

**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE SIERRA FRONT FIELD OFFICE OF THE BUREAU OF LAND MANAGEMENT,  
THE CONSOLIDATED MUNICIPALITY OF CARSON CITY,  
AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER  
REGARDING  
THE CONVEYANCE TO CARSON CITY, NEVADA  
OF  
5,452 ACRES OF PUBLIC LANDS  
AS MANDATED BY THE OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009  
AND  
489 ACRES of PRIVATE PROPERTY**

**WHEREAS**, the Sierra Front Field Office of the Bureau of Land Management (BLM) shall convey to the Consolidated Municipality of Carson City (Carson City) 5,452 acres of public lands to comply with the Omnibus Public Land Management Act of 2009 (OPLMA), Public Law 111-11, Title II, Subtitle G, Section 2601 “Carson City, Nevada, Land Conveyances” (hereinafter referred to as “the OPLMA conveyance” or Undertaking); and

**WHEREAS**, Carson City will use federal grant funding to purchase 489 acres of private land (Assessor’s Parcel Number (APN) 010-011-24 and 010-011-25) identified in a Southern Nevada Public Land Management Act (SNPLMA, Public Law 105-263, as amended), Round 11 nomination as “CR01 Bently Property Acquisition Project” (hereinafter referred to as “the Bently Property (APN 010-011-24 and 010-011-25) conveyance” or Undertaking); and

**WHEREAS**, the BLM, in consultation with Nevada State Historic Preservation Officer (SHPO), has determined that the OPLMA conveyance and Bently Property (APN 010-011-24 and 010-011-25) conveyance are an undertaking as defined in 36 CFR § 800.16[y]); and,

**WHEREAS**, the BLM is responsible for ensuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 CFR § 800 for the Undertaking; and

**WHEREAS**, BLM has consulted with Carson City regarding the effects of the undertaking on historic properties, their financial and legal responsibilities under this agreement, and has invited them to sign this Programmatic Agreement (PA) as an Invited Signatory; and

**WHEREAS**, Carson City and BLM have signed a perpetual conservation agreement to preserve and protect natural and cultural values on the lands OPLMA refers to as the “Silver Saddle Ranch and Carson River Area” (Appendix A); and

**WHEREAS**, the 3,604 acres of public land identified in OPLMA as “Silver Saddle Ranch and Carson River Area” will be managed by Carson City as undeveloped open space for passive recreation, customary agricultural practices and wildlife protection, and the 1,848 acres of public land identified in OPLMA as “(t)o Carson City for Parks and Public Purposes” will be managed by Carson City as undeveloped open space, or for other public purposes in accordance with the Recreation and Public Purposes Act (43 U.S.C. 869 et seq.); and

**WHEREAS**, the BLM, in consultation with SHPO, has defined the Area of Potential Effect (APE) for the Undertaking as the 5,452 acres of public lands (OPLMA conveyance), and 489 acres of private lands (Bently Property (APN 010-011-24 and 010-011-25) conveyance) to be conveyed to Carson City (Appendix B); and

**WHEREAS**, cultural resources eligible for inclusion on the National Register of Historic Places (NRHP), (hereinafter referred to as “historic properties”), are present on the lands to be conveyed (Appendix C); and

**WHEREAS**, the BLM has determined that the OPLMA conveyance would adversely affect historic properties by conveying them out of federal control, and has consulted with the SHPO pursuant to Section 106 of the NHPA; and

**WHEREAS**, portions of the OPLMA conveyance and Bently Property (APN 010-011-24 and 010-011-25) conveyance areas have not been subject to cultural resources field inventory, and it is not known whether historic properties are present on these lands; and

**WHEREAS**, effects to historic properties in the APE cannot be fully determined and the BLM, SHPO, and Carson City (hereinafter referred to as “Signatories”) desire to enter into this PA to set forth procedures to be followed in satisfaction of the BLM’s Section 106 responsibilities of the NHPA, for the Undertaking; and

**WHEREAS**, in accordance with 36 CFR § 800.14(b), the BLM has invited the Advisory Council on Historic Preservation (ACHP), to participate in the development and execution of this PA and the ACHP has declined to participate; and

**WHEREAS**, the BLM has consulted with the Washoe Tribe of Nevada and California (Washoe Tribe) concerning properties of traditional cultural and religious significance and the effects of the undertaking on historic properties, and, pursuant to 36 CFR § 800.14(b)(2)(i), has invited the Tribe to sign this PA as a Concurring Party, with the Tribe choosing to participate in this PA; and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(4) and 36 CFR § 800.14(b)(2)(ii), the BLM has notified the public of the Undertaking through public notices and letters to interested parties, and has held a public meeting to provide an opportunity for members of the public to express their views on the conveyances, the development of the PA, and the Section 106 process; and

**WHEREAS**, this PA covers all aspects of the planning, development, and implementation of future actions Carson City may initiate on the OPLMA conveyance and Bently Property (APN 010-011-24 and 010-011-25) conveyance lands; and

**WHEREAS**, any other federal assistance or permits necessary for the completion of projects in the APE will require the responsible federal agency to comply with Section 106 of the NHPA, 16 U.S.C. § 470f, and its implementing regulations, 36 CFR § 800 for the project; and

**NOW THEREFORE**, the Signatories agree that implementation of this PA shall be administered in accordance with the following stipulations to ensure that adverse effects to historic properties will be avoided, or the effects mitigated to the extent practicable, and to satisfy the BLM's NHPA Section 106 responsibilities for all aspects of the Undertaking.

## **I. PURPOSE AND INTENT**

The public and private lands described above will be conveyed to Carson City for the Open Spaces program and for other public purposes in accordance with the Recreation and Public Purposes Act. These include, but are not limited to, the facilitation and enhancement of passive recreational use, construction and maintenance of trailhead facilities and trails, reduction of hazardous fuels, maintenance or reconstruction of structures or Silver Saddle Ranch buildings, and the designation of motorized vehicles routes and staging areas. Some of the conveyed lands have been inventoried for cultural resources and contain historic properties, while some of those lands have not been inventoried and it is unknown whether historic properties are present. Future development and use of these lands may have an adverse effect on historic properties. The purpose of this PA is to establish procedures to be followed by Carson City to satisfy BLM responsibilities under Section 106 of the NHPA.

## **II. ROLES AND RESPONSIBILITIES**

- A. The Carson City District Manager is the BLM Authorized Officer for the Undertaking. The District Manager, or designee, is the point of contact for BLM.
- B. The Mayor of Carson City, or designee, is the point of contact for Carson City. Carson City shall notify all Signatories of the name and title of the point of contact by January 31 of each year or whenever the assignment changes, whichever comes first.
- C. The Chairman, or designee, is the point of contact for the Washoe Tribe.
- D. The State Historic Preservation Officer, or designee, is the point of contact for SHPO.
- E. Pursuant to Nevada Revised Statute (NRS) 383.430, Carson City shall be responsible for all expenses associated with carrying out the provisions of this PA, except for costs incurred by BLM or SHPO during fulfillment of the responsibilities assigned to them in this PA.
- F. Carson City shall be responsible for ensuring that all Parties to this PA are provided with an adequate opportunity to comment, in accordance with the following stipulations of this PA, on all proposed development, rehabilitation, or maintenance activities on lands in the

OPLMA conveyance and the Bently Property conveyance. Carson City shall ensure that the process outlined in following stipulations is initiated early in the project's planning, so that a broad range of alternatives may be considered during the planning process for the project.

- G. Carson City, in consultation with SHPO and BLM, shall ensure that all work undertaken to satisfy the terms of this PA meets the *Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716-44742, September 23, 1983) (Standards) and takes into consideration the ACHP's *Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites* (May 1999), the *BLM Nevada Guidelines and Standards for Archaeological Inventory, 5<sup>th</sup> edition* (BLM Guidelines) or any subsequent edition issued by BLM, the NRHP's *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (National Register Bulletin 38, 1989), and any other applicable guidelines or standards.
- H. Carson City, in consultation with SHPO and BLM, shall ensure that ethnographic, historic, architectural, and archaeological work conducted pursuant to this PA is carried out by or under the direct supervision of persons meeting qualifications set forth in the *Secretary of the Interior's Professional Qualifications Standards* (currently available at [http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)) and who have been permitted for such work, as necessary, by the BLM Nevada State Office.
- I. The Silver Saddle Ranch and Carson River portions of the OPLMA conveyance lands will be managed in accordance with the *Conservation Easement of the Silver Saddle Ranch and Carson River Area*, incorporated here as Appendix A.
- J. The Signatories agree that the *State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada State Historic Preservation Office for Implementing the National Historic Preservation Act, Finalized February 3, 2012* (Protocol), or any future edition, except as amended here, will be utilized for this PA. This Protocol is incorporated by reference.

### III. IDENTIFICATION

- A. Prior to authorizing any ground-disturbing activity within the Undertaking APE, Carson City shall consult with SHPO to determine the project APE and the need for inventory. Carson City shall send concurrent notification of this consultation, including copies of maps and project APE description, to BLM for their records.
- B. Concurrent with the consultation with SHPO described in item A, Carson City shall seek input from the Washoe Tribe to identify properties of traditional religious or cultural importance. Procedures for seeking Tribal input are specified in Appendix D. Information on the location and nature of all cultural resources or information considered proprietary by the Washoe Tribe will be held confidential by Carson City, or their

qualified consultant, to the extent provided by state law. Neither BLM nor Carson City will disseminate this information beyond what is required to complete the Section 106 process as agreed to in this PA.

- C. SHPO shall notify Carson City and BLM of its determination, as to whether the project APE has been adequately inventoried or additional inventory is necessary, within 30 days of receipt.
- D. If additional inventory is necessary, Carson City shall, in consultation with SHPO, ensure that the required identification activities are completed by Carson City's consulting archaeologist, or other qualified individuals as necessary. Identification activities may include, but are not limited to, archival research, context development, informant interviews, and archaeological, historic, or ethnographic inventories. Carson City shall ensure that all cultural resources are recorded in accordance with the BLM Guidelines or SHPO standards appropriate for the resource. Report submission and review shall follow the timeframes described in Stipulation VIII.B of this PA.

#### **IV. ELIGIBILITY**

- A. Carson City, through its qualified consultant and in consultation with SHPO and other consulting parties as necessary, shall evaluate all cultural resources recorded under this PA for eligibility to the NRHP based on an existing approved historic context or one that will be prepared. Carson City shall send concurrent notification of this consultation to BLM for their records.
- B. Carson City shall seek input from the Washoe Tribe to evaluate the eligibility of properties of traditional religious and cultural importance within the project APE. Procedures for seeking Tribal input are specified in Appendix D. Carson City shall provide the results of their request for Tribal input to SHPO for review and to BLM for their records.
- C. Following acceptance from SHPO, Carson City shall provide final inventory and eligibility evaluation reports resulting from actions pursuant to this PA to SHPO, BLM, and the Washoe Tribe or other interested parties as appropriate.

#### **V. TREATMENT**

- A. To the extent practicable, Carson City shall, in consultation with SHPO, ensure that project activities avoid adverse effects to historic properties through project design or redesign, relocation of activities, or by other means in a manner consistent with the Protocol. The SHPO shall determine the precise nature of effects to historic properties identified in the project APE, using the criteria of adverse effect found at 36 CFR § 800.5 and notify Carson City and BLM of their findings within 30 days of receipt of the final inventory and eligibility evaluation report.

- B. When avoidance is not feasible and data recovery or other mitigation is proposed to resolve project-related adverse effects to historic properties, Carson City shall develop a Data Recovery/Treatment Plan (Plan) that is consistent with the *Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation* (48 FR 44716-37), *Treatment of Historic Properties: A Handbook* (Advisory Council on Historic Preservation 1980) and ACHP's *Recommended Approach for Consultation on the Recovery of Significant Information from Archaeological Sites* (June 17, 1999). The order and timing of steps for preparation of the Plan is as follows:
1. During preparation of the Plan, Carson City shall seek input from the Washoe Tribe on appropriate treatment to avoid, minimize, or mitigate adverse effects to historic properties of traditional religious and cultural importance.
  2. Carson City shall prepare a draft Plan and submit it to BLM for review.
  3. During review of the draft Plan, BLM shall contact the Washoe Tribe to confirm that Carson City has sought and considered its input, and to seek any further input.
  4. BLM shall provide comments on the Plan to Carson City, and Carson City shall revise the Plan to address BLM's comments within 30 days of receipt of comments.
  5. Once BLM approves a final Plan, BLM shall submit the Plan to SHPO and ask for concurrence. BLM shall concurrently provide a copy of the Plan to the Washoe Tribe and interested parties, as appropriate.
  6. SHPO shall respond within 30 days of receipt, or notify BLM that additional time is needed.
  7. Upon concurrence from SHPO, the plan may be implemented.
- C. Preparation of reports of treatment activities:
1. Following implementation of the Plan, Carson City shall provide BLM with a draft report of all treatment activities within nine months after completion of the fieldwork associated with the activities, unless otherwise negotiated.
  2. BLM shall provide a copy of the draft report to SHPO and the Washoe Tribe for a 30-day review period.
  3. Following the close of the 30-day SHPO and Washoe Tribe review period, BLM shall review and provide comments to Carson City.

4. Carson City shall submit a revised final report to the BLM within 30 days of receipt of BLM's comments.
  5. Upon acceptance, BLM shall provide the final report to SHPO and the Washoe Tribe.
- D. For properties eligible under NRHP criteria (a) through (c), mitigation other than data recovery may be considered in the treatment plan. Examples of this type of mitigation include Historic American Buildings Survey/Historic American Engineering Record recording, oral history, historic markers, exhibits, interpretive brochures or publications.
- E. Carson City shall maintain all records and materials resulting from treatment efforts until the final treatment report is complete. All human remains and associated artifacts found on the conveyed lands will be handled according to the provisions of NRS 383. All materials collected will be maintained in accordance with 36 CFR § 79 or 43 CFR § 10, until the final treatment report is complete and collections are curated at the Nevada State Museum (NSM). Carson City, or their contractor, shall provide proof of a current curation agreement to BLM within two weeks of BLM acceptance of the final reports.
- F. Carson City shall provide all final archaeological reports resulting from actions pursuant to this PA to SHPO, BLM, and the Washoe Tribe or other interested persons as appropriate. All such reports shall be consistent with contemporary professional standards and the *Secretary of Interior's Formal Standards for Final Reports of Data Recovery Programs* (48 FR 447716-44740). Final reports will be submitted in both paper and electronic copies and will include digital copies of all associated data (e.g. GPS files, GIS shapefiles, digital photographs, etc.) per BLM Guidelines.

## VI. DURATION

This PA shall be effective on the date of the last signature below and shall remain in effect for a period of 30 years.

## VII. POST-REVIEW DISCOVERY SITUATIONS

Stipulations of this PA and the Protocol are intended to identify and mitigate adverse effects to historic properties. Unplanned discoveries of buried cultural resources are not anticipated. In the case of an unplanned discovery of cultural resources, Carson City, in consultation with SHPO, BLM, and the Washoe Tribe, shall ensure that provisions in Appendix E of this PA, the Protocol (Stipulation VI.B), and the following stipulations are met.

Prior to initiating any ground disturbing activities within the project APE, Carson City shall inform all employees, contractors, and subcontractors empowered to halt activities in a discovery situation about who to contact and under what time frame. At least one of these individuals will be present during any project field activities.

Carson City shall halt activities within 100 meters of the discovery until SHPO provides written concurrence that the provisions of Appendix E have been met and activities can resume.

Any disputes or objections arising during a discovery or unanticipated impact situation will follow the procedures in Stipulation X.

## **VIII. MONITORING AND REPORTING**

### **A. Monitoring**

1. Carson City shall ensure that all historic properties identified in the undertaking APE (Appendix C) are monitored annually by an appropriate professional or a certified Nevada Archaeological Site Steward.
2. Any Signatory may independently monitor actions carried out pursuant to this PA or monitor historic properties in the undertaking APE (Appendix C).
3. Annual historic property monitoring will consist of collecting data to determine any change in the property's integrity and the rate at which the change is occurring. SHPO will provide a standardized site report for archaeological resources, or Architectural Resource Assessment (ARA) form for architectural resources, for monitors to use.
4. Monitoring reports will be submitted by the consulting professional and/or Archaeological Site Steward annually to Carson City, who will provide a copy to all Parties to the PA within 30 days of receipt.
5. If changes to the integrity of any historic property are noted, the Parties shall consult to determine what, if any, mitigation is needed and the appropriate timeframe for this activity.

### **B. Reporting**

1. Carson City shall ensure that a draft report of identification and evaluation efforts is completed within 60 days after the completion of fieldwork, unless otherwise negotiated with SHPO.
2. Prior to submission to SHPO or BLM, Carson City shall review any report submitted by contractors within 30 calendar days of receipt to ensure it meets the standards described in Stipulations II.G, II.H, II.J, V.B, and V.F of this PA.
3. Prior to SHPO consultation, Carson City shall submit reports resulting from identification and evaluation efforts to the Washoe Tribe for a 30-day review period.



4. After review by the Washoe Tribe, Carson City shall submit reports resulting from identification and evaluation efforts, as well as any comments from the Washoe Tribe, to the SHPO for a 30-day review period.
5. If the Washoe Tribe, SHPO, or other interested person fails to respond to Carson City within 30 days of their receipt of a report, Carson City shall presume concurrence with the findings and recommendations as detailed in the submission and proceed accordingly.
6. Reporting requirements and timeframes for treatment efforts are described in Stipulation V of this PA.

## **IX. OTHER CONSIDERATIONS**

- A. Carson City shall direct all of its personnel, and all the personnel of its contractors and subcontractors, not to engage in the illegal collection of historic and prehistoric materials. Pursuant to NRS 383.435, Carson City shall ensure that any a person who knowingly and willfully removes, mutilates, defaces, excavates, injures or destroys a historic or prehistoric site or resource on land in the undertaking APE or who receives, traffics in or sells cultural property appropriated from land in the undertaking APE without a valid permit will be prosecuted to the fullest extent of the law.
- B. Carson City shall ensure that human remains, and artifacts directly associated with burials, encountered on the conveyed lands are treated with the respect due such materials. Carson City, in consultation with SHPO, shall ensure that all human remains and associated artifacts found on the conveyed lands will be handled according to the provisions of NRS 383.
- C. Carson City agrees to maintain the confidentiality of locational and other cultural resource information for the lands covered under this PA, and to design and implement procedures to ensure that such information is made available only to personnel with a need to know the information in order to design or conduct operations in a manner to avoid disturbance to known cultural resources. Carson City shall keep cultural resources information in a secure location with access limited to necessary authorized representatives. Cultural resource information obtained by Carson City under this PA will not be used for any purpose other than compliance with this PA and applicable laws. Any other use of this information by Carson City, such as for educational or interpretive uses, must be done in consultation with SHPO.
- D. Information on the location and nature of cultural resources, and information considered proprietary by the Tribe, will be held confidential by Carson City to the extent provided by Federal and state law.

- E. Materials collected in the course of archaeological investigation and treatment on conveyed lands will be donated to the NSM. Carson City, or their contractor, shall maintain a curation agreement with the NSM in order to meet this obligation.

## **X. DISPUTE RESOLUTION**

If any Signatory, Concurring Party, or other consulting party (as defined at 36 CFR § 800.2) objects in writing to any activity proposed pursuant to the terms of this PA, the Signatories and Concurring Party shall consult to resolve the issue within 30 days of receiving such objection.

If initial consultation to resolve the issue is not successful, the matter shall be directed to the Authorized Officers for the Parties (Carson City Mayor, BLM Carson City District Manager, State Historic Preservation Officer, and Washoe Tribe Chairman), who shall consult to resolve the issue.

If the Parties cannot resolve the issue, the BLM Nevada State Director shall have the authority to make the final decision in such a dispute resolution.

Carson City may continue all actions under this PA that are not in dispute.

## **XI. AMENDMENT**

Any Signatory to this PA may request that this PA be amended, whereupon the Signatories will consult to consider such amendment. The amendment will be effective on the date a copy signed by all of the Signatories is filed with the ACHP.

## **XII. TERMINATION**

Any Signatory to this PA may terminate the PA by providing 30 days advance written notice with cause to the other Signatories, provided that the Signatories will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

Pursuant to OPLMA (Section 2601.b.5), if BLM or the Department of Interior determines that the land conveyed has been used in a manner that is inconsistent with the uses described in OPLMA (undeveloped open space, natural areas, fuels reduction, low impact recreation, existing improvement maintenance, customary agricultural practices, and other public purposes as described in OPLMA) or the SNPLMA grant, this PA will automatically terminate within 30 days of BLM notification to all Signatories and Concurring Parties.

**EXECUTION** of this PA and implementation of its terms evidence that the BLM has taken into account the effects of the Undertaking on historic properties and afforded the ACHP an opportunity to comment.

**SIGNATORIES:**

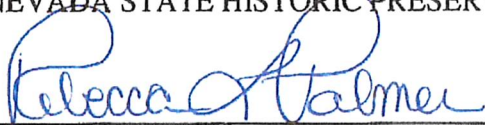
U.S. DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT



Christopher McAlear, District Manager, Carson City District Office

Date 8/28/12

NEVADA STATE HISTORIC PRESERVATION OFFICER



Ronald M. James, State Historic Preservation Officer

Date 9/11/12

CONSOLIDATED MUNICIPALITY OF CARSON CITY



Robert L. Crowell, Mayor

Date 1/7/12-12



Lawrence A. Werner, City Manager

Date 9/6/12

**CONCURRING PARTY:**

WASHOE TRIBE OF NEVADA AND CALIFORNIA

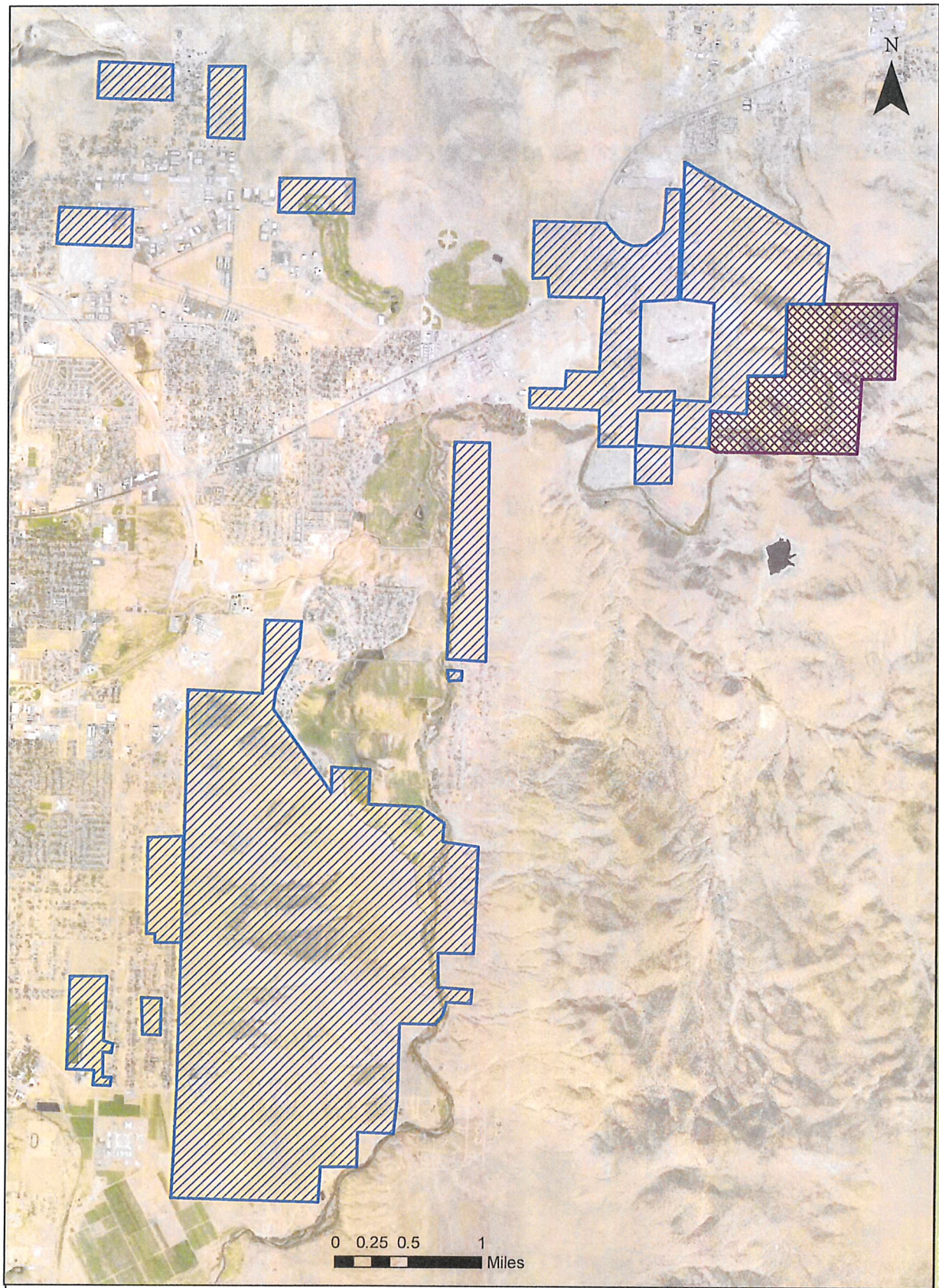


Wanda Batchelor, Chairwoman

Date 9/24/12

**APPENDIX A: CONSERVATION EASEMENT FOR THE SILVER SADDLE RANCH  
AND CARSON RIVER AREA**

**APPENDIX B: MAP SET SHOWING AREA OF POTENTIAL EFFECT**




Area of Potential Effect for OPLMA Conveyances to Carson City and SNPLMA-funded Bently Property (APN 010-011-24 and 010-011-25) Conveyance  
 1:40,000 scale  
 Map based on Bing Maps aerial imagery licensed service provided by ESRI

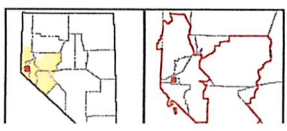


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 Bureau of Land Management  
 Carson City District Office  
 5635 Morgan Mill Rd.  
 Carson City, NV, 89701  
 (775) 865-6000

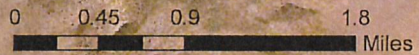
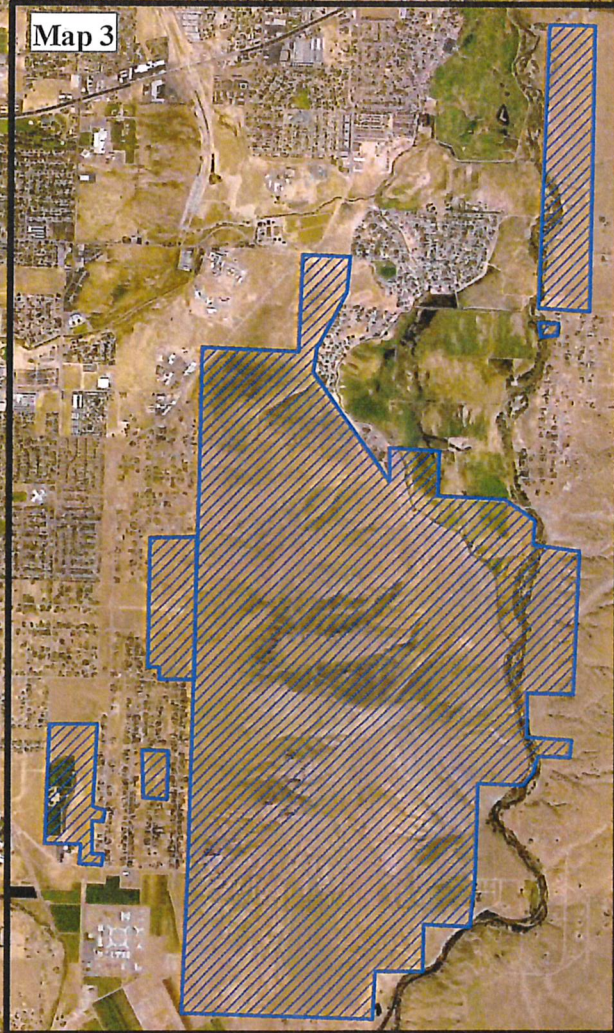
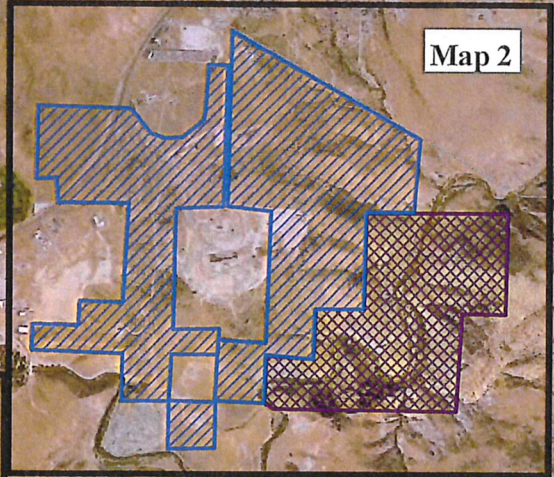
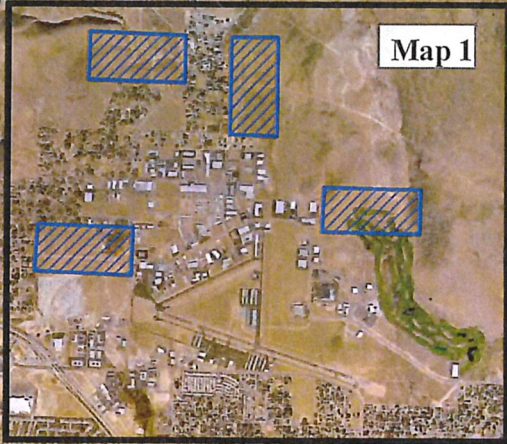
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**Legend**

 OPLMA Conveyance Lands



Key to 1:24,000-scale Maps



Area of Potential Effect for OPLMA Conveances to Carson City and SNPLMA-funded Bently Property (APN 010-011-24 and 010-011-25) Conveyance

Key to detail maps  
1:40,000 scale

Map based on Bing Maps aerial imagery licensed service provided by ESRI



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Map Produced by:  
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Legend

Diagonal hatching symbol





Detail Map 1 of 3  
Area of Potential Effect

1:24,000 scale

Based on Bing Maps aerial image licensed service provided by ESRI





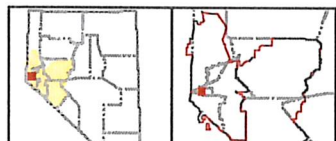
United States Department of the Interior  
Bureau of Land Management  
Carson City District Office  
5655 Morgan Mill Rd.  
Carson City, NV, 89701  
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Map Produced by:  
5/02/2012RGC

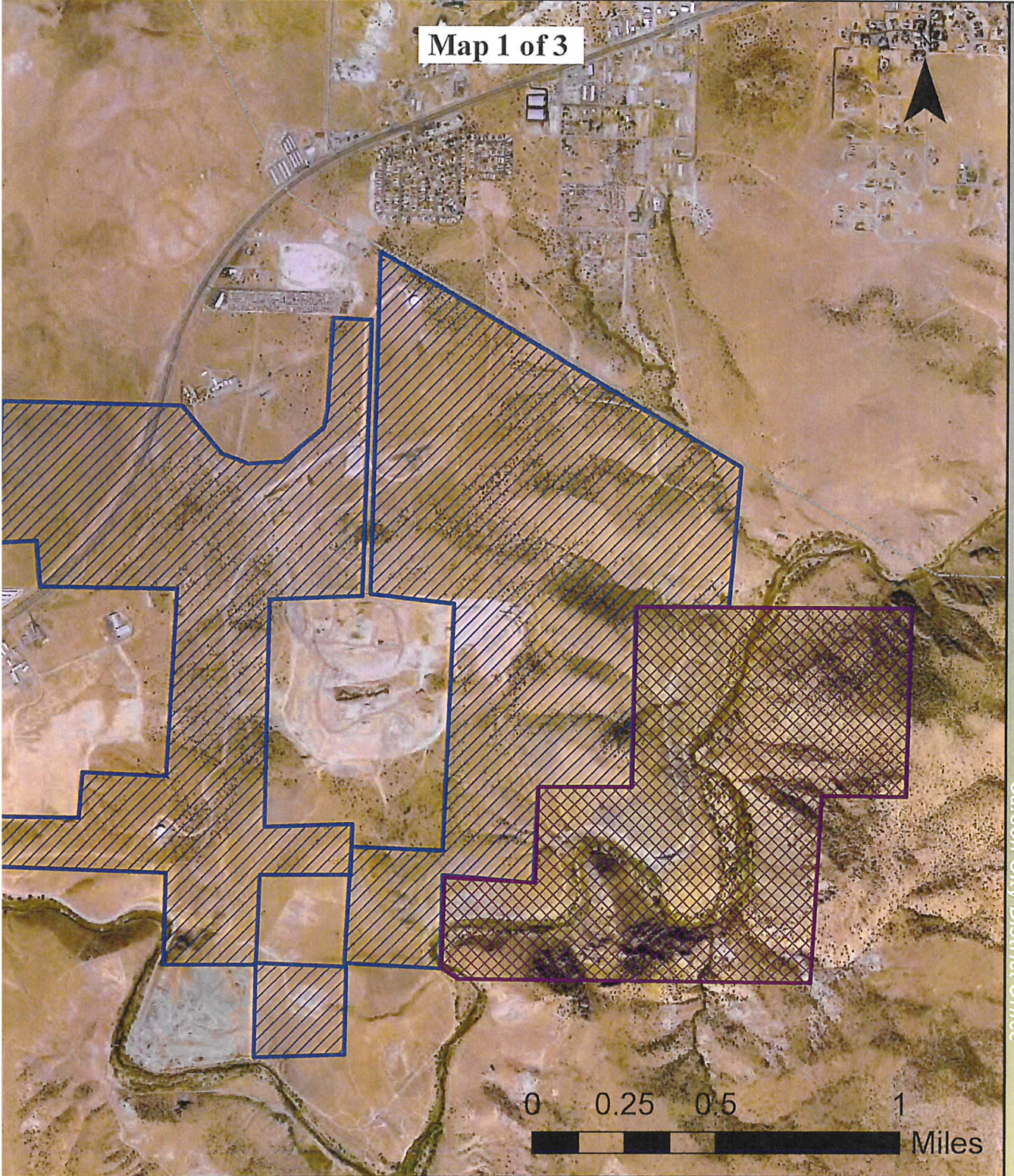
No Warranty is made by the Bureau of Land Management as to the accuracy, reliability,

Legend

-  Bently Property APN 010-011-24 and 010-011-25
-  OPLMA Conveyance Lands







Carson City District Office

Detail Map 2 of 3  
Area of Potential Effect

1:24,000 scale

Based on Bing Maps aerial image licensed service provided by ESRI





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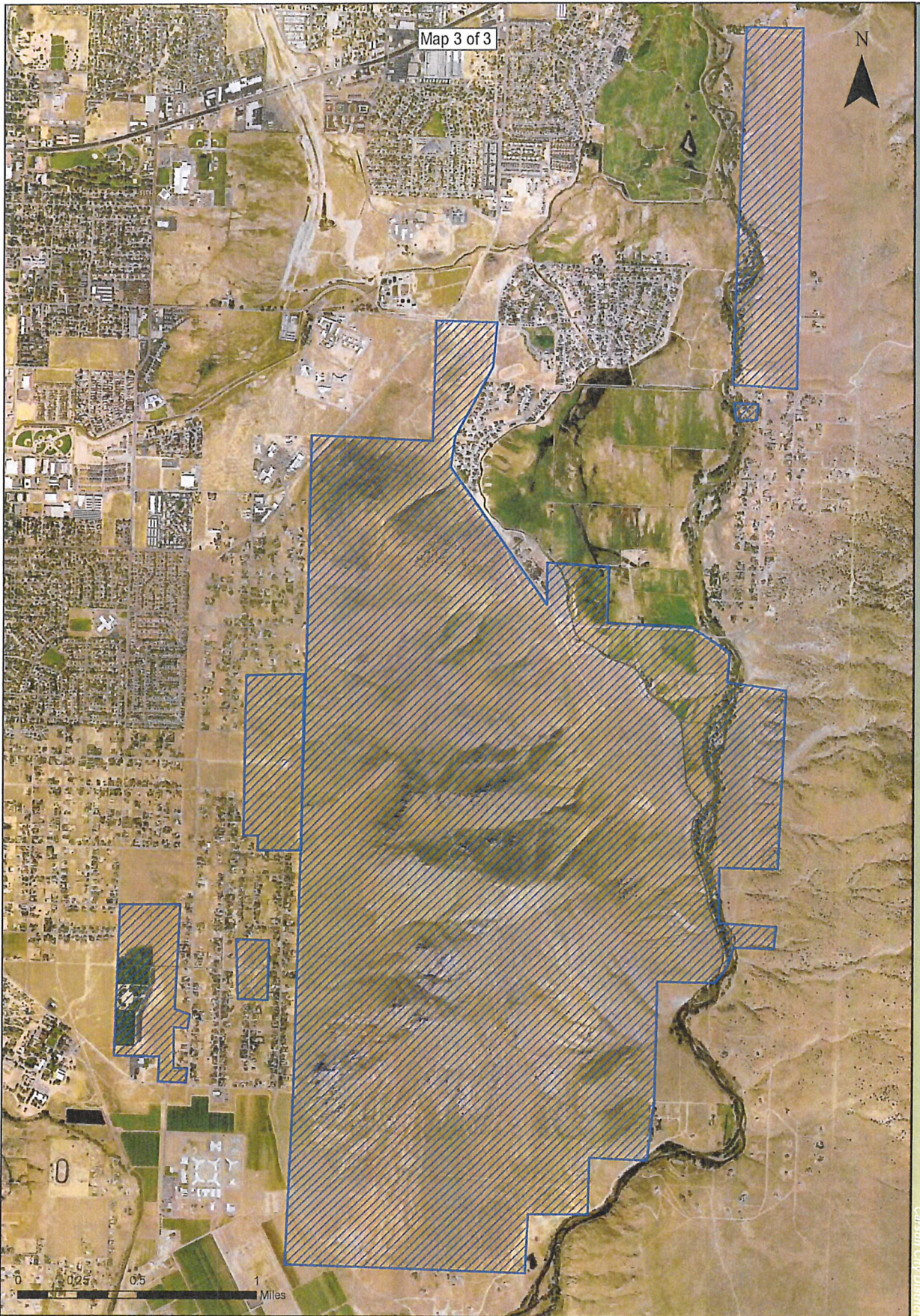
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Legend

-  Bently Property APN 010-011-24 and 010-011-25
-  OPLMA Conveyance Lands

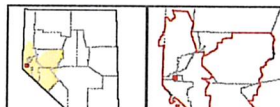




Detail Map 3 of 3  
Area of Potential Effect

1:24,000 scale

Map based on Bing Maps aerial imagery licensed service provided by ESRI



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Carson City District Office  
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Carson City, NV. 89701

**APPENDIX C: KNOWN HISTORIC PROPERTIES WITHIN THE APE**

## **APPENDIX D: PROCEDURES FOR SEEKING AND CONSIDERING WASHOE TRIBAL INPUT**

### **I. Identification of Parties**

Consultation on the Undertaking was initiated in May 2011. Parties for consultation were identified by a cultural resources specialist (CRS) from the BLM Sierra Front Field Office of the Carson City District who had experience with tribal consultation in the area. A letter describing the Undertaking, the NHPA Section 106 process, and the PA was sent to the Washoe Tribe of Nevada and California, the federally recognized tribe with cultural and natural resource interests in the Carson City area. The letter formally invited the Washoe Tribe to participate in the development of the PA as a consulting party.

At a follow-up consultation meeting between the Tribal Historic Preservation Officer (THPO) and a BLM CRS, a map of the conveyance lands was provided and details of the lands conveyance were discussed, as well the fact that the Washoe Tribe could choose to participate and sign as a Concurring Party to the PA.

Carson City shall seek additional tribal input for implementation of future actions on the conveyed lands over the life of this PA in accord with its stipulations.

### **II. Methods for seeking input from the Washoe Tribe**

The methods of the City contacting, communicating, and coordinating with the Washoe Tribe will include letters, emails, telephone calls, and face-to-face meetings, as appropriate and necessary to afford the Washoe Tribe the opportunity to provide input.

#### **A. Letter Contact**

As early as possible in the planning process, Carson City's Authorized Officer or designee shall prepare a letter to the Washoe Tribe explaining the proposed project. The letter will be prepared to ensure that Washoe Tribe is part of the initial contact and scoping process. This letter will be signed by Carson City's Authorized Officer.

The letter will explain the proposed activity in sufficient detail to allow the Washoe Tribe to determine its level of interest, if any. The scope of work, a proposed schedule, and any significant activities, such as planned field visits or a decision date, will be included in the letter.

#### **B. Follow-up Telephone Contact**

Carson City's Authorized Officer or designee shall follow-up the initial letter with telephone contacts, beginning 10 business days after the letters have been mailed. Information from these telephone contacts will be documented in a telephone log format. This telephone log

will be kept up to date and will become part of the project record. Any follow-up action recommended by the Tribe will be noted. If a Signatory requests access to this log in writing, Carson City shall provide such access within 10 days of the request.

#### C. Planned Meetings

1. Carson City's Authorized Officer or designee shall meet with the Tribal Chairman and/or designated tribal representatives as soon as possible upon request of the Washoe Tribe in order to discuss the proposed project, a specific project phase, or related issues.
2. Meetings will take place at the appropriate Washoe Tribal office, in the field at the location of proposed activities, or at other mutually agreed-upon locations in order to minimize costs to tribal members and to facilitate participation.
3. Meeting dates will be coordinated with designated tribal points of contact at least 10 business days prior to the meeting date.
4. The meeting will be confirmed by a letter to the Tribal Chairman, with a copy furnished to the Tribal Historic Preservation Officer (THPO) or point of contact. The letter will include a purpose statement, a proposed agenda, and a list of Carson City attendees.
5. Meeting summaries will be prepared within five business days following the meeting and will be distributed to the Tribal Chairman and other appropriate parties in draft. Comments from these tribal representatives will be incorporated as appropriate before finalizing the notes. Carson City will distribute final meeting notes within 10 business days following distribution of the draft notes.

#### D. Concluding the Process

Carson City's Authorized Officer, in consultation with the SHPO, shall determine the appropriate point of closure of the process of seeking and considering tribal input regarding the proposed project. Carson City shall provide written documentation of this decision to the Tribal Chairman and representatives. If ongoing discussions are productive, Carson City and the Washoe Tribe will make that determination and outline the appropriate scope, level, and process for its continuance. This may include, but is not limited to, continued coordination between Washoe Tribe and Carson City staff, weekly project phase reporting, and participation of tribal monitors.

**APPENDIX E: DISCOVERY AND UNANTICIPATED IMPACTS PROCEDURES**

In the event that previously unknown cultural resources are discovered within the area of potential effects, or that known resources are directly or indirectly impacted in an unanticipated manner, the following actions, at a minimum, would be initiated by Carson City in consultation with the Signatories:

- I. All activities will halt in the immediate vicinity of the discovery and all actions will be directed away from an area at least 100 meters in all directions from the point of discovery.
  - A. Carson City's Authorized Officer will be notified immediately by the contractors or Carson City staff working on the project. Carson City shall ensure that a consulting archaeologist, or other qualified individual with the proper expertise for the suspected resource type, is on-site as soon as possible.
  - B. Carson City shall notify SHPO, the Washoe Tribe, and other consulting parties as appropriate, within one business day of being notified of the discovery or unanticipated impact, and consider their initial comments on the situation.
  - C. In the event that a consulting archaeologist or other qualified individual is not immediately available, Carson City is required to cover and/or otherwise protect the resource until such time that the appropriate parties can be present for inspection and/or evaluation.
- II. The consulting archaeologist, or other qualified individual, shall assess the resource upon arriving at the site of the discovery. This assessment shall include, at a minimum, the:
  - A. The nature of the resource (e.g., number and kinds of artifacts, presence/absence of features). This may require screening of already disturbed deposits, photographs of the discovery, and/or other necessary documentation.
  - B. The spatial extent of the resource. This may require additional subsurface testing, mapping or inspection, as is appropriate to the resource.
  - C. The nature of deposition/exposure. This may require interviews with construction personnel, other persons having knowledge concerning the resource or, in rare instances, the expansion of existing disturbances to establish the characteristics of the deposits.
- III. Discoveries and unanticipated impacts to known resources will be managed according to the provisions of this PA. After consultation with the appropriate parties, Carson City shall make a recommendation of eligibility, treatment, and effect. If necessary, Carson City, in consultation with the SHPO, BLM, and the Washoe Tribe, shall ensure that a treatment plan is prepared following the guidance provided in this PA.

- IV. Any items covered by NRS 383, *Protection of Indian Burial Sites*, encountered in a discovery, or unanticipated impact situation, will be handled according to Nevada state laws, as appropriate.
- V. All project activities in the area of the discovery will remain halted until Carson City documents that identification and treatment are complete and provides this record to all Signatories. The Signatories will have five business days to provide comment to Carson City.

