented in accordance with the following stipulations to take into account the effects of this undertaking on historic properties.

STIPULATIONS

DOE/NNSA shall ensure that the following measures are carried out:

A. Documentation of Tower 02-00

- 1) DOE/NNSA shall take detailed exterior large- format black and white photographs of Tower 02-00 prior to demolition. Photographs will be consistent with the National Park Service's Heritage Documentation Programs HABS/HAER/HALS Photography Guidelines published November 2011, updated June 2015 (<https://www.nps.gov/hdp/standards/PhotoGuidelines.pdf>).
- 2) DOE/NNSA shall take photographs of the environmental view showing Tower 02-00 as part of its larger landscape consistent with the standards identified above in Stipulation A.1 above. The contributing resources to the historic district listed in Attachment A shall all be included in these photographs.
- 3) DOE/NNSA shall prepare a photo log describing each view with the file name, direction of view, and description of view.
- 4) DOE/NNSA shall submit draft digital copies of the photographs and the photo log to the NV SHPO at least thirty (30) calendar days prior to the initiation of any undertaking activities that would be visible in any image. DOE/NNSA shall not begin any undertaking activities that would be visible in any image until the following review process is complete:
 - a. The NV SHPO will review the documentation for completeness within fifteen (15) calendar days of receipt. The NV SHPO will send its comments to DOE/NNSA for action, if needed. If the NV SHPO does not respond within fifteen (15) calendar days of receipt, DOE/NNSA shall finalize the documentation and may initiate any part of the undertaking.
 - b. DOE/NNSA shall review and address the changes requested by the NV SHPO and shall submit the draft final documents to the NV SHPO. The NV SHPO will review the draft final documents within fifteen (15) calendar days of receipt. If the NV SHPO does not respond within fifteen (15) calendar days of receipt, DOE/NNSA shall finalize the documentation and may initiate any part of the undertaking.
 - c. Upon the NV SHPO acceptance of the documentation described above in Stipulation A.1 above, DOE/NNSA may initiate any part of the undertaking.
- 5) DOE/NNSA shall compile and copy onto archival material any existing drawings of Tower 02-00. The overall site will be documented so that there will be a permanent archival record of the history and appearance of the area. Documentation will include a map showing the location of the property relative to the entire test range. DOE/NNSA shall also generate a site map depicting, at a sufficient scale, the footprint of the tower in

relation to surrounding structures and the boundaries of the historic district. More than one map may be necessary to depict relationships.

- 6) DOE/NNSA shall prepare a concise written history that will include a use history of the historic property supplemented with information from the corporate archives and other historical resources. The use history will include a discussion of Tower 02-00's role at SNL/TTR and within the historic district, and its historical significance.
- 7) DOE/NNSA shall submit a draft report to the NV SHPO no later than nine (9) months following completion of fieldwork. The draft report shall include all documentation of Tower 02-00, including historical and architectural information, archival photographs, and final photo log.
 - a. The NV SHPO will review the draft report documentation within thirty (30) days of receipt. The NV SHPO will send its comments to DOE/NNSA for action, if needed. If the NV SHPO does not respond within thirty (30) calendar days of receipt, DOE/NNSA shall finalize the documentation.
 - b. DOE/NNSA shall review and address the changes requested by the NV SHPO and shall submit the draft final report to the NV SHPO. The NV SHPO will review the draft final documents within thirty (30) calendar days of receipt. If the NV SHPO does not respond within thirty (30) calendar days of receipt, DOE/NNSA shall finalize the documentation.
- 8) DOE/NNSA shall provide copies (one each) of all final documentation on archival materials, including historical and architectural information to the NV SHPO and the SNL Corporate Archives.

B. Post-Review Discoveries

- 1) If potential historic properties are discovered or unanticipated effects on historic properties found, DOE/NNSA shall adhere to the requirements found in 36 C.F.R. § 800.13(b)(3).
- 2) Contract specifications for the demolition of Tower 02-00 will contain standard guidance for the identification, protection, and disposition of any archeological resources discovered as a consequence of construction activities, including the immediate notification of DOE/NNSA and SNL/NM officials.

C. Duration

This Memorandum of Agreement (MOA) will expire if its stipulations are not carried out within ten (10) years from the date of its execution. At such time, and prior to work continuing on the undertaking, DOE/NNSA shall either (a) execute a MOA pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. Prior to such time, DOE/NNSA may consult with the NV SHPO to

reconsider the terms of the MOA and amend it in accordance with Stipulation D below. DOE/NNSA shall notify the NV SHPO as to the course of action it will pursue.

D. 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 of the signatories is filed with the ACHP.

E. 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 D, 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 signatory.

Once the MOA is terminated, and prior to work continuing on the undertaking, DOE/NNSA must either (a) execute an MOA pursuant to 36 C.F.R. § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7. DOE/NNSA shall notify the NV SHPO as to the course of action it will pursue.

F. 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, the signatories shall consult to resolve the objection. If DOE/NNSA determines that such objection cannot be resolved, DOE/NNSA will:

- 1) Forward all documentation relevant to the dispute, including the DOE/NNSA's proposed resolution, to the ACHP. The ACHP shall provide DOE/NNSA 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, DOE/NNSA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the NV SHPO and provide them with a copy of this written response. DOE/NNSA will then proceed according to its final decision.
- 2) If the ACHP does not provide advice regarding the dispute within the thirty (30) days, DOE/NNSA will make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, DOE/NNSA shall prepare a written response that takes into account any timely comments regarding the dispute from the NV SHPO and provide them and the ACHP with a copy of such written response.
- 3) DOE/NNSA'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.

G. Public Disclosure


Subject to the Freedom of Information Act (5 U.S.C. § 552), decisions on disclosure of DOE/NNSA information to the public regarding projects and programs referenced in this MOA shall be made by DOE/NNSA following consultation with the NV SHPO.

EXECUTION of this MOA between the DOE/NNSA and the NV SHPO and implementation of its terms is evidence that DOE/NNSA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.


This MOA will be signed in counterparts and each signature will be effective and binding as if the signatories had signed the same document.

SIGNATORIES:

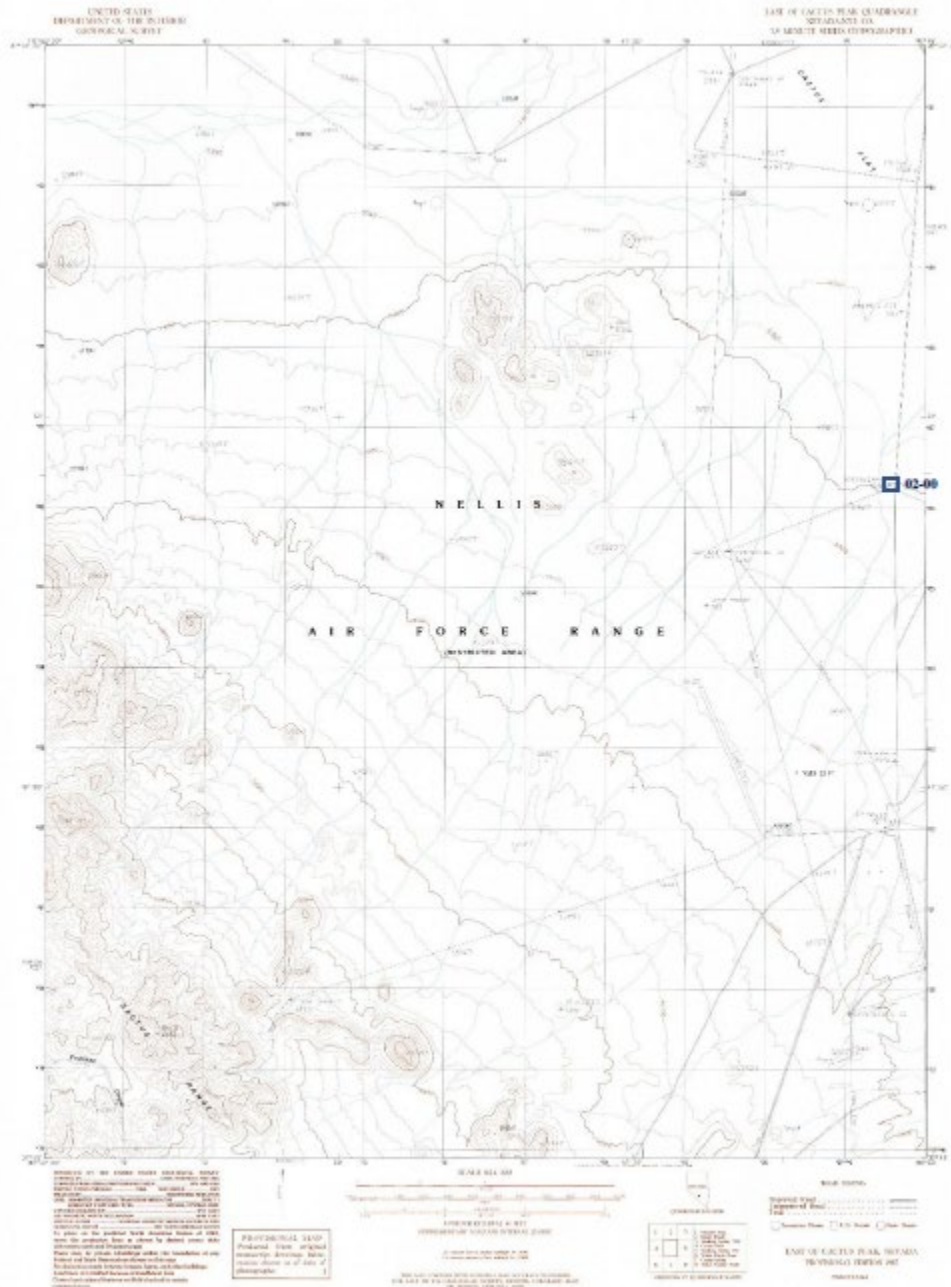
U. S. Department of Energy, National Nuclear Security Administration

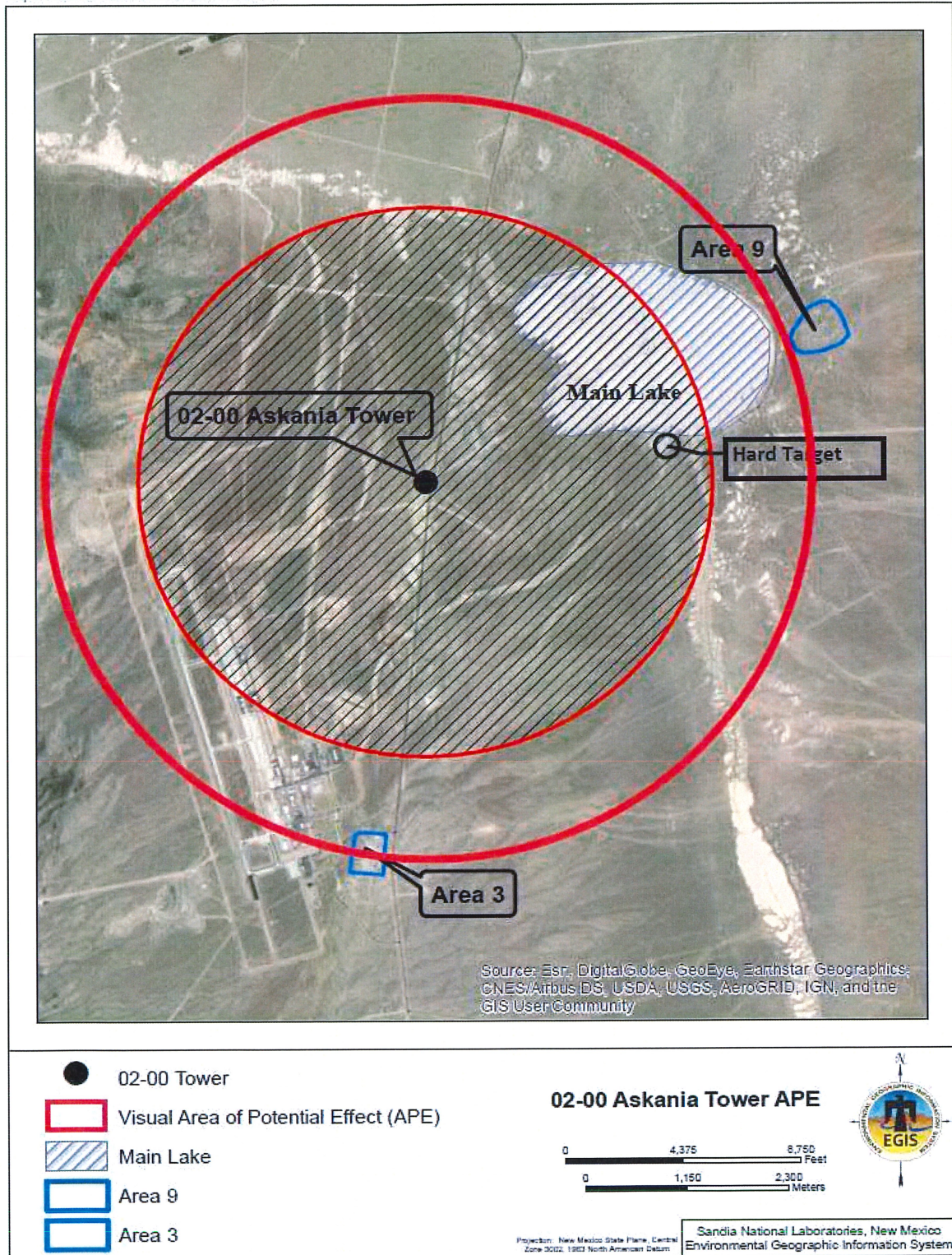
By:  Date: AUG 31 2022
Daryl J. Hauck, Ph.D.
Manager
Sandia Field Office

Nevada State Historic Preservation Officer

By:  Date: August 31, 2022
Rebecca Palmer
Nevada State Historic Preservation Office
Nevada Department of Conservation and Natural Resources.

Memorandum of Agreement Regarding Demolition and Disposition of Tower 02-00 at Sandia National Laboratories, Tonopah Test Range, Nevada (UT# 2019-5674)





Memorandum of Agreement Regarding Demolition and Disposition of Tower 02-00 at Sandia National Laboratories, Tonopah Test Range, Nevada (UT# 2019-5674)

Attachment B: List of Native American tribal representatives and city and county governments with DOE/NNSA has contacted regarding consultation

Chris Spotted Eagle, Vice Chairperson
Las Vegas Paiute Tribe
No. 1 Paiute Drive
Las Vegas, NV 89106
(702) 383-1500 (W)
cspottedeagle@lvpaiute.com

Kenny Anderson
Las Vegas Paiute Tribe
11845 Wolf Street
(702) 351-3834 (C)
Las Vegas, NV 89124
kennylvpt@msn.com

Greg Anderson, Chairman
Moapa Band of Paiutes
P.O. Box 340
Moapa, NV 89025
(702) 865-2875 (W)
southernbighorn@yahoo.com

Lori Kay, Cultural Committee
Moapa Band of Paiutes
P.O. Box 122
Moapa, NV 89025
(702) 379-5325 (C)
lorikaytm@hotmail.com

Richard Arnold
Pahrump Paiute Tribe
P.O. Box 3411
Pahrump, NV 89041
(702) 339-7200
rwarnold@hotmail.com

Leroy Howell
Pahrump Paiute Tribe
6354 Cantaloupe Court
Las Vegas, NV 89142
(702) 630-2438 (C)
leroyhowl@aol.com

Ona Segundo, Chairperson
Kaibab Paiute Tribe
Tribal Administration Bldg
#1 Pipesprings Road
Fredonia, AZ 86022
(435) 689-1830 (C)
osegundo@kaibabpaiute.nsn

Charley Bullets
Kaibab Paiute Tribe
P.O. Box 97
Fredonia, AZ 86022
(435) 689-1904 (C)
(928) 612-0468 (W)
cbullets@kaibabpaiute.nsn.gov

Patrick Charles, Chairperson
Shivwits Band – Paiute Indian Tribe of Utah
6060 West 3650 North
Ivins, UT 84738
(435) 559-7529 (C)
partick.charles@ihs.gov

Dorena Martineau
Paiute Indian Tribe of Utah
4040 North Paiute Drive
Cedar City, UT 84721
(435) 865-6701 Ext. 107
dorena.martineau@ihs.gov

Ron Escobar
Chemehuevi Indian Tribe
P.O. Box 1902
Havasupai Lake, CA 92363
(760) 694-1325 (C)
ronetribe@yahoo.com

Matt Leivas, Sr., Director
Chemehuevi Tribe Cultural Center
P.O. Box 1976
Havasupai Lake, CA 92363
(760) 858-1115 (W)
(928) 916-1135 (C)
nuwuviguy@gmail.com

Johnny Hill, Jr., Council Member
Colorado River Indian Tribes
14757 1st Avenue
Parker Arizona 85344
(928) 575-5860 (C)
johnny.hilljr85344@gmail.com

Brian Etsitty, THPO
Colorado River Indian Tribes
26600 Mojave Road
Parker, AZ 85344
(928) 669-5832 (W)
critthpo@crit-nsn.gov

George Gholson, Chairperson
Timbisha Shoshone Tribe
621 W. Line Street, #109
Bishop, CA 93514
(760) 258-5620 (W)
george@timbisha.com

Barbara Durham, THPO
Timbisha Shoshone Tribe
621 Line Street, #109
Bishop, CA 93514
(775) 764-9153 (C)
thpo@timbisha.com

John Brady
Yomba Shoshone Tribe
HC 61, Box 6275
Austin, NV 89310
(775) 964-2463 (W)
yombaer@gmail.org

Maurice Frank-Churchill
Yomba Shoshone Tribe
4434 Tomer Lane
Las Vegas, NV 89121
702 964-2077 (C)
moechurchilljw@yahoo.com

Kathy Blackeye, Council Member
Duckwater Shoshone Tribe
P.O. Box 140068
Duckwater, NV 89314
(775) 863-0227 (W)
(775) 293-3735 (C)
nyevee@yahoo.com

Warren Graham, Cultural Resources Program
Duckwater Shoshone Tribe
P.O. Box 140068
Duckwater, NV 89314
(775) 863-0399 (W)
(775) 835-2304 (C)
warren.g_75@yahoo.com

Sandra Barela
Ely Shoshone Tribe
3 J.V. Walker Street
Ely, NV 89301
(775) 289-3013 (W)
Sandra89301@yahoo.com

Jerry Charles
Ely Shoshone Tribe
9 J.V. Walker St.
Ely, NV 89301
(775) 289-4758 (H)

Mary Wuester, Chairperson
Lone Pine Paiute/Shoshone Tribe
1103 S. Main Street
Lone Pine, CA 93545
(760) 876-1034 (W)
(760) 920-2874 (C)
chair@lppsr.org

Richard Button, Vice Chair
Lone Pine Paiute-Shoshone Tribe
375 Burkhardt Road
Lone Pine, CA 93545
(760) 876-5743 (H)
(760) 793-6182 (C)
vicechair@lppsr.org

Sean Scruggs
Fort Independence Indian Reservation
4927 Scholl Canyon Ave.
Las Vegas, NV 89131
(702) 601-3163 (C)
falconkeeper22@gmail.com

John Scruggs
Fort Independence Indian Reservation
851 N. Willow Lane
Independence, CA 93526
(760) 878-8098 (C)
j.scruggs1941@gmail.com

Danelle Gutierrez, THPO
Big Pine Paiute Tribe
P.O. Box 700
Big Pine, CA 93513
(760) 938-2003 ext. 228 (W)
d.gutierrez@bigpinepaiute.org

Ross Stone
Big Pine Paiute Tribe
P.O. Box 454
Big Pine, CA 93513
(760) 920-1023 (C)
sdstone13@hotmail.com

Jeff Romero
Bishop Paiute Tribe
50 N. Tu Su Lane
Bishop, NV 93514
(760) 873-3584 – ext. 259 (W)
Jeff.romero@bishoppaiute.org

Monty Bengochia THPO
Bishop Paiute Tribe
50 N. Tu Su Lane
Bishop, CA 93514
(760) 873-8726 (W)
(760) 764-4085 (C)
Monty.bengochia@bishoppaiute.org

Tina Braithwaite, Chairperson
Benton Paiute Tribe
25669 Highway 6 PMBI
Benton, CA 93512
(760) 933-2321 (W)
(775) 223-3830 (C)
t.braithwaite@bentonpaiuterreservation.org

Shane Saulque, Vice Chairperson
Benton Paiute Tribe
25669 Highway 6 PMBI
Benton, CA 93512
(760) 933-2321 (W)
(760) 590-7439 (C)
s.saulque@bentonpaiuterreservation.org

Duane Downing, Chairman of the Board
Town of Tonopah
PO Box 151
Tonopah, NV 89049

Goldfield Chamber of Commerce
307 Crook Ave
PO Box 204
Goldfield, NV 89013

Sandra Merlino, Clerk
Nye County
101 Radar Rd.
PO Box 153
Tonopah, NV 89049

LaCinda Elgan, Clerk
Esmerelda County
PO Box 517
Goldfield, NV 89013