

**MEMORANDUM OF AGREEMENT  
BETWEEN BUREAU OF LAND MANAGEMENT-  
MT. LEWIS FIELD OFFICE,  
THE NEVADA STATE HISTORIC PRESERVATION OFFICER,  
AND  
MCCEWEN MINING INC.  
REGARDING THE  
GOLD BAR MINE PROJECT, EUREKA COUNTY, NEVADA**

2013-2841  
# 23181

SCANNED

**WHEREAS**, DOI Bureau of Land Management (BLM) plans to permit McEwen Mining Inc. (MMI) to conduct mining operations within the Gold Bar Mine Plan of Operations (Mine) (Attachment A1) in Eureka County, Nevada, and the Mine, partly located on public lands managed by BLM Battle Mountain District, is an undertaking pursuant to Title 54 U.S.C. § 300101, et. seq., commonly known as the National Historic Preservation Act of 1966, as amended (NHPA), and Title 54 U.S.C. § 306108, commonly known as Section 106 of the NHPA (Section 106), and its implementing regulations, 36 Code of Federal Regulations (CFR) § 800; and

**WHEREAS**, the Mine consists of the development of open pit mines and associated facilities; and

**WHEREAS**, BLM has defined the Mine's area of potential effects (APE) as all geographic areas within which the Mine may have direct or indirect effects to historic properties (Attachments A1 and A2). The BLM has determined that the direct APE is the area of land within the Plan of Operations Boundary and the roads used to access the Mine and the 1.4 acre parking lot in northern Eureka, NV and the indirect APE is a variable boundary extending up to 7 miles from the Mine; and

**WHEREAS**, the BLM, in consultation with the Nevada State Historic Preservation Office (SHPO), has determined that the Mine will adversely affect twenty-six (26) historic properties and potentially adversely affect eight (8) unevaluated cultural resources within the APE (Attachment B) based on a Class III cultural resources inventory completed for the Mine's direct APE and a modified Class I cultural resources inventory for the Mine's indirect APE; and

**WHEREAS**, BLM has consulted with the Te-Moak Tribe of Western Shoshone, the Battle Mountain Band of the Te-Moak Tribe of Western Shoshone, the South Fork Band of Western Shoshone, and the Duckwater Shoshone Tribe concerning the Mine, and has invited all four Bands or Tribes (hereinafter collectively referred to as Tribes) to participate in the Memorandum of Agreement (MOA) as Concurring Parties; and

**WHEREAS**, BLM has consulted with MMI regarding the effects of the Mine on historic properties and has invited them to sign this MOA; and

**WHEREAS**, BLM has not invited the Advisory Council on Historic Preservation (ACHP) to participate in consultation because the Mine does not meet the requirements for their participation (as specified in Component 5 of the 2012 National PA among BLM, ACHP, and National Conference of SHPOs); and

**WHEREAS**, to the best of our knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American

Graves Protection and Repatriation Act (25 U.S.C. § 3001), are expected to be encountered in the archaeological work; and

**WHEREAS**, the Signatories and Invited Signatory (referred to collectively as Parties or individually as Party) agree that it is in the public interest to expend funds to recover significant information and to mitigate those historic properties that will be adversely effected by the Mine; and

**NOW, THEREFORE**, the Parties agree that the Mine shall be implemented in accordance with the following stipulations in order to take into account the effect of the Mine on historic properties.

#### **STIPULATIONS**

BLM shall ensure that the following measures are carried out:

#### **I. HISTORIC PROPERTIES TREATMENT PLAN (HPTP) DEVELOPMENT AND IMPLEMENTATION**

- A. MMI, through a cultural resource management (CRM) firm meeting BLM's and the Secretary of the Interior's Professional Qualifications standards, will prepare an HPTP. This document will be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 CFR 44716-37), the guidance provided in the ACHP's Section 106 Archaeology Guidance ([www.achp.gov/archguide](http://www.achp.gov/archguide)) (2009), and the documentation requirements of Appendix F of the State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada State Historic Preservation Officer for Implementing the National Historic Preservation Act (December 2014) (State Protocol) as appropriate. The HPTP will contain testing plans for the unevaluated resources and a mitigation strategy for the historic properties. BLM is considering the unevaluated resources to be eligible until an eligibility determination can be made by BLM, with SHPO concurrence, in accordance with the testing plans described in the HPTP. If the unevaluated sites are found to be eligible, then the HPTP will be amended, as needed, to include mitigation strategies for those unevaluated sites determined to be historic properties.
  1. BLM will ensure that MMI provides funds to support a CRM firm and qualified persons in the implementation of the HPTP, including but not limited to, documentation and testing of unevaluated cultural resources to determine effects and mitigation needs, mitigation of archaeological site(s) and other historic properties, artifact processing, writing a summary report of findings or other materials required by the HPTP, writing the draft and final report of findings, and curation of artifacts as set forth in the HPTP:
- B. MMI shall submit the draft HPTP to BLM. The BLM will review and comment on the draft HPTP within thirty (30) calendar days of receipt. The BLM will provide comments on the draft HPTP to MMI.
- C. MMI, through their CRM firm, shall revise the draft HPTP to address BLM comments.
- D. Upon BLM approval of the draft HPTP, the BLM shall submit the draft final HPTP to the SHPO for review and comment.
- E. The SHPO will review the draft HPTP within thirty five (35) calendar days of receipt. If the SHPO does not respond within thirty five (35) calendar days, BLM may assume concurrence and finalize the HPTP.

- F. BLM shall provide the SHPO's comments to MMI to revise the draft final HPTP to address the SHPO comments.
- G. Upon final approval of the HPTP by the BLM, the document shall become Attachment D to this MOA.
- H. If BLM determines, in consultation with the SHPO, that some of the unevaluated sites are eligible for the National Register of Historic Places, the Parties will amend Attachment D, as needed, to include mitigation strategies for any historic property adversely affected by the Mine not previously addressed in Attachment D.
  - 1. The Parties review of any amendments will occur in the same manner as the original HPTP (Stipulation I.B through Stipulation I.F above)
  - 2. Amendments to Attachment D will not require a formal amendment to the MOA per Stipulation IX below.

## II. NOTICES TO PROCEED (NTP)

Upon execution of the MOA, BLM may authorize MMI to conduct mining operations in areas outside of established avoidance buffer zones once MMI completes or implements all measures to avoid effects to the historic properties (e.g., fencing, archaeological monitoring). MMI shall avoid any intrusions into the historic property boundaries until BLM issues an NTP to MMI. If post-review discoveries occur, the requirements of Stipulation IV will apply.

### A. NTP Process for Testing Plans

- 1. The CRM firm hired by MMI will provide BLM with a summary of fieldwork after that phase of testing of unevaluated resources has been performed in accordance with the HPTP.
- 2. BLM shall review the summary within two (2) working days of receipt and shall notify MMI that BLM either accepts or rejects the summary.
- 3. If BLM approves the summary, BLM shall provide a copy of the summary, along with the BLM's determination of National Register eligibility, to the SHPO for review.
  - a) For unevaluated sites determined eligible for the National Register by the BLM:
    - 1. The SHPO shall review the fieldwork summary and the BLM's determination of eligibility within fifteen (15) days of receipt.
    - 2. If the SHPO does not respond within fifteen (15) days, BLM may assume concurrence and begin preparing an amendment to Attachment D in accord with Stipulation I.H above.
  - b) For unevaluated sites determined ineligible for the National Register by the BLM:
    - 1. The SHPO shall review the fieldwork summary and the BLM's determination of eligibility within fifteen (15) days of receipt.
    - 2. If the SHPO does not respond within fifteen (15) days, BLM may assume concurrence and issue the NTP to MMI for work within the avoidance area.

### B. NTP Process for Mitigation

BLM may provide MMI with an NTP after BLM, in consultation with the SHPO, has the opportunity to review the fieldwork portion of the mitigation to ensure compliance with the HPTP. To ensure compliance, the following will be carried out:

1. The CRM firm hired by MMI will provide BLM with a summary of fieldwork after that phase of mitigation for the historic property has been performed in accordance with the HPTP.
2. BLM shall review the summary within two (2) working days of receipt and shall notify MMI that BLM either accepts or rejects the summary.
3. If BLM approves of a summary, BLM shall provide a copy of the summary to the SHPO for review.
4. The SHPO shall review the summary within two (2) working days of receipt. If the SHPO does not respond within two (2) working days, BLM may assume concurrence and issue the NTP to MMI for work within the avoidance area.

### III. DURATION

This MOA will expire when the stipulations are completed or five (5) years from the date of its execution, whichever comes first. BLM may consult with all Parties prior to expiration in order to re-examine the terms of the MOA, determine if those terms remain acceptable, and renew the MOA for another period of time not to exceed five (5) years.

If any historic property remains unmitigated at the time of expiration, and work is planned to continue on the Mine that would adversely affect any historic properties, BLM shall either (a) execute a new 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, BLM may consult with the other Parties to reconsider the terms of the MOA and amend it in accordance with Stipulation IX below. BLM shall notify the Parties as to the course of action it will pursue.

### IV. POST-REVIEW DISCOVERIES

MMI will notify BLM of all post-review discoveries in accord with stipulations in Attachment C of this MOA. If possible historic properties are discovered or unanticipated effects on historic properties found, BLM shall implement additional treatment according to the approved plan(s). MMI shall avoid all post-review discoveries until BLM issues a NTP in accord with Stipulation II of this MOA.

### VI. MONITORING AND REPORTING

- A. The CRM firm hired by MMI to implement the HPTP, or to provide monitoring, will submit progress reports to BLM as each phase is completed. This report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in BLM's efforts to carry out the terms of this MOA.
- B. BLM shall provide all Parties with a summary report detailing work carried out pursuant to its terms once each year until all of the stipulations of the MOA have been met. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in BLM's efforts to carry out the terms of this MOA.

### VII. DISPUTE RESOLUTION

Should any Party or Concurring Party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, BLM shall consult with such Party or Concurring Party to resolve the objection. If BLM determines that such objection cannot be resolved, BLM will:



- A. Forward all documentation relevant to the dispute, including the BLM's proposed resolution, to the ACHP. Prior to reaching a final decision on the dispute, BLM shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the Parties, and provide them with a copy of this written response. BLM 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, BLM may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, BLM shall prepare a written response that takes into account any timely comments regarding the dispute from the Parties to the MOA, and provide them and the ACHP with a copy of such written response.

BLM's responsibilities to carry out all other actions subject to the terms of the MOA that are not the subject of dispute remain unchanged.

#### VIII. ANNUAL COORDINATION MEETING

On or about each anniversary of the effective date of this MOA, the Parties will confer and, if it is proposed by a Party, will meet to discuss activities described in this MOA. A Party may invite others to participate in the discussion and meetings.

#### IX. AMENDMENT

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

#### X. TERMINATION

If any Party to this MOA determines that its terms will not or cannot be carried out, that Party shall immediately consult with the other Parties to attempt to develop an amendment per Stipulation IX above. If within thirty (30) days (or another time period agreed to by all Parties) an amendment cannot be reached, any Party may terminate the MOA upon written notification to the other Parties.

Once the MOA is terminated, and prior to work that has been found to have an adverse effect on a historic property, and for which a NTP has not been issued, 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. BLM shall notify the Parties as to the course of action it will pursue.

**EXECUTION** of this MOA by the Parties and implementation of its terms is evidence that BLM has taken into account the effects of this undertaking on historic properties and fully satisfied its obligations under Section 106 of NHPA as amended and its implementing regulations.

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BETWEEN BUREAU OF LAND MANAGEMENT (BLM),  
NEVADA STATE HISTORIC PRESERVATION OFFICER (SHPO)  
AND  
MCCEWEN MINING INC.  
REGARDING THE  
GOLD BAR MINE PROJECT, EUREKA COUNTY, NEVADA**

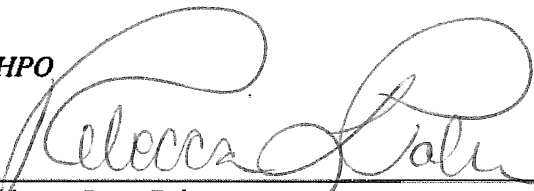
**SIGNATORIES:**

*BLM, Battle Mountain District, Mount Lewis Field Office*

  
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Jon Sherve  
Field Manager, Mount Lewis Field Office

11/1/2017  
\_\_\_\_\_  
Date

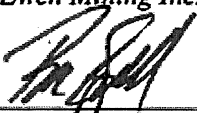
*SHPO*

  
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Rebecca Lynn Palmer  
Nevada State Historic Preservation Officer

11/1/2017  
\_\_\_\_\_  
Date

**INVITED SIGNATORIES**

*McEwen Mining Inc.*

  
\_\_\_\_\_  
Ron Espaly, Environmental Director, North America  
McEwen Mining Inc.

11/1/2017  
\_\_\_\_\_  
Date

**CONCURRING PARTIES**

*Te-Moak Tribe of Western Shoshone*

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Lydia Johnson, Chairwoman  
Te-Moak Tribe of Western Shoshone

Date

*Battle Mountain Band of the Te-Moak Tribe of Western Shoshone*

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Lydia Johnson, Chairwoman  
Battle Mountain Band of the Te-Moak Tribe of Western Shoshone

Date

*South Fork Band of Western Shoshone*

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Tyler Reynolds, Chairman  
South Fork Band of Western Shoshone

Date

*Duckwater Shoshone Tribe*

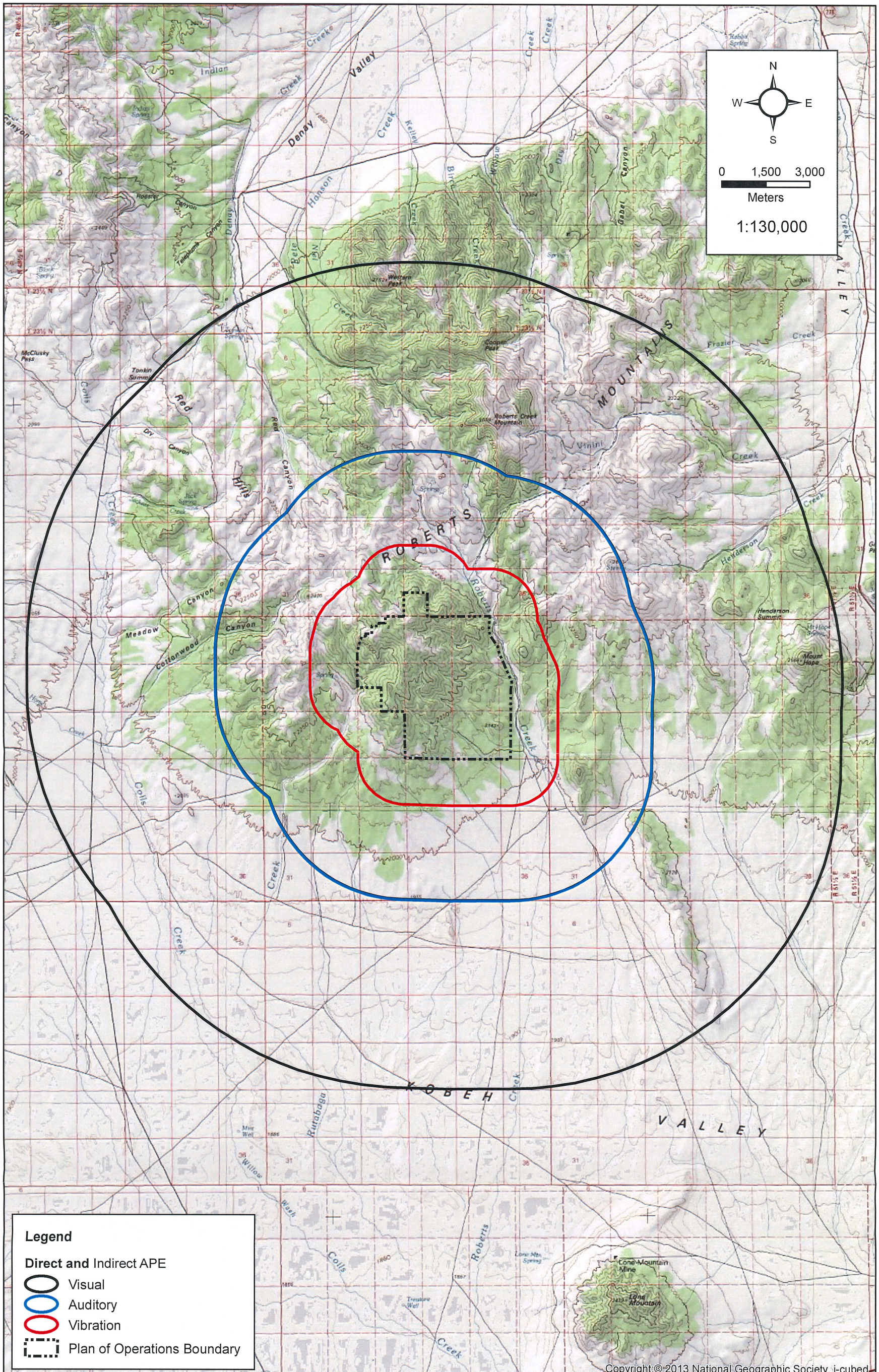
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Lorin Watson, Chairman  
Duckwater Shoshone Tribe

Date

**ATTACHMENT A1: MAP OF MINE PLAN OF OPERATIONS DIRECT AND INDIRECT APE**



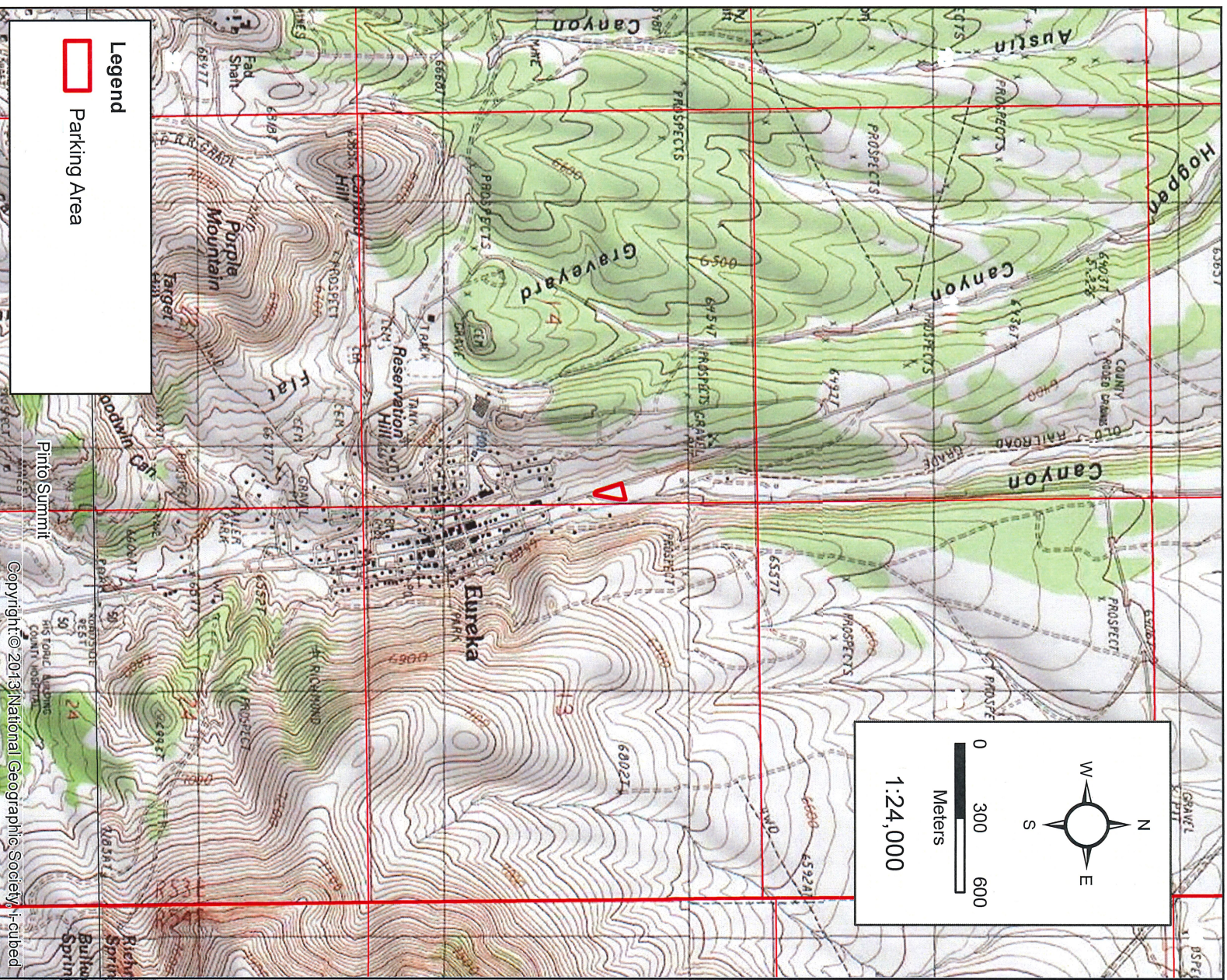


Attachment A1. Map showing the Direct Area of Potential Effects (Plan of Operations Boundary) and the Indirect Areas of Potential Effects (Visual, Auditory, Vibration). The Plan of Operations is located in Township [T] 22 North, Range [R] 50 East, within Sections [S] 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 21, 22, 24, 25, 28, 29, 30; T 22 North, R 49 East, within S 25, 26, 27, 28, 33; T 21 N, R 49 E, within S 4, 9, 16, 21, 22, 27, 34; T 20 N, R 49 E, within S 3, 10, 11, 14, 23, 24, 25, 36; T 20 N, R 50 E, within S 31; T 19 N, R 50 E, within S 6, 7, 8, 17; T 22 N, R 51 E, within S 30, 31, 32; T 21 N, R 51 E, within S 30, 31, 32; T 21 N, R 51 E, S 5, 8, 9, 16, 21, 27, 28, 34; T 20 N, R 51 E, S 3, 10, 15, 22, 23, 26, 35; T 23 N, R 50 E, within S 34.



**ATTACHMENT A2: MAP OF EUREKA PARKING AREA DIRECT APE**





Attachment A2. Map showing the location of the Direct Area of Potential Effects of the parking area (Lot 500) near Eureka, NV, located in Township 19 North, Range 53 East, within Section 14.



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**ATTACHMENT B: HISTORIC PROPERTIES ADVERSELY AFFECTED AND  
UNEVALUATED CULTURAL RESOURCES POTENTIALLY ADVERSELY AFFECTED**

State Resource Number	Agency Resource Number CrNV-	Description	NRHP Eligibility (Criteria being treated)	Mine PoO APE	
				Indirect	Direct
D121	63-15915	Roberts Mountains Carbonari District	Eligible ACD		x
Eu344	63-2097	Lithic Scatter, historic refuse*	Eligible D (D)		x
Eu1070	63-2139	Roberts Creek Ranch	Unevaluated	x	
Eu1431	63-5159	Charcoal production complex with platforms, habitation features	Eligible AD (AD)		x
Eu1432	63-5160	Charcoal production complex with platforms, habitation features	Eligible AD (AD)		x
Eu1433	63-5161	Charcoal production complex with platforms and habitation features; prehistoric isolate*	Eligible AD (AD)		x
Eu1434	63-5163	Charcoal platforms	Eligible D (D)		x
Eu1435	63-5164	Charcoal platform	Eligible D (D)		x
Eu1436	63-5165	Charcoal production complex with platforms and habitation feature	Eligible AD (AD)		x
Eu1438	63-5167	Charcoal production complex with platforms and habitation features	Eligible AD (AD)		x
Eu1454	63-5155	CCS quarry and associated lithic scatter; charcoal production complex with platforms and habitation features	Eligible ACD (AD)		x
Eu1957	63-5658	Lean-to with historic and prehistoric artifacts (possibly ethnohistoric)	Unevaluated	x	
Eu1964	63-5665	Charcoal platform, possible habitation feature	Unevaluated		x
Eu1968	63-5669	Possible ethnohistoric campsite	Eligible D (D)		x

State Resource Number	Agency Resource Number CrNV-	Description	NRHP Eligibility (Criteria being treated)	Mine PoO APE	
				Indirect	Direct
Eu2524		Limestone Cave	Unevaluated	x	
Eu3410	63-9309	Historic rockshelter	Unevaluated	x	
Eu5191	63-15358	Charcoal platform	Eligible D (D)		x
Eu5192	63-15359	Charcoal platform	Eligible D (D)		x
Eu5194	63-15361	Charcoal platforms	Eligible D (D)		x
Eu5196	63-15363	Lithic scatter*; charcoal platform	Eligible D (D)		x
Eu6202	63-15937	Charcoal production complex with platforms and habitation features	Eligible AD (AD)		x
Eu6237	63-15972	Rockshelter with lithic scatter	Unevaluated	x	
Eu6241	63-15976	Charcoal platform	Eligible D (D)		x
Eu6478	63-18279	Charcoal platforms	Eligible D (D)		x
Eu6737	06-1378	Rockshelters and associated lithic scatters	Unevaluated	x	
Eu6873	63-6516	Rockshelter with lithic scatter	Unevaluated	x	
Eu762	63-482	Pony Express Trail	Eligible A (A)	x	
Eu8298	63-21001	Charcoal platform	Eligible D (D)		x
Eu8299	63-21002	Charcoal platforms, hearth	Eligible D (D)		x
Eu8300	63-21003	Charcoal platform	Eligible D (D)		x
Eu8301	63-21007	Charcoal platform	Eligible D (D)		x
Eu8302	63-21008	Charcoal platforms	Eligible D (D)		x
Eu8303	63-21009	Charcoal platform, dugout	Eligible D (D)		x
Eu8304	63-21010	Charcoal platforms	Eligible D (D)		x
*Not eligible component					



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## **ATTACHMENT C: POST-REVIEW DISCOVERIES PLAN**

### **Discoveries Plan for the Gold Bar Mine Project**

1. Discoveries of previously unidentified historic properties or unanticipated adverse effects to known historic properties are not anticipated, however if there is a post-review discovery or unanticipated effect, the BLM will ensure that the following stipulations are met. These provisions will be included in all construction, operations, and maintenance plans and project managers will brief field personnel.
2. Prior to the initiation of the undertaking, MMI will provide the Parties to this MOA with a list of employees with the authority to halt activities in a post-review discovery or unanticipated effect situation, and who will be responsible for notifying BLM of any discoveries or unanticipated effects. At least one of these authorized persons will be available via telephone during all ground-disturbing undertaking activities.
3. Post Review Discovery/Unanticipated Effect:
  - a. Cultural resources not previously identified which are discovered during the undertaking are subject to the terms outlined in the State Protocol. If, at any point, such resources that are not defined in V.B.1.a of the State Protocol as categorically not eligible for the NRHP are discovered or an unanticipated effect occurs, all ground-disturbing activities within 50 meters of the initial location of discovery or effect will cease immediately (except as outlined in 3.h. below, which refers to TCPs) and MMI shall take adequate steps to ensure the protection of the discovered resource or effect and notify the BLM agency official within 24 hours after the discovery or effect. Activity within 50 meters of the initial location of the discovery or effect will remain halted until the BLM agency official issues an NTP following the procedure outlined in Stipulation II.
  - b. BLM shall notify the Parties and any community that ascribes significance to the affected property through email, or phone call, within 48 hours of the discovery or unanticipated effect. This initial notification shall describe the nature of the discovery or unanticipated effect, describe the plan to protect the discovery or the resource(s) subject to an unanticipated effect in order to reduce/minimize effects to the extent practicable, and provide a timeline for carrying out the rest of the provisions in this section.
  - c. Upon notification of a discovery or unanticipated effect (with the exception of human remains covered in (4) below) the BLM will ensure that adequate documentation is acquired from MMI or MMI's CRM Contractor to facilitate a determination of eligibility and effect upon a discovery; or a determination of effect upon an existing historic property (no effect, no adverse effect, or adverse effect) followed by recommended measures for the treatment of any determined adverse effects upon historic properties.
  - d. BLM shall ensure that all post-review discoveries and unanticipated effects are documented in accordance with the current Guidelines. Reports shall be submitted by BLM to the SHPO, and other consulting parties in accordance with the State Protocol.
  - e. BLM shall make a determination of eligibility for the NRHP for all post-review discoveries and a determination of effects for all unanticipated effects. BLM shall also make a

determination of what actions must be taken to avoid, minimize or mitigate any identified adverse effects.

- f. BLM shall provide the Parties and any affected community, with its eligibility and effects determination of the property and any proposed actions to resolve adverse effects. BLM shall afford the Parties and affected community five (5) working days to respond with recommendations regarding the agency's eligibility determination and proposed actions to resolve adverse effects. Following the five-day consultation period, BLM shall take any comments and suggestions provided by the Parties and affected community into account regarding eligibility and, if appropriate, actions to be taken in resolving adverse effects, and proceed. If the BLM receives no response after the five (5) working day period, BLM shall assume that there are no concerns with the proposed resolutions and shall proceed with implementation.
- g. If a mitigation/treatment plan or other measures are adopted, undertaking activities in the 50 meter buffer, or other appropriate distance determined by BLM, will remain suspended until MMI is notified by the BLM agency official via an NTP that they may resume.
- h. If the location/existence of a Traditional Cultural Property (TCP) is revealed to the BLM post-review, the BLM shall follow the procedures below. A TCP is a *Historic Property because of its association with the cultural practices or beliefs of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of that community.*
  - i. BLM shall afford the community that ascribes significance to the property five (5) days to provide the Authorized Officer with the following information: A clear and tangible property boundary; a clear and concise statement that shows why the property is important to the development and maintenance of the community's cultural identity, cultural practices or beliefs; and a justification for why this property was not known or revealed during earlier efforts to identify Historic Properties.
  - ii. If the community that identified a previously non-disclosed TCP fails to provide information within the afforded time, and there are no other unanticipated discoveries or effects associated with the undertaking, the undertaking shall proceed.
  - iii. Upon receipt of sufficient information regarding the TCP, BLM shall make a determination of eligibility for the NRHP and a determination of effect and the Authorized Officer will determine what actions must be taken to avoid, minimize or mitigate any identified adverse effects, including the spatial extent of any temporary shutdown, if appropriate.
  - iv. BLM shall provide the Parties and any affected community, with its eligibility and effects determination of the TCP and any proposed actions to resolve adverse effects. BLM shall afford the Parties and affected community five (5) working days to respond with recommendations regarding the agency's eligibility determination and proposed actions to resolve adverse effects. Following the five-day consultation period, BLM shall take any comments and suggestions provided by the Parties and affected community into account regarding eligibility and, if appropriate, actions to be taken in resolving adverse effects, and proceed. If the

BLM receives no response after the 5 days, BLM shall assume that there are no concerns with the proposed resolutions and shall proceed with implementation.

4. Human remains and associated funerary objects may be discovered during development or during controlled archaeological excavations. BLM and MMI and its contractors will follow the requirements of 43 CFR 10.4 (Inadvertent Discoveries) of the regulations implementing the Native American Graves Protection and Repatriation Act (NAGPRA) for human remains discovered on public land, and NRS 383.150 to 383.190 for human remains discovered on state and private land. *This MOA is intended to meet the terms found in NRS 383.121 as amended (SB244, 79th Session of the Nevada Legislature) 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.*
  - a. In all cases of a discovery of human remains and associated funerary objects, MMI's representative will immediately notify the BLM agency official, the relevant county coroner or sheriff, and the SHPO. Contact will be by telephone or in person, followed by written notification, of any discoveries of human remains, associated and unassociated funerary objects, sacred objects or objects of cultural patrimony. If requested by the BLM or law enforcement, MMI's CRM Contractor, in consultation with the above Parties, will assess age, affiliation and circumstances of burial and will notify the BLM agency official. The BLM will notify the Tribes within three (3) working days. Direction for treatment of human remains will be addressed in compliance with 43 CFR 10.4 or NRS 383 concerning human remains.
  - b. Immediately upon discovery of human remains, all activity will stop and no further activity will take place within a 50 meter perimeter of the discovery. MMI's authorized representative will act appropriately to ensure the protection and security of the location. It may be necessary for MMI to provide 24-hour onsite security for NAGPRA associated discoveries or other discoveries as directed by BLM up to a maximum of 48 hours, at which time BLM or law enforcement shall take over site security or take custody of the remains or artifacts. This protection and avoidance will remain in effect until such time as the BLM agency official has approved the appropriate disposition of the remains in accordance with applicable local, state, and federal statutes.