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PROGRAMMATIC AGREEMENT

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AMONG

4

THE USDA FOREST SERVICE, ALASKA REGION,

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THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND

6

THE ALASKA STATE HISTORIC PRESERVATION OFFICER

7

REGARDING

8

HERITAGE PROGRAM MANAGEMENT

9

ON NATIONAL FORESTS

10

IN THE STATE OF ALASKA

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72 THE USDA FOREST SERVICE, ALASKA REGION,
73 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
74 THE ALASKA STATE HISTORIC PRESERVATION OFFICER
75 REGARDING
76 HERITAGE PROGRAM MANAGEMENT
77 ON NATIONAL FORESTS
78 IN THE STATE OF ALASKA

79 Preamble

80 **WHEREAS**, the USDA Forest Service (Forest Service) manages the resources of the Chugach and
81 Tongass National Forests, which together comprise the Alaska Region; and

82 **WHEREAS**, this Regional Programmatic Agreement (Agreement) fully supersedes all provisions
83 of the *Third Amended Programmatic Agreement Among the USDA Forest Service, Alaska*
84 *Region, the Advisory Council On Historic Preservation, and the Alaska State Historic Preservation*
85 *Officer Regarding Heritage Program Management On National Forests In the State of Alaska;*
86 and

87 **WHEREAS**, the Forest Service has a multiple-use mission to manage its public lands and
88 resources in Alaska for a variety of resources, values, products, and uses which may affect
89 properties included in or eligible for inclusion in the National Register of Historic Places
90 (National Register), hereafter referred to as historic properties as defined at 36 CFR
91 800.16(l)(1); and

92 **WHEREAS**, an “undertaking” is defined as “a project, activity, or program funded in whole or in
93 part under the direct or indirect jurisdiction of a Federal agency, including those carried out by
94 or on behalf of the Federal agency; those carried out with Federal financial assistance; those
95 requiring a Federal permit, license or approval” [36 CFR 800.16(y)]; and

96 **WHEREAS**, the Forest Service has established management policies, standards, manuals, and
97 guidelines designed for the management and treatment of cultural resources and historic
98 properties consistent with the spirit and intent of the National Historic Preservation Act of
99 1966, as amended (NHPA) (54 USC 300101 et seq.¹) and its implementing regulations entitled
100 Protection of Historic Properties (36 CFR 800); and

101 **WHEREAS**, the Forest Service has consulted with the Advisory Council on Historic Preservation
102 (ACHP) and the Alaska State Historic Preservation Officer (SHPO) pursuant to Section 800.14(b)
103 of 36 CFR 800 implementing Section 106 (§ 306108) of the NHPA; and the Signatory Parties

¹ Formerly 16 USC 470 et seq.

104 agree that the Alaska Region of Forest Service has an extensive history of compliance with the
105 provisions of 36 CFR 800 that demonstrates that many undertakings can be implemented using
106 more cost-effective, streamlined-expedited steps and procedures than those outlined in 36 CFR
107 800; and

Commented [CD1]: Recommend this is specific to the Alaska Region.

108 **WHEREAS**, the Signatory Parties share a common desire to develop a flexible programmatic
109 approach for expeditiously implementing projects subject to Section 106 of the NHPA that will
110 satisfactorily take into account the effects of Forest Service undertakings on historic properties,
111 provide for tribal consultation and public participation, minimize redundant documentation,
112 and reduce the need for case-by-case review of routine activities when historic properties will
113 not be affected or when standard protocols and treatments can be applied; and

114 **WHEREAS**, execution of this Agreement by the Forest Service obligates each participating
115 Forest and Forest Supervisor to comply with the stipulations contained herein; and

116 **WHEREAS**, the Forest Service recognizes its government-to-government and government-to-
117 corporation relationships with federally recognized Indian tribes [as defined at 36 CFR
118 800.16(m)], hereinafter referred to as Alaska Native Tribes and Alaska Native Corporations [as
119 defined in Forest Service Manual (FSM) 1563.05]; and

120 **WHEREAS**, the Forest Service recognizes that some historic properties may be culturally
121 significant to Alaska Native Tribes and Alaska Native Corporations as well as non-federally
122 recognized tribes; and

123 **WHEREAS**, the Forest Service has consulted with Alaska Native Tribes and Alaska Native
124 Corporations, on the development of this Agreement with the- See Appendix E for the list of
125 Tribes and Corporations invited to consult- Chugach Alaska Corporation providing comments
126 and Douglas Indian Association and Organized Village of Kake reviewing the Agreement
127 (Appendix E - List of Tribes and Corporations invited to consult); and

Commented [CD2]: Recommend changes to make this one continuous statement.

128 **WHEREAS**, the Forest Service has consulted with local governments and other interested
129 parties, including Certified Local Governments pursuant to 36 CFR 800.14(b)(2): 21
130 communities were invited to consult with -Sitka the Sitka and Seward Historic Preservation
131 Commissions provided comments; and

132 **WHEREAS**, determining that an undertaking has the potential to affect a historic property
133 requires subject matter expertise; only a qualified Heritage Professional may recommend to the
134 agency official whether a particular activity is an undertaking for the purposes of NHPA and
135 whether may apply the terms of this Agreement may be applied or or that it must follow
136 whether standard Section 106 procedures per 36 CFR 800 and FSM 2364.11 must be followed;

Commented [HK-3]: Or 'should'?

137 **NOW, THEREFORE**, the Signatory Parties agree that this all undertakings by the Alaska Region
138 Forest Service Agreement has been shall be implemented in accordance with the following
139 stipulations in order to take into account the ir effects of undertakings on historic properties;
140 and, when so administered, the procedures specified in this Agreement for identification,
141 documentation, evaluation, review, consultation, and public notification and participation will

Commented [CD4]: Proposed revisions that would shift the focus of the Therefore clause to be more consistent with the process being proposed.

be followed may be followed, in lieu of the requirements of 36 CFR 800, and these procedures satisfy the Forest Service's Section 106 responsibilities for all subject undertakings.

I. Stipulations

a. Professional Qualifications

The Forests shall employ Heritage Professionals and non-government personnel through the use of contracts or agreements or other instruments, who meet the following professional qualification standards.

- i. Forest Service Heritage Professionals shall meet professional qualifications standards established by the Office of Personnel Management [§ 306131² (a)(1)(B)] and found at FSM 2360.5, FSM 2360.91.1, and Forest Service Handbook (FSH) 2309.12 Chapter Zero Code -04.1.
- ii. The Forest Service may use the services of para-professionals provided they have been trained in historic preservation in a training program to be developed in the future in consultation with the SHPO, and are supervised by Forest Service Heritage Professionals who meet the above professional qualifications.
- iii. All non-government personnel shall meet the professional qualifications standards found in the *Secretary of the Interior's Professional Qualifications Standards and Guidelines for Archeology and Historic Preservation* as described at 36 CFR 61.

b. Professional Standards

The Forest Service shall, per § 306131 (a)(1), be responsible for the protection of historic properties and will ensure that all actions taken by employees, contractors, or others acting on behalf of the agency meet professional standards by maintaining a viable Heritage Program as evidenced by policies and procedures outlined specifically in FSM 2360 and FSH 2309.12, as well as other Forest Service directives.

c. Tribal Consultation and Participation

The Forest Service shall consult with Alaska Native Tribes and Alaska Native Corporations about properties of interest to them that may be affected by Forest Service undertakings pursuant to 36 CFR 800.2(c)(2). This consultation will be conducted in a manner that reflects the nature and complexity of each undertaking and its potential effects on historic properties during planning and implementation, regardless

Commented [CD5]: The previous PA contained a much more detailed discussion on tribal consultation including when this consultation would occur (typically as early as possible), how effects could be addressed, the development of MOUs, and how to handle confidentiality concerns. In my cold read of the document this does not seem as apparent as the previous agreement. How is this being addressed and why the major change from the previous agreement.

² Formerly Section 112

of whether the Agreement applies or not. Property types may include, but are not limited to: sacred sites as defined in Executive Order 13007, ~~Indian Sacred Sites~~ and in FSM 1563.05; sacred places as defined in FSM 1563.05; traditional use areas that may relate to the practice of traditional religions as described in American Indian Religious Freedom Act (42 USC 1996); Native American graves under Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001 et seq.); and Traditional Cultural Properties (TCPs) in accordance with 36 CFR 800 and FSM 2363.17.

d. Other Interested Parties, Including Non-federally Recognized Tribes

- i. The Forest Service shall seek and consider the views of stakeholders in a manner that reflects the nature and complexity of each undertaking and its potential effects on historic properties and the likely interest of the public in the effects on historic properties pursuant to 36 CFR 800.2(5)(d).
- ii. The Forest Service may choose to exclude undertakings from the provisions of this Agreement and to follow standard Section 106 procedures at 36 CFR 800 if stakeholder input demonstrates it is in the best interests of the resources or the Agency (See Section III. Standard Section 106 Procedures.).

e. Streamlined Section 106 Procedures

If the Heritage Professional has determined that all of the criteria below have been satisfied, streamlined procedures under this Agreement may be used and no further consultation with SHPO is necessary unless circumstances warrant otherwise. If one or more criteria are not met, the undertaking shall be subject to standard Section 106 procedures at 36 CFR 800 (See Section III. Standard Section 106 Procedures).

- i. **The Area of Potential Effects (APE) has been identified.** The APE is identified by the Heritage Professional per FSM 2364.11.2.2 who will consider the direct, indirect, and cumulative effects of the undertaking, including effects that might compromise the visual integrity of surrounding historic properties, historic districts, or National Historic Landmarks (NHL). The APE is not the same (although it can be) as the "project boundaries" as defined in the National Environmental Policy Act (NEPA) (42 USC 4321-4346). The APE can be smaller, or larger, and may include multiple APEs.

1. When the APE falls within the boundary of a NHL, Forest Service will consult with National Park Service on the undertaking.

- ii. **Appropriate identification and evaluation research has been carried out** to the degree required to make decisions regarding the historic properties that may be affected by this undertaking (See ~~S~~section II.b. Identification and Appendix D: Inventory Strategy).

Commented [CD6]: Consult how? If an NHL is involved how will the process vary from the expedited procedures?

- 209 iii. **Known cultural resources identified within the APE have been evaluated for**
210 **the National Register or have not been evaluated but are to be treated as**
211 **eligible per FSM 2363.22** and the provisions at Section II.c. Evaluation of Historic
212 Properties. The Heritage Professional may determine a reevaluation is necessary
213 if, for example, new information about the property becomes available.
- 214 iv. **Preliminary planning indicates a Finding of “no historic properties affected” [36**
215 **CFR 800.4(d)(1)] or “no adverse effect” [36 CFR 800.5(d)(1)]** for the undertaking
216 on all known historic properties within the APE.
- 217 v. **The undertaking falls into one of the categories included in Appendix B:**
218 **Authorized Undertakings.**
- 219 1. If the undertaking involves a historic building or structure, Appendix B:
220 Authorized Undertakings can be used if a baseline recordation exists and the
221 existing condition is documented.

222 II. General Procedures

223 a. Integrating with NEPA

- 224 i. The Forest Service may follow 36 CFR 800.8 in coordination ~~or substitution~~
225 procedures with NEPA for Environmental ~~Analysis-Assessment~~ (EA) or
226 Environmental Impact Statements (EIS) and use guidance provided in *NEPA and*
227 *NHPA: A Handbook for Integrating NEPA and Section 106* by the Council on
228 Environmental Quality, Executive Office of the President and the ACHP (2013) for
229 any agency activities requiring the development of an EA/Finding of No
230 Significant Impact (FONSI) or EIS/Record of Decision (ROD).

- 231 ii. Actions reviewed under NEPA that qualify for a Categorical ~~Exclusion~~Exclusion
232 (CE) still require compliance with Section 106 of the NHPA and may follow
233 standard Section 106 procedures or, if applicable, the streamlined procedures
234 described in this Agreement.

- 235 iii. Procedures at 36 CFR 800.4(b)(2) ~~will~~may be followed when the APE covers a
236 large area or the exact location of proposed activities is to be determined; an
237 example would be a large scale/long term vegetation management project.
238 These procedures allow for phasing the identification of cultural resources and
239 the assessment of effects in order to ~~accommodate consideration of project~~
240 alternatives in the issue a NEPA processdecision document prior to concluding
241 the Section 106 process.

242 b. Identification

- 243 i. The Heritage Professional shall use the best available methods for identifying
244 historic properties in the APEs for undertakings. In addition to standard
245 literature and archival research, the Forest Service may use current predictive

Commented [CD7]: You could use this PA with coordination, but substitution uses the NEPA procedures and documentation requirements for the preparation of an EA/FONSI or EIS/ROD to comply the 106 process and thus the process outlined in this PA would also be substituted for the NEPA process. Is this statement trying to ensure that NEPA compliance reflects the existence of this agreement and 106 compliance is reflected within those documents appropriately? I'm trying to understand the purpose of this statement.

Commented [CD8]: How will tribes be involved in the identification process?

models developed for locating historic properties on ~~FS lands~~National Forest System lands. In all cases, the Heritage Professional will use current professional standards in carrying out identification activities:

1. Heritage Professionals will follow the guidelines set forth in FSM 2363 and FSH 2309.12 Chapter ~~30~~ to identify, evaluate, and allocate cultural resources to a management category. The direction contained within FSH 2309.12 Chapter ~~30~~ applies to these activities regardless of whether they are conducted under Section 106 or Section 110 (~~§ 306101-306107 and 306109-306114~~) of the NHPA as amended, or Archaeological Resources Protection Act (ARPA) (16 USC 470aa et- seq.) or other authorities.
2. Heritage Professionals, in keeping with the *Secretary of the Interior's Standards for Identification*, will use their best professional judgement in creating an appropriate cultural resource identification strategy "undertaken to the degree required to make decisions".
3. "Probability zones" of "High" or "Low" which are predictors of potential cultural resource density, are based on existing statistical probability models (Appendix D: Inventory Strategy) and will be reviewed annually and ~~updated~~revised annually as needed at the time of the annual report.
4. Predictive modeling is based on current research relating to isostatic rebound and landscape level changes, including ancient shorelines, fossil beaches, refugia, and submerged cultural resources (Appendix D: Inventory Strategy). Models will be tested and updated on a continuing basis.
5. Heritage Professionals shall ensure that any previous surveys in the APE meet current standards as defined in Appendix D: Inventory Strategy, and if not shall re-survey the APE to current standards in effect at the time of the undertaking.

c. Evaluation of Historic Properties

- i. Properties will be evaluated for eligibility using criteria at 36 CFR 60.4 as determined appropriate by a Heritage Professional.
 1. Historic properties that have been formally evaluated and have received SHPO concurrence shall be covered under the terms of this Agreement.
 2. Cultural resources which have been identified, but have not been formally evaluated for eligibility to the National Register shall be treated as eligible historic properties per FSM 2363.22 under the terms of this Agreement.
 3. The Heritage Professional shall determine whether a property's eligibility evaluation requires updating prior to an undertaking.

d. Assessment of Effects (Findings)

- i. A Finding of “no historic properties affected” [36 CFR 800.4(d)(1)] shall be applied to undertakings for which the Heritage Professional has determined there will be no effects to historic properties.
- ii. A Finding of “no adverse effect” [36 CFR 800.5(d)(1)] shall be applied to undertakings for which the Heritage Professional has determined there will be no adverse effects to historic properties.
- iii. Cumulative effects must be included in the assessment of effects and if there is a reasonable foreseeable potential for an “adverse effect”, a conditional Finding ~~a~~ of “no adverse effect” cannot may be applied unless-if conditions are imposed to avoid them per 36 CFR 800.5(b). Examples include:
 - a. ~~Activities that practice-Requireing~~ Leave No Trace principals- be practiced for activities such as camping, hiking, and picnicking in areas near or on historic properties, and provided that the areas where activities occur are not subject to large volumes of visitor traffic that may cause adverse effects through overuse.
 - b. ~~Activities that practice-Requireing~~ “Avoidanceavoidance” of historic properties as a matter of Forest Service policy such as rerouting trails, road realignments, changes in designs, or limitingations in visitor numbers to reduce impacts.
- iv. When the Heritage Professional determines that an undertaking will result in an “adverse effect” [36 CFR 800.5(d)(2)], then the undertaking shall be subject to standard Section 106 procedures at 36 CFR 800 (See Section III. Standard Section 106 Procedures).

Commented [CD9]: Is there a list/summary of these conditions that SHPO and FS have a mutual understanding are acceptable?

Commented [HK-10]: or ‘has the potential to’?

e. Monitoring Activities

- i. To ensure compliance with this Agreement, Heritage Professionals shall monitor activities during or post-implementation of activities.
- ii. If a conditional Finding of “no adverse effect” is applied, the undertaking may proceed, but requires regular monitoring on a schedule that the Hheritage Professional specialist deems appropriate for the activity and the resource, as described in conditional findings of effect and Memoranda of Agreement (MOA) stipulations, to ensure that the conditions or stipulations were adhered to satisfactorily; monitoring progress and findings will be tracked in the annual report.
- iii. Should monitoring efforts for activities covered under a “conditional no adverse effect” reveal that historic properties are being adversely affected, the SHPO

Commented [HK-11]: ‘as described in determination of effect reports’?

Commented [HK-12]: or ‘describes in the determination of effect report’?

Commented [HK-13]: This should speak to all monitoring, not just conditional no adverse effect monitoring

Commented [CD14]: And any appropriate Alaska Native Tribe(s) and Alaska Native Corporation(s)?

318 ~~shall be notified~~ shall be notified, and standard Section 106 procedures shall be
319 followed (Section III. Standard Section 106 Procedures).

320 **III. Standard Section 106 Procedures**

321 Any undertakings that do not meet the criteria in Section I.e. Streamlined Section 106
322 Procedures shall be subject to standard Section 106 procedures.

323 a. When desired by the Forest Service, or requested by the Signatory Parties, the Forest
324 Service may apply the standard Section 106 procedures for any individual undertaking
325 that would otherwise be covered under this Agreement.

326 b. When switching from the modified procedures allowed by this Agreement to the
327 standard Section 106 procedures, the Signatory Parties shall consult about where to
328 best enter the standard Section 106 process.

329 c. Discoveries and Unanticipated Effects

330 i. The SHPO shall be notified by the Forest Service as soon as practicable (within a
331 maximum of 48 hours) upon confirmation of the discovery that a known historic
332 property or previously unidentified cultural resource has been affected by an
333 undertaking in accordance with the provisions of 36 CFR 800.13(a)(1) and at that
334 point the Forest Service shall revert to standard Section 106 procedures for
335 determination of eligibility and assessment of effects.

336 ii. All activities in the vicinity of the discovery shall cease and reasonable efforts
337 shall be taken to avoid or minimize harm to the resource.

338 **IV. Human Remains**

339 a. **Inadvertent Discoveries**

340 In the event that any human remains are encountered work in the immediate vicinity of
341 the discovery shall cease other than non-disturbing documentation and the Forest
342 Service shall follow NAGPRA procedures as outlined at 43 CFR 10, and ARPA procedures
343 outlined at 43 CFR 7. In addition, the Forest Service shall, as appropriate, comply with
344 the most current State protocols for reporting discovery of human remains available
345 through the Office of History and Archaeology (OHA)/SHPO. In addition, ~~the Forest~~
346 Service shall follow NAGPRA procedures as outlined at 43 CFR 10, and ARPA procedures
347 outlined at at 43 CFR 7.

348 b. **Intentional Excavation**

349 The Forest Service shall develop a NAGPRA Written Plan of Action [43 CFR 10.5(e)] or
350 Comprehensive Plan [43 CFR 10.5(f)], in consultation with the appropriate Alaska Native
351 Tribe(s) and Alaska Native Corporation(s), governing intentional recovery of human

Commented [CD15]: And Alaska Native Tribe(s) and Alaska Native Corporation(s) that might attach religious and cultural significance to the affected property

remains. The Forest Service shall notify the SHPO in advance of such an undertaking and provide an opportunity to comment.

V. Emergency Undertakings

- a. In the event of a declared emergency per 36 CFR 800.12 or in the case of an immediate threat to life or property as determined by the Forest Service, the Forest Service and its mutual aid partners will implement, to the extent prudent and feasible, any measures that could avoid or minimize harm to historic properties. The Forest Service may assume the eligibility of a cultural resource or group of resources for inclusion in the National Register without consultation with the SHPO and shall carry out preservation of damaged properties in a manner that will not adversely affect them.
- b. The SHPO, the ACHP, Alaska Native Tribe(s) and Alaska Native Corporation(s) will be notified of the emergency. If circumstances allow, those notified shall have seven days to comment [36 CFR 800.12(b)].

VI. Collections

- a. The Alaska Region has a limited collection policy. When conducting surveys, the only cultural materials only diagnostic artifacts (by time, function, etc.) are collected, along with appropriate material samples for analysis (Carbon-14, pollen, etc.). are diagnostic (by time, function, etc.) and artifacts that are collected under suitable controls if reasoned to be necessary by the Principal Investigator or Crew Chief, for analytical purposes or to prevent probable loss or destruction. Samples of soils, flora, and fauna may also be collected for the purposes of analysis and may be destroyed as part of the analytical process. Samples are typically not curated in perpetuity. When conducting a controlled excavation, whether in-house or by contract, the Principal Investigator, following a prepared research design, identifies the appropriate materials for collection and retention in the permanent record. Materials may include artifacts, regardless of whether they are diagnostic, using current techniques, as well as material samples that include rocks, minerals, soils, flora (including charcoal and pollens), and fauna.- All collected materials are curated in perpetuity with the exception of those samples which are subject to destructive analysis. This is standard professional practice in order to ensure that samples are retained for analysis using future techniques.
- b. Collections are managed according to FSM 2366 and FSH 2309.12 Chapter -60 and will be housed in a facility meeting standards in 36 CFR 79.
- c. When conducting investigations on State land, Forest Service personnel and personnel working on behalf of the Forest Service will follow the State collection policy.
- d. When conducting investigations on lands governed by other laws, Forest Service will follow collection policies outlined in the applicable law or negotiated with the landowner.

389 VII. Documentation and Reporting

390 a. Using the Agreement

- 391 i. An annual report shall be prepared using existing and readily available
392 information within the Forest Service established recordkeeping procedures, and
393 submitted to Signatory Parties. Forest Service will provide annual reports to
394 other parties upon request.
- 395 ii. The content of the annual report will include:
- 396 1. The Secretary of the Interior's Annual Report to Congress for the most
397 recently completed fiscal year.
- 398 2. A narrative describing any noteworthy project(s) carried out on each District.
- 399 3. A spreadsheet containing summary data on those undertakings for which the
400 Agreement was used.
- 401 4. Cultural resource inventory reports that were completed under the terms of
402 this Agreement.
- 403 5. A list and description of cultural resources monitored for reasons other than
404 Section 106 compliance.
- 405 6. A description of unanticipated discoveries and resolutions for each District.
- 406 7. An update on how the Forests or Districts are doing on meeting ongoing
407 MOA stipulations.
- 408 8. An update on how the Forests or Districts are doing on implementing
409 conditions described in determination of "no adverse effect" reports, to
410 include conditional Findings of "no adverse effect". The description shall
411 include a list of undertakings being tracked, the date the APE was last visited
412 and/or cultural resources were last monitored, and their noted conditions.
- 413 9. A table tracking heritage staff and Line Officer training per Section X.
414 Training.
- 415 9.10. An assessment of how the Agreement procedures are working, with
416 recommendations for future changes.
- 417 10.11. Proposed changes to the appendices, if any.

418 b. Emergency Undertakings

- 419 i. Emergencies per 36 CFR 800.12. The Forest Service shall document properties
420 discovered or affected by an emergency undertaking, including post-emergency

Commented [CD16]: I get what this heading is trying to say, but is there a better way to say it? Routine Usage? Annual Reporting?

preservation efforts, and shall submit a final report to the SHPO and affected Alaska Native Tribe(s) and/or Alaska Native Corporation(s) within six months of the conclusion of the emergency response action and any associated preservation efforts.

c. Cultural Resource Recording

- i. If new cultural resources are discovered during the Identification and Evaluation phase, a ~~National~~ Forest Service Cultural Resource Record (~~NFS~~-CRR) shall be completed and submitted to the Alaska Heritage Resources Survey (AHRS) Coordinator for entry into the AHRS database and the cultural resource information will be updated in the ~~National~~ Forest Service ~~d~~Database (~~NFS-DB~~).
- ii. If previously known cultural resources are monitored, and conditions have changed, an updated ~~NFS~~Forest Service CRR shall be completed and submitted to the AHRS Coordinator for entry into the AHRS database and the cultural resource information will be updated in ~~NFS~~Forest Service ~~DB~~database.

d. Formatting

- i. All reports will be formatted using PDF and shall be submitted electronically. Paper copies of reports may be provided to appropriate parties upon request.

VIII. Interagency Collaboration

- a. The SHPO ~~(and the ACHP, if necessary)~~ will review the Annual Report and will provide comments, if any, to the Forest Service within 60 calendar days of receipt.
- b. The Forest Service and the SHPO may meet annually to review the terms of this Agreement to determine whether amendment or other action is appropriate.
- c. SHPO staff will participate in the Forest Service Monthly Regional Heritage Program calls.
- d. The SHPO agrees to use the ~~NFS~~Forest Service CRR to populate the AHRS database for new and updated cultural resource information from the Forest Service. Forest Service Heritage staff will transition to using the ~~NFS~~Forest Service CRR.
- e. The Forest Service and SHPO will be mutually responsible for accuracy of their respective records systems.
- f. The Forest Service and the SHPO mutually agree to share current information regarding any cultural resources reported on ~~FS lands~~National Forest System lands.
- g. Heritage Professionals may conduct field surveys for cultural resources on State intertidal lands, and they may conduct field surveys on, and for other State lands on a case-by-case basis in consultation with the SHPO.

- 455 i. Field surveys conducted on State intertidal lands will not require Forest Service
456 Heritage Professionals to obtain Alaska State Field Archaeology Permits.
- 457 ii. Work conducted on other State lands may require a permit ~~to~~ and shall be
458 determined in consultation with the State Archaeologist.
- 459 iii. The Forest Service shall collect the minimum amount of data needed to make a
460 determination of eligibility. Any collections remain the property of the State of
461 Alaska and shall be curated in an OHA approved repository in accordance with
462 State collection policies.
- 463 iv. All such work is conducted in a collaborative sense of shared stewardship
464 responsibilities.

465 **IX. Coordination with Other Federal Reviews**

- 466 a. A Federal agency that is not a Signatory Party may use this Agreement to satisfy its
467 Section 106 responsibilities for an undertaking by notifying the Signatory Parties in
468 writing that it agrees to the terms of the Agreement. An amendment need not be
469 executed to add the Federal agency as an invited signatory requesting to use the
470 Agreement and to grant it all the rights and responsibilities stated therein.
- 471 b. Any Federal agency ~~ies~~ using this Agreement to satisfy its Section 106 responsibilities
472 agrees ~~to coordinate submittals to the SHPO with the FS.~~ that the Forest Service shall be
473 the primary point of contact on the use of the Agreement and shall provide the Forest
474 Service the opportunity to comment on materials prior to submission to the SHPO.

475 **X. Training**

- 476 a. Forest Service Heritage staff, including temporary or seasonal staff, shall receive training
477 in the procedural requirements of 36 CFR 800. Training venues include but are not
478 limited to in-house, National Preservation Institute, ACHP, and SHPO; both classroom
479 and online courses are available.
- 480 b. Forest Service Heritage staff shall receive refresher training in standard Section 106
481 procedures every three years while this Agreement is in effect.
- 482 c. The SHPO and the Forest Service shall collaborate to prepare implementation guidelines
483 for Heritage staff and Line Officers describing how to the use of this Agreement by
484 Heritage staff and Line Officers, to be completed within 12 months ~~from of~~ the effective
485 date of this Agreement.
- 486 d. Forest Service Heritage staff and Line Officers shall receive training in the use and
487 implementation of this Agreement as an alternative to standard Section 106 procedures
488 within six months of completing the implementation guidelines described above.

Commented [CD17]: Just standard 106? Will the training mention the PA?

Commented [CD18]: This stipulation seems a little vague considering these guidelines will be critical for training staff in using the PA. Could the goals of the guidelines be clarified a bit more? I'm not sure what this document is going to be exactly. Should a draft document or outline be stipulated within 3 to 6 months of the effective date?

- e. New Forest Service Heritage staff and Line Officers shall receive training in the use and implementation of this Agreement as an alternative to standard Section 106 procedures within the first six months of their hiring.
- f. Any Forest or District that is suspended from use of this Agreement per Section XIII. Suspension, for any period of time, must ensure that the Line Officer and District staff complete training in standard Section 106 procedures as soon as practicable upon suspension.

XI. Dispute Resolution

Should any signatory to this Agreement object within 30 calendar days after receipt of any documents provided for review pursuant to this Agreement, or object any
Signatory Party objects to any portion of this Agreement or to the manner in which this
Agreement is being implemented, the Forest shall consult with such party to resolve the
objection all parties will enter into consultation to determine whether the objection can be
resolved. If Forest Service determines that such objection cannot be resolved, the Forest
Service will:

a. If the matter cannot be resolved, the ACHP shall be asked to review the objections.
Any recommendation or comment provided by the ACHP will be understood to
pertain only to the subject of dispute. The Forest Service responsibility to carry out all
actions under this Agreement that are not the subject of dispute will remain
unchanged.

a. Forward all documentation relevant to the dispute, including the Forest Service's
proposed resolution, to the ACHP. The ACHP shall provide the Forest Service 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, the Forest Service
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 Forest Service 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 Forest Service may make a final decision on the dispute and proceed
accordingly. Prior to reaching such a final decision, the Forest Service 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 Forest Service's responsibility to carry out all other actions subject to the terms of
this Agreement that are not the subject of the dispute remain unchanged.

d. At any time during implementation of the measures stipulated in this Agreement,
should an objection to any measure be raised by an Alaska Native Tribe, Alaska Native

Commented [CD19]: I've replaced the first 4 portions of this with the ACHP's boilerplate language for dispute resolution. We'd prefer this one be used instead as it is consistent with the process we follow with our agreements.

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Corporation, or stakeholder, the Forest Service shall take the objection into account and consult as needed with the objecting party, the SHPO, others as needed, and the ACHP if necessary to resolve the objection.

~~Within 30 calendar days the ACHP will either:~~

~~Provide the Forest Service with recommendations, which the Forest Service shall take into account in reaching a final decision; or~~

~~Notify the Forest Service that it will comment pursuant to 36 CFR 800.7(c) and proceed to comment. Any ACHP comment provided in response to such a request shall be taken into account by the Forest Service in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.~~

~~At any time during implementation of the measures stipulated in this Agreement, should an objection to any measure be raised by an Alaska Native Tribe, Alaska Native Corporation, or stakeholder, the Forest Service shall take the objection into account and consult as needed with the objecting party, the SHPO, others as needed, and the ACHP if necessary to resolve the objection.~~

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~~XII.~~ Amendments

- a. Appendices. Upon written agreement of the Signatory Parties, any appendix to this Agreement may be modified without formal amendment to this Agreement. Modifications shall be distributed to the Signatory Parties and concurring parties and appended to this Agreement.

- b. ~~Body of Agreement. The Signatory Parties may propose amendment of this Agreement at any time, whereupon the Signatory Parties shall consult to consider such amendment. The amendment process culminates in the issuance of Amendments after all Signatory Parties concur, which are administratively appended to the Agreement on their effective date. This Agreement 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.~~

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Commented [CD20]: Replaced with ACHP preferred language

~~XIII.~~ Suspension

- a. Each Forest and District ~~is responsible for participates independently following the terms of in~~ this Agreement and may be ~~independently added or~~ suspended ~~as described below~~, without affecting participation of the others.
- b. Failure of a Forest to have a qualified Heritage Professional officially carrying out the responsibilities of the Forest Archaeologist/Heritage Program Manager for more than 60 days ~~may~~ result in the Forest and all its Districts being suspended from participation in this Agreement.

Commented [CD21]: May not will? Why would this only be may?

- c. The decision to add or suspend a Forest or District's participation in this Agreement shall ultimately be made by the Regional Forester, following consultation with the Signatory Parties and the appropriate Line Officer.
- i. The Regional Forester shall monitor compliance with the terms of this Agreement and may upon his or her own initiative suspend a Forest or District participation in this Agreement.
- ii. Before a Forest or District is suspended from use of this Agreement, representatives of the Regional Forester and the SHPO will meet with the appropriate Line Officer to develop remedial steps to resolve any concerns that led to the suspension proposal. A remediation plan will be developed, signed by the Line Officer and SHPO, and submitted to the Regional Forester for review. Remediation plans will include, at a minimum, completion of training in standard Section 106 procedures by the Line Officer and District staff and demonstrated program improvement to be determined by the Signatory Parties.
- iii. Failure by the Forest or District to carry out the remediation plan within the timeframe proscribed will result in suspension of the Forest or District from the Agreement. A Forest or District suspended from this Agreement must follow the standard Section 106 procedures described in 36 CFR ~~Part~~ 800 with regard to *all* undertakings.
- iv. Suspension may be lifted by the Regional Forester after the Forest or District has carried out the remediation plan to the satisfaction of the Regional Forester and the SHPO.
- v. A Forest or District that has been suspended from this Agreement may be placed on a probation period after suspension is lifted. During a probation period, the Forest or District may be required to provide additional documentation, negotiated with the SHPO and Regional Forester, regarding compliance activities.
- vi. The length of the probation period will be established by the Regional Forester and SHPO and will be based on the severity of the infraction that led to the suspension.

~~XIV~~ XIV. Termination

- a. Any Signatory Party to this Agreement may terminate it by providing 60 calendar days written notice by certified mail to the other Signatory Parties provided:
- i. All parties seek to avoid termination by consulting on the Agreement, on amendments or other actions that have caused a Signatory Party to seek termination.
- ii. This time frame may be extended for a specified period of time upon agreement of all Signatory Parties to this Agreement. Termination of this Agreement, or

599 failure to abide by its terms shall require the Forest Service to comply with
600 standard Section 106 procedures with respect to undertakings that otherwise
601 would be reviewed under this Agreement.

XV. Implementation and Duration

603 This Agreement becomes effective on the date of the last signature written below. ~~Unless~~
604 ~~sooner terminated and except as modified, this PA and~~ will remain in effect for a period of
605 five years, ~~unless modified or terminated or modified per Section XIV. Termination. after~~
606 ~~the date of the last signature, at which point the~~ The Signatory Parties will conduct a review
607 of operating satisfaction and document their findings in a supplement to the 5th year annual
608 report. If no critical problems are identified, the Agreement will remain in effect an
609 additional five years, for a total of ten years, at which point it may be renewed, revised, or
610 terminated.

611 ~~Execution of this PA evidences that the Forest Service has afforded the Alaska SHPO and the~~
612 ~~ACHP a reasonable opportunity to examine and share their views on how it manages historic~~
613 ~~properties and unevaluated cultural resources. Execution of this PA and implementation of its~~
614 ~~terms also evidences that the Forest Service has satisfied their Section 106 responsibilities~~
615 ~~under the NHPA for all individual Undertakings on Alaska National Forests subject to the terms~~
616 ~~of this PA. Execution and implementation of this Agreement evidences that the Forest Service~~
617 ~~has afforded the ACHP a reasonable opportunity to comment on its undertakings, and has~~
618 ~~satisfied its Section 106 responsibilities for compliance with the NHPA.~~

Commented [CD22]: Suggested revision to capture the scope of the PA

620 *Signatories:*

621 _____

622 BETH G. PENDLETON

623 Regional Forester, Alaska Region

624 USDA Forest Service

625 _____

626 JUDITH E. BITTNER

627 Alaska State Historic Preservation Officer

628 Office of History and Archaeology

629 _____

630 JOHN M. FOWLER

631 Executive Director

632 Advisory Council on Historic Preservation

633

634 *Invited Signatories:*

635 _____

636

637

Date

Commented [HK-23]: Pending

17

638 *Concurring Parties:*

639 _____

640 TERRI MARCERON Date

641 Forest Supervisor

642 Chugach National Forest

643 _____

644 M. EARL STEWART Date

645 Forest Supervisor

646 Tongass National Forest

647

648 _____ Date _____

Commented [HK-24]: Pending

649

APPENDIX A: Glossary, Acronyms, and Abbreviations

Commented [HK-25]: Check that all acronyms are still in use

650 Definitions used in this Agreement are the same as those in the NHPA and 36 CFR 800, unless
651 otherwise defined in this Agreement.

652 2008 Farm Bill Public Law 110-246, Food, Conservation, and Energy Act of 2008,
653 (applicable section) Title VIII - Forestry, Subtitle B - Cultural and Heritage
654 Cooperation Authority, Sections 8101-8107

655 ABA Architectural Barriers Act. Federal agencies are responsible for ensuring
656 compliance with the ABA standards when funding the design,
657 construction, alteration, or leasing of facilities. ADA (Americans with
658 Disabilities Act) applies to businesses, State, and local governments and
659 does not apply to federal agencies.

660 ACHP Advisory Council on Historic Preservation

661 Agreement This Programmatic Agreement

662 AHRS Alaska Heritage Resources Survey

663 Alaska Native Corporations and Government-to-Corporation Consultation
664 "Created under the Alaska Native Claims Settlement Act (43 USC Chapter
665 33), these corporations manage lands and resources for Alaska Natives.
666 While not federally recognized Indian tribes, consultation is required with
667 these organizations in some instances as if they were Indian tribes
668 pursuant to Public Laws 108-199 and 108-447 directing all Federal
669 agencies to consult with Alaska Native Corporations on the same basis as
670 Indian tribes under Executive Order 13175. This type of consultation is
671 considered government-to-corporation, rather than government-to-
672 government" (FSM 1563.05).

673 APE Area of Potential Effects

674 ARPA Archaeological Resources Protection Act

675 CFR Code of Federal Regulations

676 Character Defining Features

677 Character refers to all those visual aspects and physical features that
678 comprise the appearance of every historic building. Character-defining
679 elements include the overall shape of the building, its materials,
680 craftsmanship, decorative details, interior spaces and features, as well as
681 the various aspects of its site and environment. See Technical
682 Preservation Brief #17 for more information.

683	Consolidant	Consolidants and adhesives are used in materials conservation to
684		impregnate and strengthen materials or to repair pieces that are
685		broken. Polyvinyl Acetate (PVA) is one chemical formulation that can be
686		used to glue objects, but also, when diluted, can be used to impregnate
687		materials to strengthen them. Elmer's Glue is one example of a PVA.
688	<u>CRR</u>	<u>Cultural Resource Record</u>
689	Cultural Resources	"An object or definite location of human activity, occupation, or use
690		identifiable through field survey, historical documentation, or oral
691		evidence. Cultural resources are prehistoric, historic, archeological, or
692		architectural sites, structures, places, or objects and traditional cultural
693		properties....cultural resources include the entire spectrum of resources
694		for which the Heritage Program is responsible from artifacts to cultural
695		landscapes without regard to eligibility for listing on the National Register
696		of Historic Places" (FSM 2360.5). Note that this is also the accepted NEPA
697		definition of "cultural resources".
698	District	Ranger District on the Chugach or Tongass National Forest
699	EA	Environmental Analysis <u>Assessment</u>
700	EIS	Environmental Impact Statement
701	Federally Recognized Tribe	
702		"An American Indian or Alaska Native tribal entity that is recognized as
703		having a government-to-government relationship with the United States,
704		with the responsibilities, powers, limitations, and obligations attached to
705		that designation, and is eligible for funding and services from the Bureau
706		of Indian Affairs. Furthermore, federally recognized tribes are recognized
707		as possessing certain inherent rights of self-government (i.e., tribal
708		sovereignty) and are entitled to receive certain federal benefits, services,
709		and protections because of their special relationship with the United
710		States" from Bureau of Indian Affairs Frequently Asked Questions .
711	FONSI	Finding of No Significant Impact. A FONSI is the final decision document
712		signed as part of an Environmental Assessment <u>analysis</u> under NEPA.
713	Forest	Chugach or Tongass National Forest
714	<u>Forest ServiceS</u>	USDA Forest Service
715	FSH	Forest Service Handbook
716	FSH 1509.13	Forest Service Handbook, American Indian and Alaska Native Relations
717	FSH 2309.12	Forest Service Handbook, Heritage Program Management

Commented [TT26]: Seems like we have a more authoritative reference than this??

718	FSM	Forest Service Manual
719	FSM 1563	Forest Service Manual, Tribal Relations
720	FSM 2360	Forest Service Manual, Heritage Program Management
721	Government-to-Corporation Consultation	
722		See Alaska Native Corporations and Government-to-Corporation
723		Consultation
724	Government-to-Government Consultation	
725		“Also “Tribal Consultation”. The timely, meaningful, and substantive
726		dialogue between Forest Service officials who have delegated authority
727		to consult, and the official leadership of federally recognized Alaska
728		Native Tribe(s) or Alaska Native Corporation(s), or their designated
729		representative(s), pertaining to decisions or actions that may have tribal
730		implications” (FSM 1563.05).
731	Heritage Professional	
732		Heritage Professionals are employed at the Region, Forest or District level
733		as the Regional Heritage Program Leader, Forest Heritage Program
734		Manager/Leader (Forest Archaeologist), and District or Zone
735		Archaeologist. “A Forest Service staff or advisory position with education
736		and expertise in archaeology, history, cultural resources management, or
737		related disciplines. Heritage Professionals are in the GS-170-History, GS-
738		190-General Anthropology, and GS-193-Archaeology job series. They
739		provide professional recommendations and services to help land
740		managers meet their Heritage Program responsibilities” (FSM
741		2360.5)...“including cultural resource identification (inventory),
742		evaluation, allocation, protection, stewardship, curation, and reporting.
743		Only Heritage Professionals may make management recommendations
744		and review and recommend approval of heritage work done by
745		archaeological technicians, paraprofessionals, contractors, cooperators,
746		and volunteers” (FSM 2360.91.1.).
747	Historic property	
748		“Any prehistoric or historic district, site, building, structure, or object
749		included in, or eligible for inclusion in, the National Register of Historic
750		Places maintained by the Secretary of the Interior. This term includes
751		artifacts, records, and remains that are related to and located within such
752		properties. The term includes properties of traditional religious and
753		cultural importance to an Indian tribe or Native Hawaiian organization
		and that meet the National Register criteria” [36 CFR 800.16(l)(1)].
754	Indian tribe	
755		“An Indian tribe, band, nation, or other organized group or community,
756		including a native village, regional corporation or village corporation, as
		those terms are defined in section 3 of the Alaska Native Claims

757		Settlement Act (43 USC 1602), which is recognized as eligible for the
758		special programs and services provided by the United States to Indians
759		because of their status as Indians” [36 CFR 800.16(m)]. For this
760		Agreement the more commonly used “Alaska Native Tribe(s)” and
761		“Alaska Native Corporation(s)” is the preferred terminology when
762		referring to “Indian tribe(s)”.
763	Leave No Trace	An established program “built on seven core principles that...were
764		developed to help educate and guide recreationists in sustainable
765		minimum impact practices that mitigate or avoid recreation-related
766		impacts”. The seven principles are:
767		• Plan Ahead and Prepare
768		• Travel and Camp on Durable Surfaces
769		• Dispose of Waste Properly
770		• Leave What You Find
771		• Minimize Campfire Impacts
772		• Respect Wildlife
773		• Be Considerate of Other Visitors
774		(from Leave No Trace Seven Principles Overview).
775	Line Officer	Management personnel within the Forest Service organization consisting
776		of: Secretary of Agriculture, Chief of Forest Service, Regional Foresters,
777		Forest Supervisors, and District Rangers. Refers to the line of authority
778		and responsibility. “Within the constraints of applicable law, regulation,
779		and policy and the limits of their assignments, Line Officers in the Forest
780		Service are delegated authority and assigned responsibility to:
781		1. Plan, establish, and evaluate overall policies and programs.
782		2. Advise superior officers on matters of policy and program
783		administration.
784		3. Supervise the formulation of, approve, and issue necessary directives,
785		goals, policy, procedure, and standards.
786		4. Direct and supervise employees under their jurisdiction.
787		5. Estimate workload and staffing needs of their organizations, allocate
788		personnel and other resources, and expend funds within the limits and
789		authorities established at higher levels.
790		6. Sign and execute documents within authorities granted by higher
791		levels” (FSM 1230.41 Delegations of Authority and Responsibility).
792	Management Category	

793		The Forest Service assigns a Management Category to cultural resources.
794		These include Preservation, Enhancement, Scientific Investigation, or
795		Release From Management Under NHPA (see FSM 2363.3) which
796		describe how a particular resource will be managed in the future.
797	mhw	mean high water
798	mlw	mean lower low water
799	MOA	Memoranda or Memorandum of Agreement
800	NAGPRA	Native American Graves Protection and Repatriation Act
801	National Register	National Register of Historic Places
802	NEPA	National Environmental Policy Act
803	NFS CRR	National Forest Service Cultural Resource Record
804	NFS DB	National Forest Service Database
805	NHL	National Historic Landmark
806	NHPA	National Historic Preservation Act
807	Non-Federally Recognized Tribe	
808		Any Indian tribe that does not meet the definition of federally recognized
809		tribe (above).
810	OHA	Office of History and Archaeology
811	Agreement	This Programmatic Agreement
812	Preservation Standard	
813		Under the <i>Secretary of the Interior's Standards for the Treatment of</i>
814		<i>Historic Properties</i> there are four levels of intervention. The Preservation
815		S Standard requires the retention of the greatest amount of historic
816		fabric, along with the building's historic form, features and detailing as
817		they have evolved over time. This standard has the least amount of
818		flexibility and discourages addition of new materials and features to
819		historic buildings and structures.
820	Region	USDA Forest Service Alaska Region
821	Replacement In Kind	
822		Under the <i>Secretary of the Interior's Standards for the</i>
823		Treatment <i>Treatment</i> of Historic Properties, 'replacement in kind' refers
824		to matching the old feature in composition, design, color, and texture.

825		<u>The use of this Agreement requires following the Preservation standard</u>
826		<u>for replacement in kind meaning wood is replaced with wood, and</u>
827		<u>alternative, synthetic materials, are not used. If alternatives are</u>
828		<u>proposed, then standard Section 106 procedures will be followed.</u>
829	ROD	Record of Decision. A ROD is the final decision document signed as a
830		part of an Environmental Impact Statement under NEPA.
831	Sacred Place	“Any specific location on National Forest System land, whether site,
832		feature, or landscape, that is identified by an Indian tribe, or the religious
833		societies, groups, clans, or practitioners of an Indian tribe, as having
834		important spiritual and cultural significance to that entity, greater than
835		the surrounding area itself. Sacred places may include but are not limited
836		to geological features, bodies of water, burial places, traditional cultural
837		places, biological communities, stone and earth structures, and cultural
838		landscapes uniquely connecting historically important cultural sites, or
839		features in any manner meaningful to the identifying Tribe” (FSM
840		1563.05).
841	Sacred Site	“As identified in Executive Order 13007, any specific, discrete, narrowly
842		delineated location on Federal land that is identified by an Indian tribe, or
843		Indian individual determined to be an appropriately authoritative
844		representative of an Indian religion, as sacred by virtue of its established
845		religious significance to, or ceremonial use by, an Indian religion;
846		provided that the tribe or appropriately authoritative representative of
847		an Indian religion has informed the Agency of the existence of such a
848		site.” (FSM 1563.05).
849	SHPO	Alaska State Historic Preservation Officer
850	Signatory Party	People/organizations who have signed this Agreement as a signatory.
851		Signatory Parties have review or other responsibilities identified in the
852		Agreement.
853	TCP	Traditional Cultural Property
854	USC	United States Code
855	USDA	United States Department of Agriculture

APPENDIX B: Authorized Undertakings

Qualified Heritage Professionals shall use “General Guidelines” for each heading to evaluate whether or not the undertaking is covered under this Agreement. If it is, then choose and document to the file the appropriate reference for using this appendix.

If the undertaking does not meet a guideline, then standard Section 106 procedures apply (Section III. Standard Section 106 Procedures).

Undertakings are authorized under the terms of this Agreement with no further consultation if all criteria listed in the body of the Agreement under Section I.e. Streamlined Section 106 Procedures, are met:

I. Administrative Actions – General Guidelines

Any administrative action that has no potential to cause effects to historic properties [per 36 CFR 800.3(a)(1)]. This includes ~~land~~ ~~the~~ ~~acquisitions~~ ~~of land or interest in land~~. If land is expected to be conveyed out of federal ownership standard Section 106 procedures apply.

a. ~~Activites~~Activities Related to ~~Land~~Acquisition ~~of Land~~ or Interests ~~in Land~~ – General Guidelines

- i. Surveying and posting landline boundaries.
- ii. Issuance of special use ~~permits~~ ~~authorizations~~ that simply transfer the authorization, without modification, from one owner to another when ~~real property facilities~~ ~~private improvements~~ under the authorization are sold or transferred and no other actions are directly authorized.
- iii. Lands withdrawn from Mineral Entry so that they are closed to mining and mineral exploration.

b. ~~Activities Carried Out Under an~~ ~~an Authorization-Permit~~ – General Guidelines

Activities carried out under an ~~an authorization~~ ~~permit~~ may affect historic properties. The following activities governed by ~~authorization~~ ~~permits~~ are allowed if less than one square meter of cumulative ground disturbance ~~across or over the authorized area~~ will occur; or the activities are ~~permitted~~ ~~authorized~~ to occur in already disturbed areas, such as within the existing footprint of roads, trails or other constructed campsites; Leave No Trace principles are followed, ~~activites~~ ~~activities~~ are dispersed and overall number of visitors are low; or are in areas that have been previously surveyed to current standards (~~as defined in Appendix D: Inventory Strategy~~ ~~within the last 5 years~~) and no historic properties have been documented.

- i. Activities that occur under the authority of a special use ~~permit authorization with minimal ground disturbance~~, such as ~~most commercial filming of movie or video productions~~, apiary permits, ~~and data collection or research~~.
- ii. Activities carried out under ~~permits-authorizations~~ that allow use of an area for dispersed activities involving a party size of twelve (12) or fewer people. Examples ~~of activities~~ include: ~~special use authorizations for outfitter/guide hiking, picnicking, camping, or; bear-viewing visitation, or permits for Christmas tree cutting; or special forest products gathering, bear-viewing visits, or Wilderness visits.~~
- iii. Winter Activities that occur on or near historic properties where historic properties are subsurface and are protected by an adequate surface covering of snow deep enough to ensure protection of the resources, as determined by the Line Officer in consultation with the Heritage Professional, taking into consideration the types of historic properties in the area, the types of activities to occur, and temperature. Activities of this nature include snow machining, downhill or cross country skiing, or other winter related activities.
- iv. Activities that utilize existing roads, trails, or constructed campsites, and no increase in the footprint of existing improvements is expected. Activities of this nature include commercial hauling over existing roads.
- v. Activities that include tree cutting or small scale vegetation management that have minimal potential to affect historic properties.
- vi. Permit renewals that do not change the terms of the permit, provided that monitoring continues to demonstrate that no historic properties are affected or adversely affected per previous application of a Programmatic Agreement or per an existing MOA.
- vii. Approval of previously approved Mining Plans of Operations that would add another user, or the sale or transfer of an approved operation to other individuals that would not change the terms of the Plan of Operations or affect historic properties.

II. Ground Disturbing Activities

a. Previously Disturbed Grounds - General Guidelines

Previously disturbed grounds are defined as those where natural or human disturbance has modified the landscape so extensively that the likelihood of finding a historic property is negligible in the opinion of a Heritage Professional.

- i. Excavation work within two feet of existing footings and foundations.

- 924 ii. Ongoing routine maintenance of immediately surrounding landscaping (such as
925 mowing and lawn repair), including such modifications as removal of non-native
926 vegetation, adding single plants or shrubs that blend with the existing landscape,
927 or adding rocks to define paths, where not otherwise prohibited, so long as
928 existing landscape characteristics are maintained and the method of removal
929 and installation does not disturb previously undisturbed ground or historic
930 properties.
- 931 iii. Tree planting or removal in areas that have been previously disturbed by these
932 activities, including nursery beds and arboreta, provided existing landscaping is
933 maintained.
- 934 iv. Installation of utilities, such as sewer, water, or storm drains, electrical, gas, or
935 leach lines, and septic tanks, where installation is restricted to specific areas
936 previously disturbed by installation of utilities and the method of installation
937 does not encroach on previously undisturbed ground or historic properties.
- 938 v. Inventory, data and information collection (including collection of samples) as
939 long as less than one square meter of cumulative ground disturbance is involved,
940 including archaeological testing, land use and land cover, geological,
941 mineralogical, chemical, and resource evaluation activities, cadastral surveys, or
942 geophysical surveys.
- 943 vi. Expansion of vertical quarries, excavation of previously buried utility lines, and
944 any activities within the demonstrated vertical and horizontal limits of previous
945 disturbance or construction.
- 946 vii. Any undertaking that proposes less than one square meter of cumulative ground
947 disturbance. This includes activities relating to ~~S~~special ~~u~~se
948 ~~Permits~~authorizations, installation of signs, mechanical and electrical devices
949 used for weather observations, research purposes, etc.
- 950 viii. Placement or replacement of recreational, special designation, informational, or
951 directional signs, bulletin boards, barrier posts, and portable sanitation devices
952 in developed sites, trailheads, roads, or resort complexes, keeping in mind the
953 potential for indirect (e.g. visual) impacts to surrounding historic properties,
954 including National Register historic districts and NHLs.
- 955 ix. Any activities taking place in a previously approved Mining Plan of Operation
956 that is carried out within the original APEs and for which no historic properties
957 were discovered or would be adversely affected, including any operations such
958 as suction dredging that take place entirely within the wetted perimeter of the
959 stream.

b. **Previously Undisturbed Grounds - General Guidelines**

Previously undisturbed grounds are defined as those where no human disturbance has significantly modified the landscape.

- i. Limited reburials of human remains and other cultural items subject to NAGPRA on Forest Service managed land at the request of, and in consultation with the lineal descendants or culturally affiliated tribes following NAGPRA procedures and in accordance with the 2008 Farm Bill.
- ii. Invasive plant management activities that use hand-tools and/or otherwise use minimally invasive procedures for plant management, including application of herbicides provided that the Forest Service has determined that such actions will not affect traditional gathering areas, or plants that are part of a historic landscape, or plants that might indicate the presence of a cultural resource including burials.

III. **Routine Maintenance**

a. **Transportation – General Guidelines**

Routine maintenance related to transportation where there is little or no potential to affect historic properties, or where maintenance is limited to previously disturbed areas, and provided the road, trail, or other constructed feature(s) are not themselves historic.

- i. Routine maintenance is limited to road maintenance, including activities such as resurfacing, grading, and snow removal as long as activities are limited to the existing road prism which includes the road and the right of way. This includes parking lots, spurs, airstrips and heliports, as well as stockpiling of road materials and temporary speed control devices.
- ii. Culvert replacement is limited to replacing existing culverts in the same location, within the existing road prism as long as the culvert is the same size or smaller. Larger culverts requiring additional ground disturbing activity may be allowed if the area has been surveyed to standard and no historic properties were documented.
- iii. Recurrent brushing activities to control vegetation within existing clearing limits of roads, parking lots, airstrips or heliports.
- iv. Existing bridges, trails, walks, paths, and sidewalks can be maintained if the area has been surveyed to current standards and no historic properties were documented. Additionally, the maintenance activities must fall within the existing prism and the structure/feature ~~is not~~ itself is not historic.

b. Timber Management – General Guidelines

Under most circumstances, timber management (not including timber harvest) has little or no potential to affect historic properties. Any management that does not include large scale ground disturbing activities may be carried out under the terms of this ~~Agreement~~.

- i. Pre-commercial tree thinning.
- ii. Firewood collection.
- iii. Removal of dead and down trees along road and trail corridors, or related to fire management activities near structures.
- iv. Removal of hazard trees.

c. Historic Buildings and Structures – General Guidelines

~~This section can only be used if a baseline recordation of the building or structure exists and the existing condition is documented.~~

~~Any undertakings involving Rehabilitation, Restoration, or Reconstruction are subject to standard Section 106 procedures and this Agreement does not apply.~~

Routine maintenance generally has little or no potential to adversely affect historic properties provided that it is carried out in such a manner that allows key character defining features of the historic property, which contribute to its eligibility to the National Register, to be retained.

~~This section can only be used if a baseline recordation of the building or structures exists and the existing condition is documented.~~

All undertakings that involve historic buildings or structures shall use the *Secretary of the Interior's Standards for the Treatment of Historic Properties* as the primary guidance for treatment, and more specifically only the Standards for *Preservation* and Guidelines for Preserving Historic Buildings shall be used and ~~applied~~allowed to apply this appendix.

~~Any undertakings involving Rehabilitation, Restoration, or Reconstruction are subject to standard Section 106 procedures and this PA does not apply.~~

Additionally, replacement of entire architectural feature(s) such as a door or window, regardless of whether the replacement is in kind, ~~is not allowed under the terms of this PA~~does not fall under the *Preservation* treatment standard and is thus subject to standard Section 106 procedures.

The Heritage Professional makes the determination of whether a feature is historic and/or character defining and recommends to the Line Officer whether this appendix can be applied.

To use this section: Each subsection is ordered by degree of intervention: protection and repair followed by limited replacement.

i. **Preservation - General Guidelines**

Evaluate the existing condition of historic features and determine the least level of intervention needed, keeping in mind that preservation strives to retain existing materials and features while employing as little new material as possible. If the severity of deterioration requires repair or limited replacement of a portion of a distinctive feature, the new material will match the old in composition, design, color, and texture (limited replacement in kind). Only limited replacements are allowed under the Preservation standard and only when there are surviving prototypes. The following examples are routine maintenance activities that may apply this Agreement:

1. **Building Exterior Features** (including roofs, foundations, porches, trim, and siding)

- a. Protecting by retaining coatings such as paint that help protect the wood from moisture and ultraviolet light. Paint removal should be considered only where there is paint surface deterioration and as part of an overall maintenance program which involves repainting or applying other appropriate protective coatings. Damaged or deteriorated paint should be removed to the next sound layer using the gentlest method possible including handscraping and handsanding (never use ~~butane torches~~open flame, sandblasting or waterblasting), then repainting with colors that are appropriate to the historic building.
- b. Protecting and maintaining a roof by replacing deteriorated flashing.
- c. Repairing, stabilizing, and conserving exterior features using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable only upon close inspection.
- d. Repairing exterior features by patching, piecing-in, or otherwise reinforcing using recognized preservation methods.
- e. Replacing in kind extensively deteriorated or missing parts of exterior features is approved when there are surviving prototypes such as brackets, moldings or sections of siding or roofing, and the replacement matches the old in material, design, color, and texture.

1. **Windows and Doors** (including frames, sash, trim, molding, and hardware)

- 1064 a. Protecting and maintaining through appropriate surface treatments such
1065 as rust removal, limited paint removal, and reapplication of protective
1066 coating systems (see guidelines under the Building Exterior Features
1067 section above).
- 1068 b. Making weather tight by re-caulking and replacing weatherstripping.
- 1069 c. Repairing by patching, piecing-in, consolidating or otherwise reinforcing
1070 using recognized preservation methods.
- 1071 d. Replacing in kind extensively deteriorated or missing parts of windows or
1072 doors (such as frames, sash, sills, hardware, and trim) is approved when
1073 there are surviving prototypes of the deteriorated or missing parts and
1074 the replacement matches the old in material, design, color, and texture.
- 1075 **3. Structural Systems**
- 1076 a. Repairing exposed or unexposed elements of the structural system by
1077 augmenting or upgrading individual parts or features using recognized
1078 preservation methods. For example, weakened structural members such
1079 as floor framing can be paired with a new member, braced, or otherwise
1080 supplemented and reinforced.
- 1081 b. Replacing in kind those visible portions or features of the structural
1082 system that are either extensively deteriorated or missing is approved
1083 when there are surviving prototypes and the replacement matches the
1084 old in material, design, color, and texture.
- 1085 c. Using substitute materials may only be considered for unexposed
1086 structural elements, such as roof rafters or trusses.
- 1087 **4. Building Interior Features** (including floors, ceilings, and staircases)
- 1088 a. Repairing or refinishing of historic floor covering or other features such as
1089 ceilings and staircases, including reapplication of protective coating
1090 systems and provided the replacement matches the old in material,
1091 design, color, and texture.
- 1092 b. Replacing in kind only those portions of historic flooring or interior
1093 features such as ceilings and staircases that are extensively deteriorated
1094 or missing parts and provided the replacement matches the old in
1095 material, design, color, and texture.
- 1096 c. Replacement of modern floor coverings, with historically compatible
1097 materials, design, and color as determined to be appropriate by the
1098 Heritage Professional.

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5. **Mechanical Systems** (including radiators, plumbing, HVAC, and electrical).
Historic plumbing fixtures, lighting fixtures, and heating features should be
retained and used if possible, when not possible, the following are allowed:
- 1102
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- a. Repairing mechanical systems by augmenting or upgrading system parts,
such as installing new pipes and ducts, rewiring, or adding new
compressors or boilers, provided that new system parts are not visible to
the public or are in keeping with the period of significance for the
building or structure in which they are housed.
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- b. Replacing in kind those visible features of mechanical systems that are
extensively deteriorated such as ceiling fans, switchplates, radiators,
grilles, light fixtures, or plumbing fixtures as long as they match the
historic features or are in keeping with the period of significance for the
building or structure in which they are housed.
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6. **Historic Property Site Features** (including driveways, walkways, vegetation,
signs, and fencing that are considered contributing elements to the historic
property)
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- a. Protecting and maintaining site and plant features through appropriate
treatment methods including rust removal, limited paint removal, and
reapplication of protective coating systems on fencing; and pruning and
vegetation management.
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- b. Repairing features of the site using recognized preservation methods.
The new work should match historic materials, design, workmanship, and
colors so that the historic appearance remains unaltered.
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- c. Replacing in kind extensively deteriorated or missing parts of site
features where there are surviving prototypes such as fence balustrades
or paving materials. The new work should match historic materials,
design, workmanship, and colors so that the historic appearance remains
unaltered.
- 1127
7. **Structures** (including bridges, roads, trails, culverts, and other structures)
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- Where existing materials clearly are not the original and are not in-character
with the original, non-historic and out-of-character materials may be
removed and replaced with materials that match or are more compatible
with original fabric, design, color, etc. of historic structures provided a period
of significance for the historic structure has been established, and the
changes are in keeping with that period of significance.
- 1134
- ii. **Rendering Inoperable - General Guidelines**

- 1135 **Features within historic properties may be rendered inoperable in order that**
1136 **they continue to be a contributing feature to a historic property.**
- 1137 1. Rendering inoperable, but not removing, historic fixtures (such as gas lights,
1138 plumbing fixtures, cannons, etc.).
- 1139 iii. **Application of Architectural Barriers Act (ABA) – General Guidelines**
- 1140 **If during the course of routine maintenance activities, elements of the ABA can**
1141 **be met without causing adverse effects to a historic property then this**
1142 **Agreement may be used. Any significant alterations resulting in a**
1143 **Rehabilitation, Restoration, or Reconstruction ~~Rehabilitation~~ of a historic**
1144 **building or structure will require following standard Section 106 procedures.**
- 1145 iv. **New Materials- General Guidelines**
- 1146 **When required for modernization of utility systems (e.g. plumbing, electrical,**
1147 **fuel, and communications), new materials may be used; key historic features**
1148 **such as hand pumps and historic light fixtures, are retained; and modern**
1149 **elements are screened or otherwise rendered 'invisible' so as to protect the**
1150 **visual integrity of the building or structure. Introduction of large antenna,**
1151 **satellite/communication dishes and similar features are disallowed. Default**
1152 **building code is the International Existing Building Code, Chapter 12 – Historic**
1153 **Buildings. Examples include:**
- 1154 1. Installation of dry insulation installed in a manner that does not damage the
1155 property's historic fabric.
- 1156 2. Replacement of metal water tanks with ones of fiberglass, when the color
1157 and texture of the existing or historic tank are replicated or when
1158 landscaping camouflages the replacement tank. Construction of a structure
1159 around a tank to control temperature is allowed when landscaping
1160 camouflages the change.
- 1161 3. Replacement of lightning rod wiring with new copper wire.
- 1162 4. Installation of fire or smoke detectors, burglar alarms or other security
1163 systems or security devices, such as dead bolts, door locks, window latches,
1164 and door peep holes if they are installed in a manner that does not damage
1165 any of the property's historic fabric and are sited in an unobtrusive manner.
- 1166 5. Installations that are temporary for the purposes of security or safety of the
1167 site (such as temporary doors and window covers to protect the building or
1168 structure and visitors, temporary signage, etc.) provided their installation
1169 does not damage historic materials.

1170 6. Installation of interpretive signs or exhibit structures which are not attached
1171 to historic buildings or structures and do not visually intrude on the historic
1172 property. Signs should be constructed of materials and painted colors that
1173 harmonize with the historic property and its setting.

1174 IV. Removal - General Guidelines

1175 **Removal of non-historic features within a historic property are allowed including**
1176 **previously determined ineligible objects and materials (such as abandoned vehicles,**
1177 **dumps, and fences); or removal of objects and materials demonstrably less than 50 years**
1178 **old providing that those objects and materials are not associated with a property that has**
1179 **the potential to be determined eligible for the National Register.**

1180 a. Removing toxic building materials (such as radon, asbestos containing materials, and
1181 buried oil tanks) only after thorough testing has been conducted and only after less
1182 invasive abatement methods have been shown to be inadequate and when such
1183 removal will not damage the character defining features of the property.

1184 b. Lead paint abatement when it is done through limited scraping and encapsulation.

1185 b-c. Removal of graffiti using historic preservation methods that will not damage the
1186 character defining features of the property.

1187 e-d. Activities, such as removal of logjams and debris that are carried out entirely within an
1188 active streambed, even if the streambed is directly adjacent to a historic property.

1189 V. Fire Management – General Guidelines

1190 **Procedures in an approved Fire Management Plan shall be followed in the event of a fire.**
1191 **If a Fire Management Plan which prescribes treatment measures for historic properties is**
1192 **not in place, the following shall apply to fire management during fires that have the**
1193 **potential to affect historic properties. In each instance the goal is to minimize impacts to**
1194 **historic properties from both fires and firefighting activities, and post-fire rehabilitation**
1195 **activities:**

1196 a. Fire shelter fabric or other protective materials, including fire retardant foam and other
1197 wetting agents, or equipment may be utilized to protect historic properties.

1198 b. Vegetation, including trees that may impact historic properties, may be removed and
1199 fire lines or breaks may be constructed within the boundaries of known cultural
1200 resources or historic properties using hand tools, so long as ground disturbance is
1201 minimized, and features are avoided.

1202 c. Prescribed fire is allowed in areas that fit one or more of the following: burned within
1203 the last 40 years; without heavy fuel buildup; area of low intensity fire. APE includes
1204 burn areas, staging areas, hand lines, escape routes, and safety zones.

1205 d. Hazard fuel management including thinning operations and removal of dead and
1206 downed trees and vegetation are approved provided that management activities occur
1207 outside of cultural or historic landscapes and/or concentration(s) of culturally modified
1208 trees and equipment used will not introduce ground disturbance.

1209 **VI. Mine Closures – General Guidelines**

1210 **Mine closures may be carried out under this Agreement as long as no actions compromise**
1211 **the mine’s eligibility to the National Register and actions are reversible:**

1212 a. Removal of petroleum products and other hazardous substances that are in modern-age
1213 containers do not constitute an action with the potential to affect historic properties, so
1214 long as this can be accomplished without any ground disturbance or disturbance or
1215 removal of any historic artifacts or features within the historic property.

1216 b. Routine maintenance at active mines that includes replacing timber sets with rock bolts,
1217 steel bands and wire screening, and barring down loose rocks.

1218 c. Installation of gates or grates for mine openings that provide bat habitat or where
1219 future access is required.

1220 d. Backfill with rock material or overburden. Blasting or other ‘cave in’ options are
1221 considered ground disturbing and have the potential to affect a historic property. These
1222 methods require standard Section 106 procedures.

1223 e. Installation of foam plugs, corrugated metal pipe, mortar and stone wall, or concrete
1224 caps with inlaid natural rock to reduce UV degradation and for visual affect.

1225 f. Installation of corrugated metal pipe with a front stabilization at the portal provided
1226 that any shoring and the removal of hazardous rock/material from above the portal do
1227 not constitute an action with the potential to adversely affect historic properties.

1228

APPENDIX C: Forms and Templates

1229 This appendix contains standard forms and templates to be used under the terms of this
1230 Agreement.

1231 ~~National~~ Forest Service Cultural Resource Record ~~(NFS-CRR)~~:

1236

APPENDIX D: Inventory Strategy

1237 This appendix describes the procedures for meeting the requirements of 36 CFR 800.4(b) by: 1)
1238 defining cultural resource probability zones; 2) describing the survey intensity appropriate to
1239 each probability zone; and 3) defining standards and guidelines for the conduct of on-the-
1240 ground inventories within the APE.

1241 I. Identification

1242 a. In all cases, areas previously surveyed with techniques and/or documentation that do
1243 not meet current standards as identified in this appendix, will require additional survey
1244 and documentation for the current project APE under consideration.

1245 b. The Forest Service shall use predictive models that identify “Probability Zones” in order
1246 to better calculate the probability that historic properties exist or have the potential to
1247 exist within any given area. At all times, the Forest Service will use the best available,
1248 and most current, model for the area being analyzed.

1249 c. **Probability Zones** are defined as areas of land where the probability that a cultural
1250 resource will be discovered is either “high” or “low” based on models that take into
1251 account the physical, biological, and cultural features and history of those areas or in
1252 approximately similar areas. The basic premise is that areas with suitable habitat or
1253 resources, both currently and in the past, are more likely to have a greater cultural
1254 resource density, and probability of discovery, than areas without suitable habitat or
1255 resources. Probability zones are dynamic approximations based on previous cultural
1256 resource discoveries and analyses, and are iteratively updated and applied as new data
1257 is acquired.

1258 d. Probability zones will be reviewed annually and revised as needed at the time of the
1259 annual report to reflect current predictive models as they are updated.

1260 e. The Forest Service in the Alaska Region recognizes “high” and “low” probability zones,
1261 with slight differences in their meaning between the Tongass National Forest and the
1262 Chugach National Forest. For both Forests, anything that is not included in the “high”
1263 probability zone are considered to be in the “low” probability zone.

1264 i. High probability zones include Forest Service managed and adjacent lands with
1265 the following elements that are common to both Forests:

1266 1. Areas identified through historic or ethnographic research or oral history.

1267 2. Paleo-shoreline systems including elevated/fossil marine, river, and lake
1268 terrace systems.

1269 3. Landscapes altered by catastrophic events such as earthquakes which might
1270 cause a rise or lowering of lands; or shorelines and riverbanks with

1271	immediate short term erosion due to rising sea levels, storm surges and
1272	other erosional processes.
1273	4. Caves and rockshelters, areas of karst landforms, and/or igneous rock
1274	formations known for caves and rockshelters, if in the estimation of the
1275	Heritage Professional, in consultation with the Forest geologist as
1276	appropriate, the land has significant potential to contain cultural resources.
1277	5. River valley, lake, and river systems providing passes or portages across
1278	larger land masses.
1279	6. Lake and stream systems containing, or known to have contained,
1280	anadromous fish runs; including a focus on barrier falls locations in such
1281	systems.
1282	7. Areas of known resource extraction activities including former lode and
1283	placer mining activity, fish processing, fur industry, and forest products
1284	industry.
1285	8. Known sources of potential raw materials (obsidian sources; exceptional
1286	concentrations of cedar trees, etc.).
1287	9. Alpine areas if historic or ethnographic research or previous surveys
1288	conducted nearby indicate cultural use, such as high elevation mountain
1289	peaks overlooking saltwater that may contain rock cairns.
1290	10. Areas associated with cultural practices or beliefs of a living community that
1291	are rooted in a community's history or are important in maintaining the
1292	continuing cultural identity of the community such as TCPs or cultural
1293	landscapes.
1294	11. All land between mean lower low water (mllw) and 100 ft of elevation above
1295	mean high water (mhw), regardless of slope.
1296	ii. Additional refinements of the model for each Forest or District are described
1297	below.
1298	1. Tongass National Forest
1299	a. Prince of Wales Island - lands at the 60 ft elevation above mhw are
1300	considered a high probability area for early Holocene sites based on
1301	recent and ongoing research.
1302	2. Chugach National Forest
1303	a. Ice patches and fossil ice patches as identified through satellite
1304	photography, digital ortho-photographs or direct observation.

1305 **II. Survey Strategy**

- 1306 a. If in the judgement of the Heritage Professional, the probability of encountering historic
1307 properties is low, then the Heritage Professional may rely on literature reviews and
1308 other non-field related research, and shall use their best professional judgement in
1309 deciding what, if any, level of on-the-ground survey is deemed necessary.
- 1310 b. In conducting field surveys for undertakings on Forest Service and adjacent lands,
1311 ~~irregardless~~regardless of ownership, the probability zones shall be inventoried as
1312 follows:
- 1313 i. High probability zones:
- 1314 1. Intensive survey of all locations of direct, indirect, and cumulative impact in
1315 the undertaking's APE. Indirect effects are determined on a case-by-case
1316 basis (e.g. visual effects for a historic property in which setting is a significant
1317 characteristic).
- 1318 2. Intensive survey of a sample of the high probability zone outside the
1319 undertaking's APE, but within the larger project area; location and acreage
1320 surveyed ~~is~~ to be determined on a case-by-case basis.
- 1321 ii. Low probability zone:
- 1322 1. Intensive survey of a sample of the locations of direct, indirect, and
1323 cumulative impact in the APE; location and acreage surveyed to be
1324 determined on a case-by-case basis.
- 1325 c. The Forest Service will continue to develop, test, and improve the accuracy of cultural
1326 resource locational modeling by employing post-implementation monitoring of
1327 previously surveyed areas in both high and low probability zones. Areas to be
1328 monitored and sampling strategy will be determined on a case-by-case basis relying on
1329 the judgement of the Heritage Professional.

1330 **III. Standards and Guidelines for the Conduct of Field Surveys**

- 1331 a. Surveys shall generally be guided by an explicit research design or scope of work. If a
1332 research design is not needed or used, the rationale shall be documented in the survey
1333 report.
- 1334 b. Cultural resource surveys that are performed specifically for compliance with NHPA or
1335 NEPA shall be designed and executed in such a manner as to provide reasonable
1336 assurance that all historic properties located in the APE will be discovered. A
1337 systematic, complete inspection of the areas surveyed is required (intensive survey), to
1338 ensure that ~~decision-makers~~Line Officers have sufficient cultural resource information
1339 to help them choose between alternatives.

- 1340 i. Systematic means consistent use of procedures or methods of inspection that
1341 yield demonstrably reliable and replicable results.
- 1342 ii. Complete means use of pedestrian survey following transects (with intervals of
1343 no greater than 20 meters) coupled with frequent sampling of the subsurface
1344 with soil probes, and shovel-excavated test pits where needed, to verify the
1345 presence of cultural materials. Natural exposures are also closely examined.
- 1346 iii. Sampling and collection of materials for laboratory processing may be necessary
1347 for cultural resource discovery or verification.
- 1348 c. All surveys and archival record searches will be documented in the NFSForest Service
1349 DBdatabase, completing all national Heritage Core Data Fields where information is
1350 knownrequired fields.
- 1351 d. Each newly discovered cultural resource will be thoroughly recorded using the
1352 NFSForest Service CRR with all fields completed for which data is known.
- 1353 e. Each NFSForest Service CRR will have the following attached: appropriate area of a 15-
1354 minute 1:63,360 scaled US TopoGS Quad map at the 1:36,360 scale with the cultural
1355 resource location clearly indicated; appropriate area of a goodbest available quality
1356 copy of an aerial photoimagery with the cultural resource location clearly indicated; a
1357 sketch map of the cultural resource indicating the approximate locations of major
1358 features and/or artifact concentrations; photographs of the cultural resource in its
1359 setting, and of features and artifacts; and additional detailed feature drawings as
1360 needed.

1361 **APPENDIX E: Alaska Native Tribes and Alaska Native Corporations Invited to Consult**

1362	<u>Alaska Native Tribes</u>	1393	Village of Salamatoff
1363	Angoon Community Association	1394	Wrangell Cooperative Association
1364	Central Council Tlingit & Haida Indian Tribes	1395	Yakutat Tlingit Tribe
1365	of Alaska	1396	<u>Alaska Native Corporations</u>
1366	Chenega Bay IRA Council	1397	Cape Fox Corporation
1367	Chickaloon Village	1398	Chenega Corporation
1368	Chilkat Indian Village	1399	Chickaloon-Moose Creek Native Association
1369	Chilkoot Indian Association	1400	Chugach Alaska Corporation
1370	Craig Tribal Association	1401	Cook Inlet Regional Corporation
1371	Douglas Indian Association	1402	Eklutna Incorporated
1372	Hoonah Indian Association	1403	English Bay Corporation
1373	Hydaburg Cooperative Association	1404	Eyak Corporation
1374	Kenaitze Indian Tribe	1405	Goldbelt, Incorporated
1375	Ketchikan Indian Community	1406	Haida Corporation
1376	Klawock Cooperative Association	1407	Huna Totem Corporation
1377	Knik Tribal Council	1408	Kake Tribal Corporation
1378	Metlakatla Indian Community	1409	Kavilco Inc.
1379	Nanwalek IRA Council	1410	Klawock Heenya Corporation
1380	Native Village of Eklutna	1411	Klukwan Inc.
1381	Native Village of Eyak	1412	Knikatnu Incorporated
1382	Native Village of Tatitlek	1413	Kootznoowoo Inc.
1383	Native Village of Tyonek	1414	Ninilchik Native Association, Inc.
1384	Ninilchik Traditional Council	1415	Port Graham Corporation
1385	Organized Village of Kake	1416	Salamatof Native Association, Inc.
1386	Organized Village of Kasaan	1417	Sealaska Corporation
1387	Organized Village of Saxman	1418	Seldovia Native Association
1388	Petersburg Indian Association	1419	Shaan-Seet Inc.
1389	Port Graham Village Council	1420	Shee Atika Incorporated
1390	Seldovia Village Tribe	1421	Tatitlek Corporation
1391	Sitka Tribe of Alaska	1422	Tyonek Native Corporation
1392	Skagway Traditional Council	1423	Yak-Tat Kwaan, Inc.