

**MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL COMMUNICATIONS COMMISSION (FCC),
THE UTAH STATE HISTORIC PRESERVATION OFFICE (SHPO),
CELLCO PARTNERSHIP AND ITS CONTROLLED AFFILIATES DOING BUSINESS
AS VERIZON WIRELESS,
THE OGDEN-WEBER CHAMBER OF COMMERCE,
AND THE WEBER COUNTY HERITAGE FOUNDATION
REGARDING
THE CONSTRUCTION OF A COMMUNICATIONS TOWER
IN OGDEN, WEBER COUNTY, UTAH**

WHEREAS, Cellco Partnership and its controlled affiliates doing business as Verizon Wireless (Verizon Wireless) proposes to construct a 40-foot monopole communications tower (Project) at 83 Ogden Canyon Road, Ogden, Weber County, Utah (at coordinates of N 41° 14' 23.16" and W 111° 54' 18.29") known as the Peery Camp site; and

WHEREAS, Verizon Wireless is a licensee of the FCC and intends to use the tower in connection with the provision of its licensed service; and

WHEREAS, the FCC has determined that the tower is a federal undertaking subject to review under the National Historic Preservation Act (NHPA), as amended by Pub. L. No. 96-515 (54 U.S.C. § 306108); and

WHEREAS, Verizon Wireless, pursuant to delegation from the FCC, initiated review for the Project pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108), as required by the FCC rules at 47 CFR § 1.1307(a)(4); and

WHEREAS, Verizon Wireless has consulted with the Utah SHPO, pursuant to 36 CFR Part 800, as well as pursuant to the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* (NPA), 47 CFR Part 1, App. C, and is a signatory to this Memorandum of Agreement (MOA); and

WHEREAS, the FCC, in consultation with the SHPO, established the Area of Potential Effects ("APE"), consistent with Stipulation VI of the NPA, to include the area of potential ground disturbance and any property that will be physically altered or destroyed by the Undertaking, as well as the geographic area in which the project introduces new visual elements;

WHEREAS, the FCC and the Utah SHPO have determined that the proposed Project may have an adverse direct and visual effect on the lime manufacturing site (42WB486) including two historic lime kiln ruins, one restored lime kiln, and surrounding work areas, and these sites are eligible for listing in the National Register of Historic Places (NRHP); and

WHEREAS, the FCC and the Utah SHPO have determined that the above referenced historical resource is the only site listed or eligible for listing in the NRHP within the APE that would be adversely affected by the proposed Project; and

WHEREAS, Verizon Wireless, consistent with the FCC's requirements for environmental review, has considered and evaluated a number of alternative sites for the Project and concluded that these options are either unavailable to Verizon Wireless, or do not meet the technical requirements necessary to satisfy the coverage needs of the telecommunications systems to be supported by the antennas; and

WHEREAS, members of the public were afforded a 30-day period to participate in and comment on this proceeding pursuant to notices published in “The Standard Examiner”, on January 18, 2012 and October 6, 2012. While no objections pertaining to effects on historic properties were received, parties expressing such concerns during public meetings for the zoning review of the proposed tower subsequently participated in consultation and have been invited to participate in this MOA; and

WHEREAS, local government officials were notified and afforded an opportunity to participate in and provide comments in this proceeding pursuant to Stipulation V. of the NPA; and

WHEREAS, the Ogden-Weber Chamber of Commerce, owner of 83 Ogden Canyon Road, will participate in the mitigation and is a signatory to this MOA; and

WHEREAS, the Weber County Heritage Foundation, a non-profit organization that helped restore part of the lime kiln site, will participate in the mitigation and is a signatory to this MOA; and

WHEREAS, Mr. Wayne Knudson, a local resident within the Fairmont Subdivision located near the Project, is a consulting party to the Section 106 process and has been invited to concur in this MOA; and

WHEREAS, Mr. Nick Breeze, a local resident within the Fairmont Subdivision located near the Project, participated in the Section 106 process and has declined the invitation to sign this MOA as a consulting party; and

WHEREAS, Verizon Wireless has made a reasonable and good faith effort to identify and notify Federally-recognized Tribal Nations that might attach religious and cultural significance to historic properties within the APE, including the Kaibab Paiute Tribe, San Juan Southern Paiute Tribe, Shoshone-Bannock Tribes, Southern Ute Tribe and Ute Indian Tribe, and none of the Notified Tribal Nations have objected to this Project; and

WHEREAS, in accordance with Stipulation VII.D.2 of the NPA, Verizon Wireless has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with the specified and required documentation and the ACHP has declined to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the FCC, the Utah SHPO, Verizon Wireless, the Ogden Weber Chamber of Commerce, and the Weber County Heritage Foundation agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effects of the undertaking on historic properties; and agree that the following measures shall constitute full, complete and adequate mitigation under the NHPA, as amended, the implementing regulations of the FCC’s rules.

STIPULATIONS

The FCC, through coordination with Verizon Wireless and its assignees, will ensure that the following measures are carried out following the execution of this MOA:

I. MITIGATION OF ADVERSE EFFECT

1. Project construction plans and notification to contractors shall indicate the following:
 - i. All construction access shall follow the existing gravel road leading from Ogden Canyon Road to the proposed tower site and new disturbance of surrounding soils and vegetation shall not be allowed;

- ii. Buried fiber optic and electrical utilities shall follow the existing gravel road leading from Ogden Canyon Road to the proposed tower site and new disturbance of surrounding soils and vegetation shall not be allowed;
 - iii. The historic lime kiln ruins in the hillside below the proposed tower are to be shored-up with wood prior to, and during construction, and shoring is to be removed after construction is complete; and
 - iv. Temporary exclusion fencing shall be installed at the edge of the slope north of the lease area during construction and removed after construction is complete.
2. Verizon Wireless will fund the creation and installation of one (1) new interpretive sign to be installed at the historic lime kiln site on the property owned by the Ogden-Weber Chamber of Commerce. The sign is to be similar in design to the existing interpretive sign on the property: a low-profile, high pressure laminate sign approximately twenty-four inches (24") by thirty-six inches (36") in size. The information provided on the sign shall serve to further public knowledge and understanding of historic lime manufacturing operations and/or the history of Ogden Canyon, and will be developed in coordination with the Weber County Heritage Foundation and Utah SHPO. The cost of the production and installation of the sign shall not exceed seven thousand five hundred dollars (\$7,500), which will be paid directly by Verizon Wireless to the vendor(s). The sign shall be installed within twelve (12) months of the issuance of the FCC Finding of No Significant Impact (FONSI), provided that a FONSI is issued.
 3. Verizon Wireless will prepare an updated Intermountain Antiquities Computer System (IMACS) Site Form for the lime kiln site (42WB486) to include a more thorough description of the site that unifies the "restored lime kiln" and the "lime kiln ruins" as a single site, and documents changes to the site resulting from the construction of the Project. The updated IMACS Site Form will be filed with the Utah SHPO within six (6) months of the completion of construction of the Project.

II. REPORTING

Following the execution of this MOA and until it expires or is terminated, Verizon Wireless shall provide all parties to this MOA an annual summary report and a final report when the tower proponent completes the mitigation, detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and/or objections received in carrying out the terms of this MOA.

III. 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 FCC shall consult with such party to resolve the objection. If the FCC determines that such objection cannot be resolved, the FCC will:

- A. Forward all documentation relevant to the dispute, including the FCC's proposed resolution, to the ACHP. The ACHP's policy is to provide the FCC with its advice on the resolution of any objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the FCC shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The FCC 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, the FCC may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the FCC shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and

concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

- C. The FCC'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.

IV. REMOVAL

In the event that Verizon Wireless or its successor cease communications service from this location and abandons the tower and associated facilities described herein, the owner of the tower will notify the Utah SHPO and the FCC of its intentions for the facility within six months and reopen consultation regarding future use or demolition of the tower at the tower owner's expense due to the potential direct effects to the historic property.

V. DURATION OF THE AGREEMENT

This MOA will be null and void if the Stipulations are not carried out within a period of five (5) years from the date of its execution. Prior to termination of the MOA, the FCC may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VII below.

VI. POST REVIEW DISCOVERIES

In the event that an Applicant discovers a previously unidentified site, or a previously unknown component of an existing site, within the APE that may be a Historic Property that would be affected by an Undertaking, the Applicant shall promptly stop work and notify the Commission, the SHPO/THPO and any potentially affected Indian tribe or NHO.

If the Applicant and SHPO/THPO concur that the discovered resource is eligible for listing in the National Register, the Applicant will consult with the SHPO/THPO, and Indian tribes or NHOs as appropriate, to evaluate measures that will avoid, minimize, or mitigate adverse effects. Upon agreement regarding such measures, the Applicant shall implement them and notify the Commission of its action.

If the Applicant and SHPO/THPO cannot reach agreement regarding the eligibility of a post-review discovery, the matter will be referred to the Commission for review. If the Applicant and the SHPO/THPO cannot reach agreement on measures to avoid, minimize, or mitigate adverse effects, the matter shall be referred to the Commission for appropriate action.

If the Applicant discovers any human or burial remains during implementation of an Undertaking, the Applicant shall cease work immediately, notify the SHPO/THPO and Commission, and adhere to applicable State and Federal laws regarding the treatment of human or burial remains.

VII. 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.

VIII. OTHER REQUIREMENTS

Verizon Wireless will file with the FCC an application and Environmental Assessment (EA) within sixty (60) days of the effective date of this MOA. Verizon Wireless will not initiate construction of the tower unless and until the FCC has approved the environmental assessment and issued a FONSI.

IX. 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 parties to attempt to develop an amendment per Stipulation VII 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 signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, the FCC must either (a) execute an MOA pursuant to 36 CFR Section 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR Section 800.7. The FCC shall notify the signatories as to the course of action it will pursue.

Execution of this MOA and implementation of its terms evidence that the FCC has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment. The applicability of this MOA is contingent upon the filing of an Environmental Assessment on this undertaking and a Finding of No Significant Impact (FONSI) by the FCC. If the FCC issues a FONSI, this MOA will be effective on the date it is issued by the FCC.

SIGNATORIES:

Federal Communications Commission

Paul D'Ari

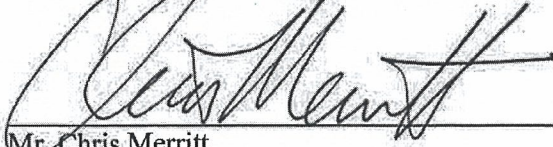
8-15-17

Paul D'Ari

Date

Special Counsel, Competition and Infrastructure Policy Division
Wireless Telecommunications Bureau

Utah State Historic Preservation Office



Mr. Chris Merritt
Deputy SHPO
Utah Division of State History

Date

7/17/17

Cellco Partnership and its controlled affiliates doing business as Verizon Wireless



Mr. Brian Mecum
Area Vice President, Network

8/14/17
Date

Ogden-Weber Chamber of Commerce



Mr. Chuck Leonhardt
President and CEO

7-17-17

Date

Weber County Heritage Foundation

Connie Cox

Ms. Connie Cox
President

7/19/2017

Date

Consulting Party

Signature Declined

Mr. Wayne Knudson
Fairmont Subdivision Resident

Date