

**MEMORANDUM OF AGREEMENT  
BETWEEN  
THE NEVADA GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT  
THE COUNTY OF MINERAL, NEVADA  
AND THE  
NEVADA STATE HISTORIC OFFICER  
REGARDING THE  
FIGHT BLIGHT IN MINERAL COUNTY  
DEMOLITION OF THE SIERRA PACIFIC BUILDING 395 E STREET,  
HAWTHORNE, NV**

WHEREAS, the County of Mineral (Mineral County), Nevada has applied for and been awarded a Community Development Block Grant (CDBG) grant (the undertaking), allocated by the U.S. Department of Housing and Urban Development (HUD) to the State of Nevada's Governor's Office of Economic Development (GOED) Rural Community and Economic Development Division which administers the State and Small Cities CDBG program, as authorized by Title I of the Housing and Community Development Act of 1974, according to Section 104(g) (42 U.S.C. 5304(g) hereby making the award an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 300101 et seq., hereinafter, NHPA) and its implementing regulations 36 CFR Part 800; and

WHEREAS, Mineral County has defined the direct are of potential effects (APE) for the undertaking as the 0.24 acres of Hawthorne Lots 1 and 2 and the South 16 feet 7 inches Lot 3 consisting of one structure and the indirect APE as an irregular-shaped area that accounts for the undertaking visual effects (Attachment A) figure 3; and

WHEREAS, Mineral County, in consultation with the Nevada Historic Preservation Officer (SHPO), has determined that the undertaking may have an adverse affect on the Sierra Pacific Building located at 395 E St. Lots 1 and 2 and the South 16 feet 7 inches of Lot 3, which is potentially eligible for listing in the National Register of Historic Places (NRHP) under all of Secretary's Significance criteria and the surrounding unelevated historic-aged properties along the US95/359 corridor; and,

WHEREAS, Mineral County has sent certified letters to the following Tribal Organizations: Walker River Indian Reservation, Washoe Tribe of Nevada and California, Inter-tribal Council of Nevada, Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch, Timbisha-Shoshone Tribe, and the Yomba Indian Reservation and has had no response as of January 19, 2018; and

WHEREAS, in accordance with 36 CFR § 800.16(f) and § 800.2(d), Mineral County has consulted with the community of Hawthorne regarding the effects of the undertaking on historic properties; and

WHEREAS in accordance with 36 CFR § 800.6(a)(1), Mineral County has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination providing the specific documentation, and the ACHP has chosen not to participate in consultation pursuant to 36 CFR §

800.6(a)(1)(iii); and

NOW, THEREFORE, Mineral County and the SHPO agree that said undertaking shall be implemented in accordance with the following stipulations, in order to take into account the effects on the undertaking on historic properties.

**STIPULATIONS:**

**I. MITIGATION FOR ADVERSE EFFECTS TO HISTORIC PROPERTIES**

**A. BUILDING DOCUMENTATION OF THE PATRIOTS PLAZA BUILDING**

- 1) Mineral County shall complete building documentation of this property prior to the demolition of this building. The documentation will include the following:
  - i. Completed SHPO Architectural Resource Assessment (ARA) form for this building.
  - ii. Color digital images of exterior and interior views of the resource will be taken in accordance with the National Park Service's Photo Policy for "Best" practices as outlined in their document: [https://www.nps.gov/nr/publications/bulletins/photopolicy/Photo\\_Policy update 2013 05 15.pdf](https://www.nps.gov/nr/publications/bulletins/photopolicy/Photo_Policy_update_2013_05_15.pdf). Photos will be keyed to an aerial photo or site plan. Photos will be printed as 8-1/2 x 11 prints at 600 dpi on archival paper. The digital images will be saved on an archival CD per NPS Photo Policy for "Best" practices. Mineral County shall submit one copy to the SHPO for their review and records. The photo documentation must be approved by the SHPO prior to the start of any demolition or ground disturbance.
  - iii. Color digital images shall include exterior and interior views of the resource. The exterior should be documented by at least 6 views including:
    - a) the front and one side; and
    - b) the rear and one side; and
    - c) the front elevation; and
    - d) environmental view showing the building as part of its larger landscape; and
    - e) major elements of the building, including doors, windows, additions, etc.; and
    - f) details, such as materials and hardware.

Interior photographs should yield information about the floor plan. Three or four views should be sufficient to document the significant elements of the interior.

- iv. Sketch plan of the building that indicates interior layout.
  - v. Reproductions of historic photographs, if available.
- 2) Mineral County will submit draft images to the SHPO for review and comment. The SHPO will review the documentation for completeness within fifteen (15) days of receipt. The SHPO will send its comments to Mineral County for action, if needed. Mineral County will submit any required changes to the SHPO.
  - 3) Upon the SHPO's final acceptance of the documentation, Mineral County may initiate any part of the undertaking.

**B. PLAQUE FOR PATRIOTS PLAZA AND UNEVALUATED HISTORIC-AGED PROPERTIES ALONG THE US95/395 CORRIDOR**

- 1). Mineral County will construct an interpretative plaque / marker at the property location to include a brief building history and its context within the neighborhood. Buildings that are unevaluated historic-age (50 years or older) in the proximity of this property will be also be briefly mentioned for their significance within the corridor.
- 2) The history will be prepared by or under the direct supervision of an individual who meets the Secretary of the Interior's Professional Qualification Standards set out at 48 FR 44716, September 29, 1983, for History, Architectural History, or Historic Architecture.
- 3) Mineral County will consult with the Signatories, Invited Signatory, and Concurring Parties for input on the content and design of an Interpretive Marker. The Marker will be fabricated of a material that is resistant to deterioration and corrosion and will be at least 3ft x 3ft. Mineral County will forward information regarding the proposed design including the content, the size, and the materials to the Signatories, Invited Signatory, and Concurring Parties, if any, for a thirty (30) day review and comment period. Mineral County will consider comments from the Signatories, Invited Signatory, and Concurring Parties when it finalizes the design. Mineral County will be responsible for the fabrication of the Marker and will deliver the completed Marker to the project. Mineral County will install the Marker within six (6) months following the completion of the funded undertaking.
- 4) Mineral County will notify the SHPO when the Marker has been installed. Mineral County shall submit photos of the installed sign to:

- i) the SHPO;
- ii) Mineral County Museum
- iii) Mineral County Library

## II. DURATION

This Memorandum of Agreement (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, Mineral County 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, Mineral County may consult with the SHPO to reconsider the terms of the MOA and amend it in accordance with Stipulation below. Mineral County shall notify the SHPO as to the course of action it will pursue.

## III. POST-REVIEW DISCOVERIES

If potential historic properties are discovered or unanticipated effects on historic properties found, Mineral County shall implement the discovery plan included as Attachment B of this MOA.

## IV. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, Mineral County shall provide the SHPO with a summary report detailing work carried out pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in Mineral County's efforts to carry out the terms of this MOA.

## V. DISPUTE RESOLUTION

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

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

accordingly. Prior to reaching such a final decision, Mineral County shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO, and provide it and the ACHP with a copy of such written response.

- C. Mineral County'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.

## VI. AMENDMENTS

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

## VII. TERMINATION

If any Signatory or Invited 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 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 Signatory and Invited Signatory.


Once the MOA is terminated, and prior to work continuing on the undertaking, Mineral County 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. Mineral County shall notify the SHPO as to the course of action it will pursue.

**EXECUTION** of this MOA by Mineral County and the SHPO and implementation of its terms evidence that Mineral County has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

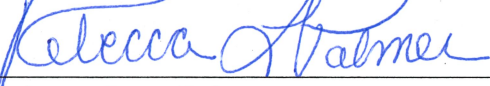
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SIGNATORIES:

Nevada Governor's Office of Economic Development

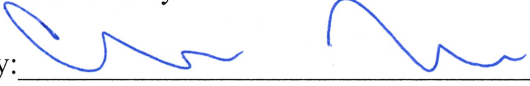
By:  Date: 7-23-18  
Matthew Moore  
Director of Rural Economic and Community Development

Nevada State Historic Preservation Officer

By:  Date: 07/25/18  
Rebecca Lynn Palmer  
Nevada State Historic Preservation Officer

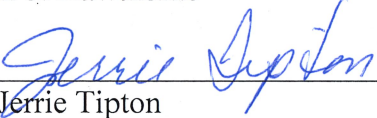
INVITED SIGNATORIES:

Mineral County

By:  Date: 7-18-18  
Christopher Nepper  
Clerk-Treasurer

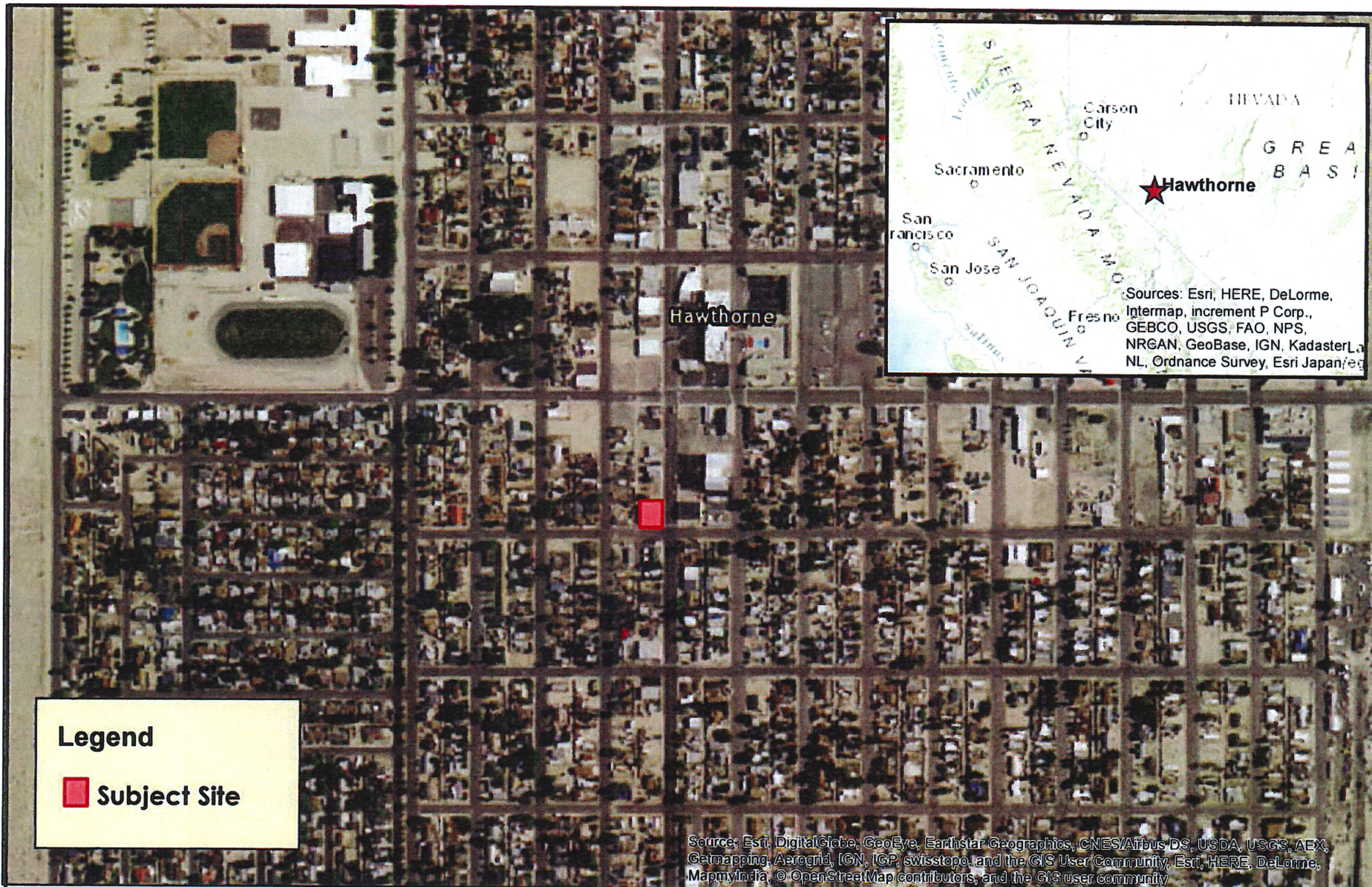
CONCURRING PARTIES:

Town of Hawthorne

By:  Date: 7-18-18  
Jerrie Tipton  
Chairman

Attachment A





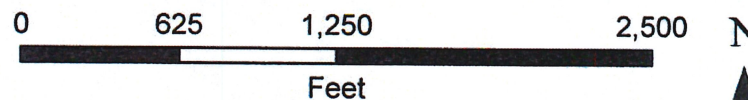
**Legend**

■ Subject Site

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Geomatics, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community, Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community

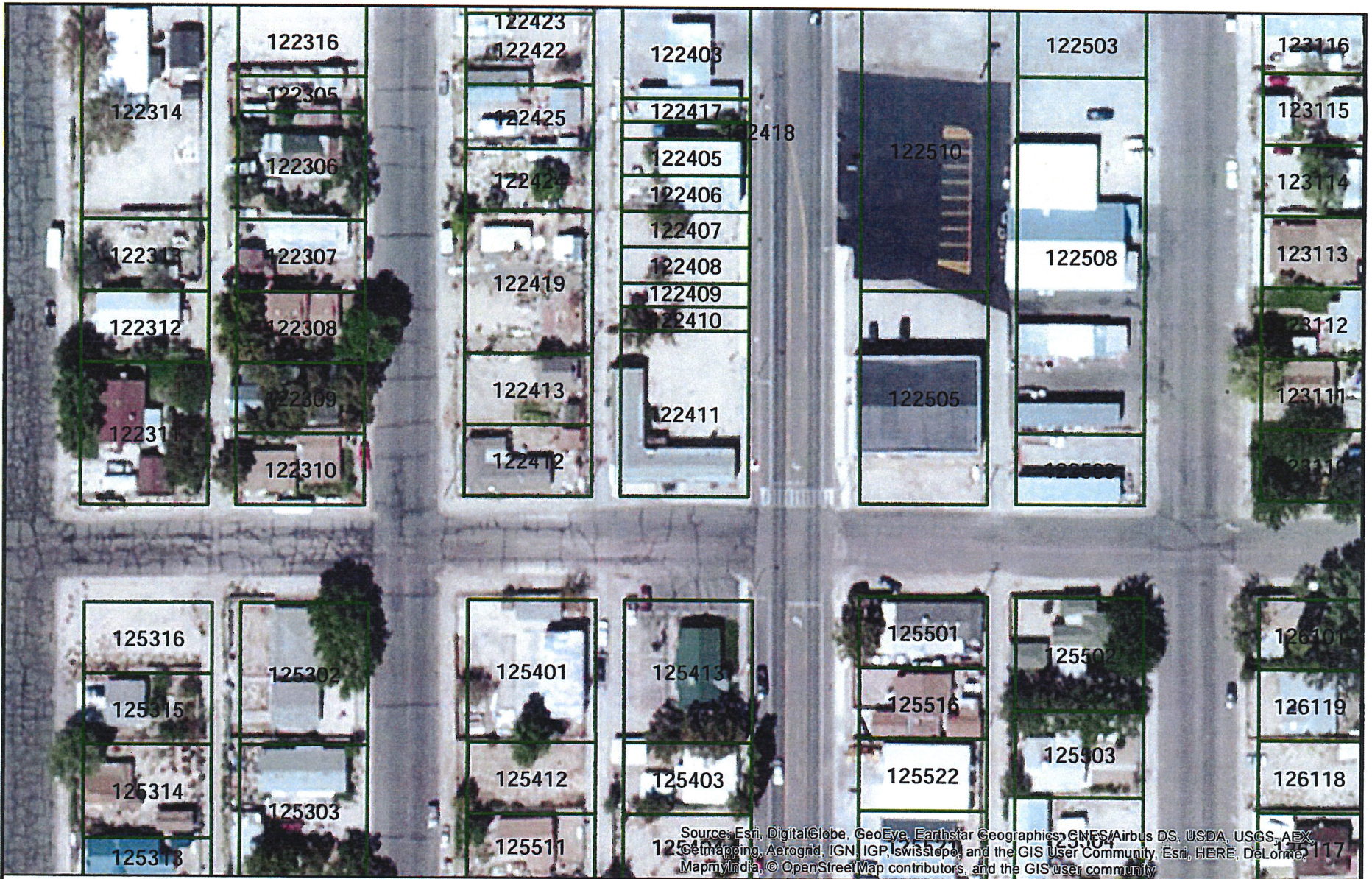
### Figure 1 - Vicinity Map

Sierra Pacific Building  
 395 E Street  
 Hawthorne, Mineral County, Nevada

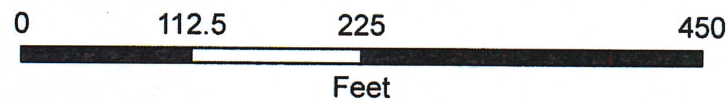


**bec environmental, inc.**  
 Environmental Services





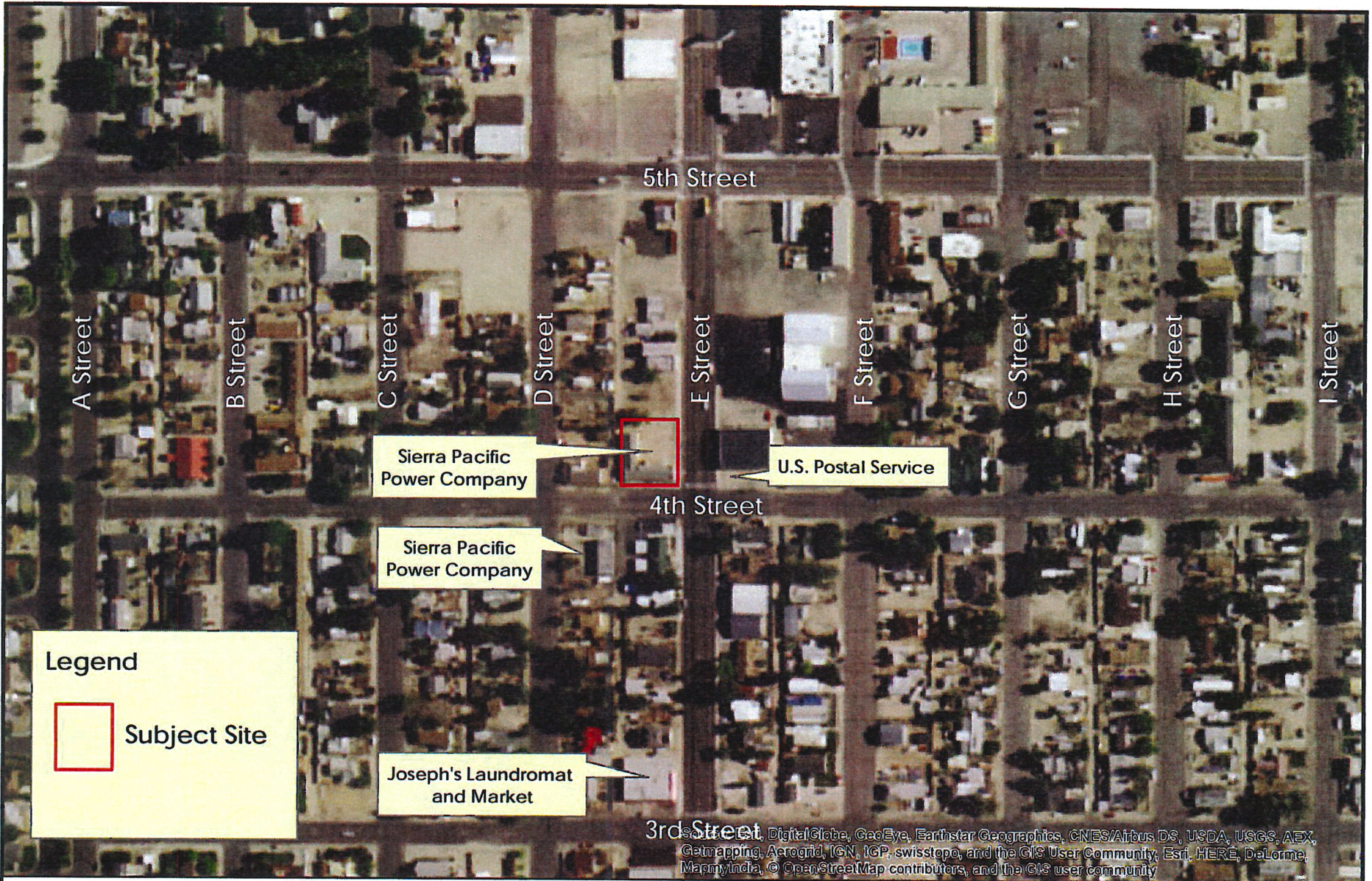
**Figure 2 - Parcel Information Map**  
 Sierra Pacific Building  
 395 E Street  
 Hawthorne, Mineral County, Nevada



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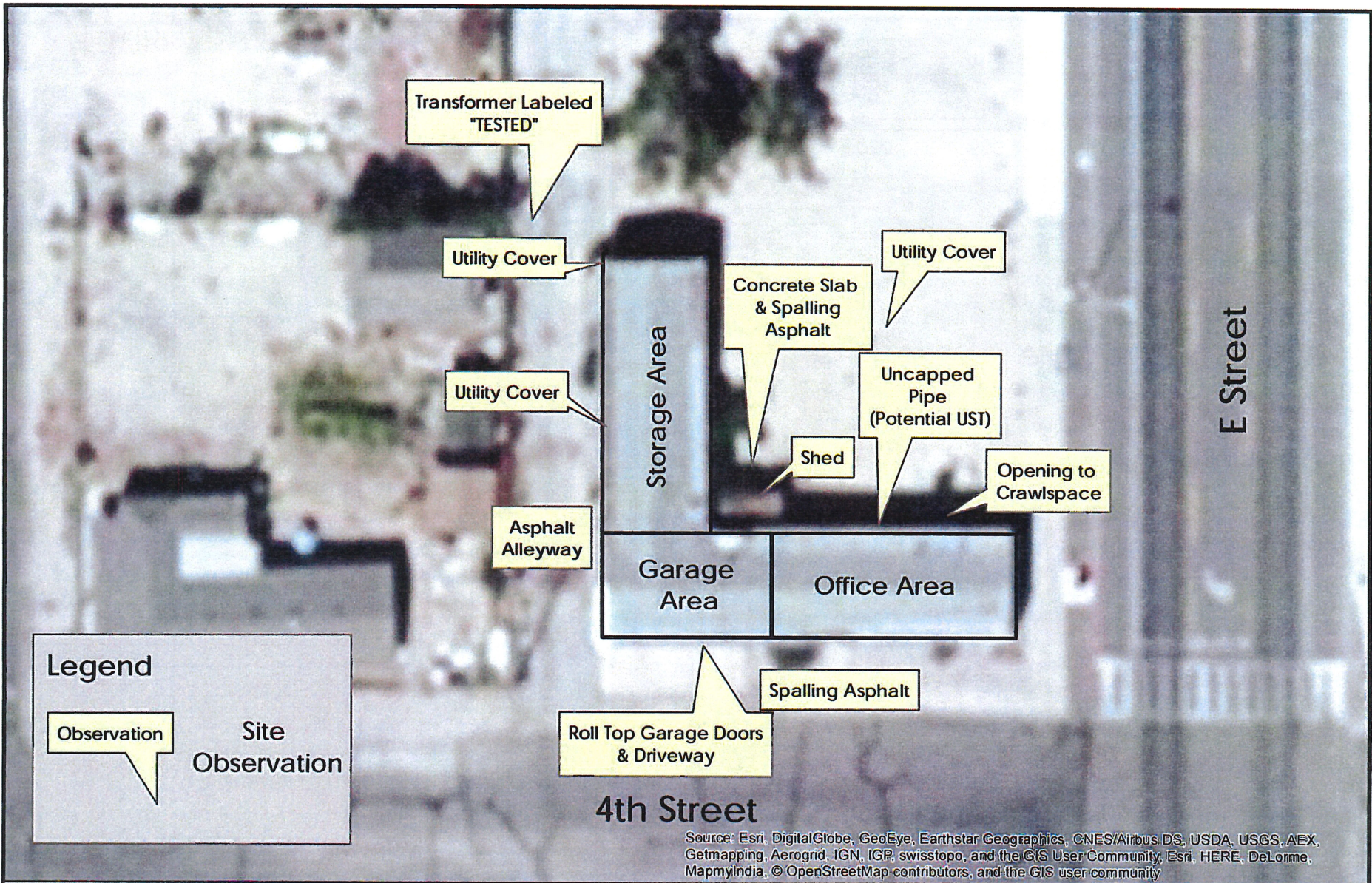
**Figure 3 - Area Reconnaissance Map**  
 Sierra Pacific Building  
 395 E Street  
 Hawthorne, Mineral County, Nevada

0 250 500 1,000  
 Feet

**bec environmental, inc.**  
 Environmental Services

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**Figure 4 - Site Reconnaissance Map**  
 Sierra Pacific Building  
 395 E Street  
 Hawthorne, Mineral County, Nevada

