



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT, CORPS OF ENGINEERS
201 NORTH THIRD AVENUE
WALLA WALLA, WASHINGTON 99362-1876

June 3, 2013

CENWW-RD

MEMORANDUM OF UNDERSTANDING between Regulatory Division, Walla Walla District,
and Regulatory Division, Sacramento District

SUBJECT: Designation of Walla Walla District as Lead District for Regulatory Actions in the State of Nevada occurring within boundary lands of the Shoshone-Paiute Tribes of Duck Valley Reservation, within the Upper Owyhee, ID/NV Watershed.

1. Purpose: This memorandum designates the Walla Walla District to act as the lead Corps District for Regulatory Actions in Nevada occurring within the boundary lands of the Shoshone-Paiute Tribe (Tribe) of the Duck Valley Reservation (DVR), see Enclosure 1, and two tribal ranch lands (Wilson Ranch, Rizzi Ranch) located off-site of its reservation land, see Enclosure 2. This designation is intended to improve consistency and increase efficiency of the Regulatory Program.

2. Background:

- a. The Regulatory boundary between the Walla Walla District (NWW) and Sacramento District (SPK) is the Idaho-Nevada state line, which divides the Duck Valley Indian Reservation, home of the Shoshone-Paiute Tribe. The DVR lies entirely within the Walla Walla District's civil works boundary; therefore, there is no change to local flooding emergency responses.
- b. On March 19, 2013, the Tribe requested that NWW administer the regulatory program for all actions within the boundaries of the reservation and two ranches which are owned and operated by the Tribe. The Tribe's request is based upon: proximity of DVR to the Boise Regulatory Office versus the Reno Regulatory Office; majority of proposed permitting actions occur within Idaho; and desire for a consistent approach for the Tribe with one POC for its proposed permit actions.
- c. SPK administers the Regulatory Program for the entirety of actions within the state of Nevada on DVR lands. SPK's field office is located in Reno, Nevada, which is approximately 380 miles away and requires overnight travel to conduct a site visit or have a face-to-face meeting, leading to decreased interactions with the Tribe on local projects. In contrast, NWW's Boise Field Office manages all regulatory actions within Idaho; is located approximately 170 miles away; and is closer to the offices of other Federal agencies with whom the Tribe also interacts.

For these reasons, the Tribe requests that NWW District be its point of contact for all Regulatory actions occurring within the DVR, the Wilson Ranch and the Rizzi Ranch lands.

3. Proposed Plan of Action:

- a. Assign NWW to administer all Regulatory actions requests from the Tribes, for the DVR and two tribal ranch lands. Wilson Ranch is located at HC 31 Box 20, Mountain City, Elko County, NV 89831, near 41.825791° N and -115.938783° W with approximately 938 acres. Rizzi Ranch is located approximately 4 miles south of Mountain City, Elko County, Nevada, near 41.786609° N and -115.951838° W and consists of approximately 415 acres, see Enclosure 2.
- b. Each district will continue to process requests within its respective administrative boundaries for all other state Transportation Departments, federal/state agencies, private in-holding owners and non-tribal entities, in accordance with each district's current procedures.
- c. As needed, SPK will share historical permitting and enforcement information with NWW that is relevant to the DVR and tribal ranch lands. SPK personnel will notify and coordinate relevant information to NWW related to new regulatory policy, procedures, permits, etc.

4. Lead District Roles and Responsibilities:

- a. NWW will be the lead on administering the Regulatory Program for all Tribal regulatory actions that occur within the DVR, Wilson Ranch and Rizzi Ranch, as identified on Enclosure 1 and Enclosure 2.
- b. NWW will include the SPK-UT/NV Branch Chief on the distribution of all public notices for Standard Permits circulated for proposed permit actions by NWW within the DVR and related tribal ranch lands. This effort will ensure SPK remains informed on upcoming projects with major impacts within the Nevada portion of the DVR.
- c. NWW will be responsible for all permit compliance and enforcement actions of unauthorized activities within the DVR and related tribal ranch lands in Nevada.
- d. NWW will coordinate annually with SPK to review the types and number of actions that occurred within the DVR reservation and related tribal ranch lands. Coordination will also include related issues/concerns, improvements in consistency and customer service.
- e. Regulatory Division Chiefs will review the designation of lead district at least once every five years.
- f. At any time, either district may withdraw the lead district designation with 60 days advanced notice for NWW to properly notify the Tribe.

5. POCs are Ms. Jamie Howard, NWW-RD and Mr. Jason Gipson, SPK-RD. This action has been assigned DA ORM2 File No. NWW-2013-00278.

David B. Barrows	Date
Chief, Regulatory Division	
Walla Walla District	

Concur

David W. Gesl	Date
Regulatory Program Manager	
Northwestern Division	

Michael S. Jewell	Date
Chief, Regulatory Division	
Sacramento District	

Concur

Wade L. Eakle	Date
Regulatory Program Manager	
South Pacific Division	

Enclosures

ENCLOSURE 1: Duck Valley Reservation, Shoshone-Paiute



Enclosure 2: RANCH LAND LOCATIONS, Shoshone-Paiute

