

AMENDMENT No. 01 TO

**MEMORANDUM OF AGREEMENT
AMONG THE UNITED STATES ARMY CORPS OF ENGINEERS,
OHIO'S STATE HISTORIC PRESERVATION OFFICE, AND
THE NORTHEAST OHIO REGIONAL SEWER DISTRICT,**

**REGARDING THE REHABILITATIONS OF THE UPPER SHAKER LAKE AND GREEN LAKE DAMS
SHAKER HEIGHTS AND CLEVELAND HEIGHTS, CUYAHOGA COUNTY, OHIO
(AGREEMENT)**

WHEREAS, the Memorandum of Agreement (the "Agreement") was executed on January 8th of 2018;

WHEREAS, this Amendment (the "Amendment") to the Agreement among the United States Army Corps of Engineers (the "USACE"), the Delaware Nation, Ohio's State Historic Preservation Office (the "SHPO"), and the Northeast Ohio Regional Sewer District (the "NEORSD") amends that certain Agreement, made effective January of 2018, and signed by the MOA signatories, invited signatories, and concurring parties. The purpose of this Amendment is to extend the duration of the Agreement for an additional five (5) years from the expiration of the original Agreement (from December 31, 2022 to December 31, 2027) utilizing the same terms and conditions of the original Agreement.

WHEREAS, USACE will send a copy of this executed Amendment to the ACHP;

NOW THEREFORE, in accordance with the Stipulations of the Agreement, USACE, Delaware Nation, SHPO, and NEORSD agree to amend the Agreement as follows:

1. Amend Stipulation I (Virtual Exhibit) so it reads as follows:

"I. VIRTUAL EXHIBIT

On or before December 31, 2027, NEORSD will develop online educational content in the form of a virtual exhibit. The virtual exhibit will focus on the roles the dams and lakes played in relation to the North Union community of Shakers. The virtual exhibit will connect thematically with the educational signage (see Stipulation II) at Upper Shaker Lake and Lower Shaker Lake as well; Green Lake will not be covered by the virtual exhibit as it post-dates the North Union settlement. The virtual exhibit will also highlight the use of the Shaker Lakes area by Native peoples prior to the nineteenth century settlement period. The virtual exhibit will be hosted on the Clevelandhistorical.org website and mobile device application, or a similar hosting application for convenient access by the public. A draft version of the content will be sent to the MOA signatories, invited signatories, and concurring parties for comment. The content will be revised as appropriate based on received comments and submitted to SHPO for final review and comment. Each review period will be thirty (30) days. A final version of the virtual exhibit will be developed based on the review comments. If for unforeseen circumstances the Cleveland Historical site is no longer able to host the virtual exhibit, the MOA will be revisited through the amendment process to determine the proper way to move forward."

2. Amend Stipulation II (Educational Signage) so it reads as follows:

"I. EDUCATIONAL SIGNAGE

NEORSD will develop three educational signs interpreting the history and significance of Upper Shaker Lake, Lower Shaker Lake, and Green Lake. The signs will be illustrated with historic and current photographs and illustrations and will be placed at prime viewing locations at each lake. Lower Shaker Lake is included as it is also originally a Shaker lake and dam, similar to Upper Shaker Lake, although there is no adverse effect on this dam and lake by this project. On or before December 31, 2027, a draft of the sign text, illustrations, layout, and proposed locations will be provided to the MOA signatories, invited signatories, and concurring parties for review and comment. Upon approval, the

draft content will be submitted to SHPO for review and comment. Each review period will be thirty (30) days. A final version of the signage will be developed based on any review comments."

3. Amend Stipulation III (Duration) so it reads as follows:

"III. DURATION

This MOA will expire if its terms are not carried out by the close of business on December 31, 2027. Prior to such time, USACE may consult with the other signatory parties to reconsider the terms of the MOA and amend it in accordance with Stipulation XIII of the Agreement. The duration of the MOA may be extended only upon approval from all signatory parties. In the event that post review discoveries are made, the term of this MOA will be extended by mutual consent of the signatories for a time commensurate with the suspension period imposed."

4. All other terms and conditions under the original Agreement remain unchanged and in effect.

IN WITNESS WHEREOF, the Signatories have hereunto caused this Amendment No. 1 to the Agreement to be executed by their duly authorized representatives, effective as of the date of last signature.

[Signature Pages to follow]

SIGNATORY:

UNITED STATES ARMY CORPS OF ENGINEERS

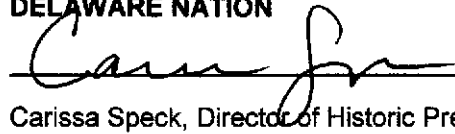
Steven V. Metivier

Date: 28 December 2022

Steven V. Metivier, Chief, Regulatory Branch

SIGNATORY:

DELAWARE NATION



Carissa Speck, Director of Historic Preservation

Date: 1/3/2023

SIGNATORY:

OHIO'S STATE HISTORIC PRESERVATION OFFICE

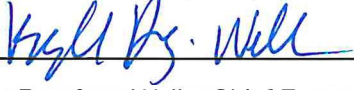
Diana Welling

Date: 12/15/2022

Diana Welling, Deputy State Historic Preservation Officer for Resource Protection & Review

INVITED SIGNATORY:

NORTHEAST OHIO REGIONAL SEWER DISTRICT



Kyle Dreyfuss-Wells, Chief Executive Officer

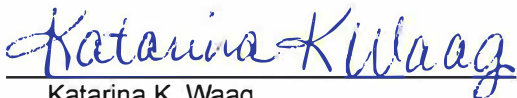
Date: 12/1/2022



Darnell Brown, President
Board of Trustees

Date: 12-1-22

This Instrument Reviewed By:



Katarina K. Waag
Assistant General Counsel

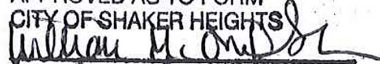
INVITED SIGNATORY:

CITY OF SHAKER HEIGHTS



David E. Weiss, Mayor

Date: 12-28-22

APPROVED AS TO FORM
CITY OF SHAKER HEIGHTS

TITLE: Director of CS (out)
DATE: 12-22-22

INVITED SIGNATORY:

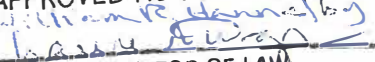
CITY OF CLEVELAND HEIGHTS



Kahlil Seren, Mayor

Date: 12/29/2022

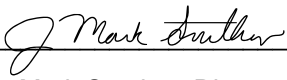
APPROVED AS TO LEGAL FORM



**DIRECTOR OF LAW
CITY OF CLEVELAND HEIGHTS, OHIO**

INVITED SIGNATORY:

CLEVELANDHISTORICAL.ORG

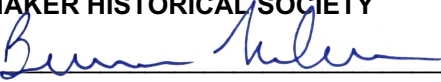


Date: 12/22/2022

Dr. Mark Souther, Director, Center for Public History + Digital Humanities

INVITED SIGNATORY:

SHAKER HISTORICAL SOCIETY



Date: 12/15/2022

Brianna Treleven, Executive Director

NORTHEAST OHIO REGIONAL SEWER DISTRICT
RESOLUTION NO. 389-22

AUTHORIZATION TO AMEND THE MEMORANDUM OF AGREEMENT WITH OHIO'S STATE HISTORIC PRESERVATION OFFICE AND THE UNITED STATES ARMY CORPS OF ENGINEERS FOR MITIGATION MEASURES TO BE CARRIED OUT AS PART OF THE DISTRICT'S REHABILITATIONS OF THE UPPER SHAKER LAKE AND GREEN LAKE DAMS, TO EXTEND THE TERM OF THE AGREEMENT FOR UP TO FIVE ADDITIONAL YEARS.

WHEREAS, pursuant to Resolution No. 357-17, adopted by the Board of Trustees on December 21, 2017, the District entered into a Memorandum of Agreement (MOA) with the U.S. Army Corps of Engineers (USACE) and Ohio's State Historic Preservation Office (SHPO) to memorialize the District's commitment to design and install educational signage and develop a virtual exhibit regarding the history of the Shaker dams as mitigation measures to be carried out as part of the District's rehabilitations of the Upper Shaker Lake and Green Lake Dams, under Section 214 of the Water Resources Development Act of 2000; and

WHEREAS, The MOA requires that such mitigation measures be completed by December 31, 2022, however, since the 2018 project at Upper Shaker Lake was never started, and has been changed to the Doan Brook Restoration Near Horseshoe Lake Park Project, a time extension to the MOA is required; and

WHEREAS, the District requested authorization to amend the MOA to extend the term of the MOA for up to an additional five (5)-year period, at no additional cost to the District;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE NORTHEAST OHIO REGIONAL SEWER DISTRICT:

Section 1. That this Board finds that amending the MOA serves a public purpose in that the MOA identifies the mitigation that the District must implement as a result of adverse effects to historical resources from the 2018 planned projects at Green Lake, Lower Lake and Upper Shaker (Horseshoe) Lake.

Section 2. That this Board hereby authorizes the Chief Executive Officer, at the request of the Director of Watershed Programs, to amend the MOA with the U.S. Army Corps of Engineers and Ohio's Historic Preservation Office to extend the term of the MOA for up to an additional five (5)-year period.

Section 3. That this Board hereby authorizes the Chief Executive Officer to execute all documents and do all things necessary to effectuate the terms and conditions of the amendment authorized hereunder.

Section 4. That this Board declares that all formal actions of the Board concerning and relating to the adoption of this resolution and that all deliberations of the Board and any of its committees that resulted in said formal action were conducted in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On motion of Ms. Dumas, seconded by Mayor Bacci, the foregoing resolution was unanimously adopted on December 1, 2022.



Timothy J. DeGeeter, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District

AMENDMENT TO AGREEMENT NO.

NORTHEAST OHIO REGIONAL
SEWER DISTRICT

WITH

U.S. ARMY CORP OF ENGINEERS
AND OHIO'S STATE HISTORIC
PRESERVATION OFFICE

FOR

MEMORANDUM OF AGREEMENT
REGARDING THE
REHABILITATIONS OF THE UPPER
SHAKER LAKE AND GREEN LAKE
DAMS

Total Approximate Cost: N/A

(RESOLUTION NO. 389-22, ADOPTED
12-1-2022)

The legal form and correctness of the
within instrument are hereby approved.



ERIC J. LUCKAGE
CHIEF LEGAL OFFICER

12/1/2022

Date

CERTIFICATION

It is hereby certified that the amount
required to meet the contract, agreement,
obligation, payment or expenditure, for
the above, has been lawfully
appropriated or authorized or directed
for such purpose and is in the Treasury
or in process of collection to the credit of
the fund free from any obligation or
certification now outstanding.



KENNETH J. DUPLAY
CHIEF FINANCIAL OFFICER

12/01/22

Date