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PROGRAMMATIC AGREEMENT

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AMONG

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THE USDA FOREST SERVICE, ALASKA REGION,

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THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND

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THE ALASKA STATE HISTORIC PRESERVATION OFFICER

7

REGARDING

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HERITAGE PROGRAM MANAGEMENT

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ON NATIONAL FORESTS

10

IN THE STATE OF ALASKA

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AMONG
THE USDA FOREST SERVICE, ALASKA REGION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE ALASKA STATE HISTORIC PRESERVATION OFFICER
REGARDING
HERITAGE PROGRAM MANAGEMENT
ON NATIONAL FORESTS
IN THE STATE OF ALASKA

Preamble

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

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

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

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

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

WHEREAS, the Forest Service has consulted with the Advisory Council on Historic Preservation (ACHP) and the Alaska State Historic Preservation Officer (SHPO) pursuant to Section 800.14(b) of 36 CFR 800 implementing Section 106 (§ 306108) of the NHPA; and the Signatory Parties agree that the Alaska Region of Forest Service has an extensive history of compliance with the provisions of 36 CFR 800 that demonstrates that many undertakings can be implemented using

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

¹ Formerly 16 USC 470 et seq.

106 more cost-effective, ~~streamlined~~expedited steps and procedures than those outlined in 36 CFR
107 800; and

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 provided comments
126 and Douglas Indian Association and Organized Village of Kake reviewed the Agreement
127 (Appendix E - List of Tribes and Corporations invited to consult); and

Commented [HK-2]: Invited the following to consult & these provided comments

Commented [CD3]: Recommend changes to make this one continuous statement.

Formatted: Highlight

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

Commented [HK-4]: Add to Appendix E – other invited consulting parties

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-5]: Or 'should'?
Change to shall

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

Commented [CD6]: Proposed revisions that would shift the focus of the Therefore clause to be more consistent with the process being proposed.

144 I. **Stipulations**

145 a. **Professional Qualifications**

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

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

161 b. **Professional Standards**

162 The Forest Service shall, per § 306131 (a)(1), be responsible for the protection of historic
163 properties and will ensure that all actions taken by employees, contractors, or others
164 acting on behalf of the agency meet professional standards by maintaining a viable
165 Heritage Program as evidenced by policies and procedures outlined specifically in FSM
166 2360 and FSH 2309.12, as well as other Forest Service directives.

167 c. **Tribal Consultation and Participation**

168 The Forest Service shall consult with Alaska Native Tribes and Alaska Native
169 Corporations about properties of interest to them that may be affected by Forest
170 Service undertakings pursuant to 36 CFR 800.2(c)(2). This consultation will be conducted
171 in a manner that reflects the nature and complexity of each undertaking and its
172 potential effects on historic properties during planning and implementation, regardless
173 of whether the Agreement applies or not. Property types may include, but are not
174 limited to: sacred sites as defined in Executive Order 13007, ~~Indian Sacred Sites~~ and in
175 FSM 1563.05; sacred places as defined in FSM 1563.05; traditional use areas that may
176 relate to the practice of traditional religions as described in American Indian Religious
177 Freedom Act (42 USC 1996); Native American graves under Native American Graves

Commented [CD7]: 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.

Commented [HK-8]: Add more about identification.

² Formerly Section 112

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 Section II.b. Identification and Appendix D: Inventory Strategy).

- iii. **Known cultural resources identified within the APE have been evaluated for the National Register or have not been evaluated but are to be treated as eligible per FSM 2363.22** and the provisions at Section II.c. Evaluation of Historic Properties. The Heritage Professional may determine a reevaluation is necessary if, for example, new information about the property becomes available.

Commented [HK-9]: Has NPS been consulted on this PA? – no, reach out to NHL provision – Janet Clemens &/or Daryl Lewis
Add 800.10 guidance – given the requirements of 800.10 we'll consult w/ NPS & if there's a potential for an adverse effect we'll revert to standard S106

Commented [CD10]: Consult how? If an NHL is involved how will the process vary from the expedited procedures?

iv. Preliminary planning indicates a Finding of “no historic properties affected” [36 CFR 800.4(d)(1)] or “no adverse effect” [36 CFR 800.5(d)(1)] for the undertaking on all known historic properties within the APE.

v. The undertaking falls into one of the categories included in Appendix B: Authorized Undertakings.

1. If the undertaking involves a historic building or structure, Appendix B: Authorized Undertakings can be used if a baseline recordation exists and the existing condition is documented.

II. General Procedures

a. Integrating with NEPA

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

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

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

b. Identification

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

Commented [CD11]: 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 [HK-12]: Or substitution when not following the streamlined procedures

Commented [HK-13]: Tribes will be brought into the process when needed, when there are resources that are significant to tribes, heritage staff will reach out to tribes 880.4(a)(4)

Commented [CD14]: How will tribes be involved in the identification process?

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-Require~~ 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-Require~~ “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).

e. Monitoring Activities

i. To ensure compliance with ~~this~~ Agreement, Heritage Professionals shall monitor activities during or post-implementation of projects.

~~i.a. 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.

~~ii.b. Should monitoring efforts for activities covered under a “conditional no adverse effect” reveal that historic properties are being adversely affected, the SHPO and any appropriate ANT/ANC shall be notifiedshall be notified,~~ and standard Section 106 procedures shall be followed (Section III. Standard Section 106 Procedures).

Commented [CD15]: Is there a list/summary of these conditions that SHPO and FS have a mutual understanding are acceptable?

Commented [HK-16]: No standard list of conditions, the conditions are project specific.

Commented [HK-17]: or ‘has the potential to?’ keep it as will

Commented [HK-18]: FS will ensure any conditions imposed are adhered to.

Formatted

Commented [HK-19]: or ‘describes in the determination of effect report’?

Commented [HK-20]: This should speak to all monitoring, not just conditional no adverse effect monitoring

Commented [CD21]: And any appropriate Alaska Native Tribe(s) and Alaska Native Corporation(s)?

321 **III. Standard Section 106 Procedures**

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

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

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

330 c. Discoveries and Unanticipated Effects

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

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

339 **IV. Human Remains**

340 a. **Inadvertent Discoveries**

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

349 b. **Intentional Excavation**

350 The Forest Service shall develop a NAGPRA Written Plan of Action [43 CFR 10.5(e)] or
351 Comprehensive Plan [43 CFR 10.5(f)], in consultation with the appropriate Alaska Native
352 Tribe(s) and Alaska Native Corporation(s), governing intentional recovery of human
353 remains. The Forest Service shall notify the SHPO in advance of such an undertaking
354 and provide an opportunity to comment.

Commented [CD22]: And Alaska Native Tribe(s) and Alaska Native Corporation(s that might attach religious and cultural significance to the affected property – add in

Commented [HK-23]: Run this section by Rich, Chris will run it by ACHP OGC also

355 **V. Emergency Undertakings**

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

366 **VI. Collections**

- 367 a. The Alaska Region has a limited collection policy. When conducting surveys, The only
368 cultural materials-only diagnostic artifacts (by time, function, etc.) are collected, along
369 with appropriate material samples for analysis (Carbon-e14, pollen, etc.) are diagnostic
370 (by time, function, etc.) and artifacts that are collected under suitable controls if
371 reasoned to be necessary by the Principal Investigator or Crew Chief, for analytical
372 purposes or to prevent probable loss or destruction. Samples of soils, flora, and fauna
373 may also be collected for the purposes of analysis and may be destroyed as part of the
374 analytical process. Samples are typically not curated in perpetuity. When conducting a
375 controlled excavation, whether in-house or by contract, the Principal Investigator,
376 following a prepared research design, identifies the appropriate materials for collection
377 and retention in the permanent record. Materials may include artifacts, regardless of
378 whether they are diagnostic, using current techniques, as well as material samples that
379 include rocks, minerals, soils, flora (including charcoal and pollens), and fauna.- All
380 collected materials are curated in perpetuity with the exception of those samples which
381 are subject to destructive analysis. This is standard professional practice in order to
382 ensure that samples are retained for analysis using future techniques.
- 383 b. Collections are managed according to FSM 2366 and FSH 2309.12 Chapter -60 and will
384 be housed in a facility meeting standards in 36 CFR 79.
- 385 c. When conducting investigations on State land, Forest Service personnel and personnel
386 working on behalf of the Forest Service will follow the State collection policy.
- 387 d. When conducting investigations on lands governed by other laws, Forest Service will
388 follow collection policies outlined in the applicable law or negotiated with the
389 landowner.

390 VII. Documentation and Reporting

391 a. **Using the Agreement**

392 i. An annual report shall be prepared using existing and readily available
393 information within the Forest Service established recordkeeping procedures, and
394 submitted to Signatory Parties. Forest Service will provide annual reports to
395 other parties upon request.

396 ii. The content of the annual report will include:

- 397 1. The Secretary of the Interior's Annual Report to Congress for the most
398 recently completed fiscal year.
- 399 2. A narrative describing any noteworthy project(s) carried out on each District.
- 400 3. A spreadsheet containing summary data on those undertakings for which the
401 Agreement was used.
- 402 4. Cultural resource inventory reports that were completed under the terms of
403 this Agreement.
- 404 5. A list and description of cultural resources monitored for reasons other than
405 Section 106 compliance.
- 406 6. A description of unanticipated discoveries and resolutions for each District.
- 407 7. An update on how the Forests or Districts are doing on meeting ongoing
408 MOA stipulations.
- 409 8. An update on how the Forests or Districts are doing on implementing
410 conditions described in determination of "no adverse effect" reports, to
411 include conditional Findings of "no adverse effect". The description shall
412 include a list of undertakings being tracked, the date the APE was last visited
413 and/or cultural resources were last monitored, and their noted conditions.

414 9. A table tracking heritage staff and Line Officer training per Section X.
415 Training.

416 9.10. An assessment of how the Agreement procedures are working, with
417 recommendations for future changes.

418 10.11. Proposed changes to the appendices, if any.

419 b. **Emergency Undertakings**

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

Commented [HK-24]: Revise

Commented [CD25]: I get what this heading is trying to say, but is there a better way to say it? Routine Usage? Annual Reporting?

Commented [HK-26]: ACHP is seeing a trend – annual meeting is overtaking an annual report, instead the agency will host a meeting, annual report is starting to shrink, comes out in advance of the meeting, meeting may be in person or over the phone or combined. Shina is open to recrafting the agreement to reflect this. Documentation of implementing the PA is still required to have on hand. Spreadsheets of projects that applied the PA. NPS does a meeting every other year. Provide a summary in advance. Theresa asked – who would attend the meeting? Having a meeting results in the meeting be more successful. Extend invitation to any interested consulting parties – internal & external. Keri & Theresa will revise & submit to Shina.

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.

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

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

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

476 **X. Training**

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

Commented [HK-27]: Define who heritage staff, add line officers, baseline training

Commented [CD28]: Just standard 106? Will the training mention the PA?

Commented [CD29]: 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?

Commented [HK-30]: Clarify.

- 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 [CD31]: 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 [CD32]: 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 will~~ result in the Forest and all its Districts being suspended from participation in this Agreement.

Commented [HK-33]: Shina - We don't want to get ourselves into a position where one heritage professional is covering too many areas. Chris – temporarily a forest could utilize a heritage professional not employed by the Forest. There needs to be adequate support & if the forest can't provide that, then standard S106.

Commented [CD34]: 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.

~~X~~592 IV. 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

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

XV. Implementation and Duration

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

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

Commented [CD35]: Suggested revision to capture the scope of the PA

621 *Signatories:*

622 _____

623 BETH G. PENDLETON

624 Regional Forester, Alaska Region

625 USDA Forest Service

626 _____

627 JUDITH E. BITTNER

628 Alaska State Historic Preservation Officer

629 Office of History and Archaeology

630 _____

631 JOHN M. FOWLER

632 Executive Director

633 Advisory Council on Historic Preservation

634

635 *Invited Signatories:*

636 _____

637

638

Date

Date

Date

Commented [HK-36]: Pending

17

639 *Concurring Parties:*

640 _____

641 TERRI MARCERON Date

642 Forest Supervisor

643 Chugach National Forest

644 _____

645 M. EARL STEWART Date

646 Forest Supervisor

647 Tongass National Forest

648

649 _____ Date _____

Commented [HK-37]: Pending

650

APPENDIX A: Glossary, Acronyms, and Abbreviations

Commented [HK-38]: Check that all acronyms are still in use

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

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

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

661 ACHP Advisory Council on Historic Preservation

662 Agreement This Programmatic Agreement

663 AHRs Alaska Heritage Resources Survey

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

674 APE Area of Potential Effects

675 ARPA Archaeological Resources Protection Act

676 CFR Code of Federal Regulations

677 Character Defining Features

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

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

Commented [TT39]: Seems like we have a more authoritative reference than this??

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

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

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

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

Activities carried out under 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, ~~activities~~ 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.

- 925 ii. Ongoing routine maintenance of immediately surrounding landscaping (such as
926 mowing and lawn repair), including such modifications as removal of non-native
927 vegetation, adding single plants or shrubs that blend with the existing landscape,
928 or adding rocks to define paths, where not otherwise prohibited, so long as
929 existing landscape characteristics are maintained and the method of removal
930 and installation does not disturb previously undisturbed ground or historic
931 properties.
- 932 iii. Tree planting or removal in areas that have been previously disturbed by these
933 activities, including nursery beds and arboreta, provided existing landscaping is
934 maintained.
- 935 iv. Installation of utilities, such as sewer, water, or storm drains, electrical, gas, or
936 leach lines, and septic tanks, where installation is restricted to specific areas
937 previously disturbed by installation of utilities and the method of installation
938 does not encroach on previously undisturbed ground or historic properties.
- 939 v. Inventory, data and information collection (including collection of samples) as
940 long as less than one square meter of cumulative ground disturbance is involved,
941 including archaeological testing, land use and land cover, geological,
942 mineralogical, chemical, and resource evaluation activities, cadastral surveys, or
943 geophysical surveys.
- 944 vi. Expansion of vertical quarries, excavation of previously buried utility lines, and
945 any activities within the demonstrated vertical and horizontal limits of previous
946 disturbance or construction.
- 947 vii. Any undertaking that proposes less than one square meter of cumulative ground
948 disturbance. This includes activities relating to ~~Special Use~~
949 ~~Permits~~authorizations, installation of signs, mechanical and electrical devices
950 used for weather observations, research purposes, etc.
- 951 viii. Placement or replacement of recreational, special designation, informational, or
952 directional signs, bulletin boards, barrier posts, and portable sanitation devices
953 in developed sites, trailheads, roads, or resort complexes, keeping in mind the
954 potential for indirect (e.g. visual) impacts to surrounding historic properties,
955 including National Register historic districts and NHLs.
- 956 ix. Any activities taking place in a previously approved Mining Plan of Operation
957 that is carried out within the original APEs and for which no historic properties
958 were discovered or would be adversely affected, including any operations such
959 as suction dredging that take place entirely within the wetted perimeter of the
960 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)

- 1065 a. Protecting and maintaining through appropriate surface treatments such
1066 as rust removal, limited paint removal, and reapplication of protective
1067 coating systems (see guidelines under the Building Exterior Features
1068 section above).
- 1069 b. Making weather tight by re-caulking and replacing weatherstripping.
- 1070 c. Repairing by patching, piecing-in, consolidating or otherwise reinforcing
1071 using recognized preservation methods.
- 1072 d. Replacing in kind extensively deteriorated or missing parts of windows or
1073 doors (such as frames, sash, sills, hardware, and trim) is approved when
1074 there are surviving prototypes of the deteriorated or missing parts and
1075 the replacement matches the old in material, design, color, and texture.
- 1076 **3. Structural Systems**
- 1077 a. Repairing exposed or unexposed elements of the structural system by
1078 augmenting or upgrading individual parts or features using recognized
1079 preservation methods. For example, weakened structural members such
1080 as floor framing can be paired with a new member, braced, or otherwise
1081 supplemented and reinforced.
- 1082 b. Replacing in kind those visible portions or features of the structural
1083 system that are either extensively deteriorated or missing is approved
1084 when there are surviving prototypes and the replacement matches the
1085 old in material, design, color, and texture.
- 1086 c. Using substitute materials may only be considered for unexposed
1087 structural elements, such as roof rafters or trusses.
- 1088 **4. Building Interior Features** (including floors, ceilings, and staircases)
- 1089 a. Repairing or refinishing of historic floor covering or other features such as
1090 ceilings and staircases, including reapplication of protective coating
1091 systems and provided the replacement matches the old in material,
1092 design, color, and texture.
- 1093 b. Replacing in kind only those portions of historic flooring or interior
1094 features such as ceilings and staircases that are extensively deteriorated
1095 or missing parts and provided the replacement matches the old in
1096 material, design, color, and texture.
- 1097 c. Replacement of modern floor coverings, with historically compatible
1098 materials, design, and color as determined to be appropriate by the
1099 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:
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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.
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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.
- 1135
- ii. **Rendering Inoperable - General Guidelines**

1136		Features within historic properties may be rendered inoperable in order that
1137		they continue to be a contributing feature to a historic property.
1138	1.	Rendering inoperable, but not removing, historic fixtures (such as gas lights,
1139		plumbing fixtures, cannons, etc.).
1140	iii.	Application of Architectural Barriers Act (ABA) – General Guidelines
1141		If during the course of routine maintenance activities, elements of the ABA can
1142		be met without causing adverse effects to a historic property then this
1143		Agreement may be used. Any significant alterations resulting in a
1144		<u>Rehabilitation, Restoration, or Reconstruction</u> Rehabilitation of a historic
1145		building or structure will require following standard Section 106 procedures.
1146	iv.	New Materials- General Guidelines
1147		When required for modernization of utility systems (e.g. plumbing, electrical,
1148		fuel, and communications), new materials may be used; key historic features
1149		such as hand pumps and historic light fixtures, are retained; and modern
1150		elements are screened or otherwise rendered 'invisible' so as to protect the
1151		visual integrity of the building or structure. Introduction of large antenna,
1152		satellite/communication dishes and similar features are disallowed. Default
1153		building code is the International Existing Building Code, Chapter 12 – Historic
1154		Buildings. Examples include:
1155	1.	Installation of dry insulation installed in a manner that does not damage the
1156		property's historic fabric.
1157	2.	Replacement of metal water tanks with ones of fiberglass, when the color
1158		and texture of the existing or historic tank are replicated or when
1159		landscaping camouflages the replacement tank. Construction of a structure
1160		around a tank to control temperature is allowed when landscaping
1161		camouflages the change.
1162	3.	Replacement of lightning rod wiring with new copper wire.
1163	4.	Installation of fire or smoke detectors, burglar alarms or other security
1164		systems or security devices, such as dead bolts, door locks, window latches,
1165		and door peep holes if they are installed in a manner that does not damage
1166		any of the property's historic fabric and are sited in an unobtrusive manner.
1167	5.	Installations that are temporary for the purposes of security or safety of the
1168		site (such as temporary doors and window covers to protect the building or
1169		structure and visitors, temporary signage, etc.) provided their installation
1170		does not damage historic materials.

1171 6. Installation of interpretive signs or exhibit structures which are not attached
1172 to historic buildings or structures and do not visually intrude on the historic
1173 property. Signs should be constructed of materials and painted colors that
1174 harmonize with the historic property and its setting.

1175 IV. Removal - General Guidelines

1176 **Removal of non-historic features within a historic property are allowed including**
1177 **previously determined ineligible objects and materials (such as abandoned vehicles,**
1178 **dumps, and fences); or removal of objects and materials demonstrably less than 50 years**
1179 **old providing that those objects and materials are not associated with a property that has**
1180 **the potential to be determined eligible for the National Register.**

1181 a. Removing toxic building materials (such as radon, asbestos containing materials, and
1182 buried oil tanks) only after thorough testing has been conducted and only after less
1183 invasive abatement methods have been shown to be inadequate and when such
1184 removal will not damage the character defining features of the property.

1185 b. Lead paint abatement when it is done through limited scraping and encapsulation.

1186 b-c. Removal of graffiti using historic preservation methods that will not damage the
1187 character defining features of the property.

1188 e-d. Activities, such as removal of logjams and debris that are carried out entirely within an
1189 active streambed, even if the streambed is directly adjacent to a historic property.

1190 V. Fire Management – General Guidelines

1191 **Procedures in an approved Fire Management Plan shall be followed in the event of a fire.**
1192 **If a Fire Management Plan which prescribes treatment measures for historic properties is**
1193 **not in place, the following shall apply to fire management during fires that have the**
1194 **potential to affect historic properties. In each instance the goal is to minimize impacts to**
1195 **historic properties from both fires and firefighting activities, and post-fire rehabilitation**
1196 **activities:**

1197 a. Fire shelter fabric or other protective materials, including fire retardant foam and other
1198 wetting agents, or equipment may be utilized to protect historic properties.

1199 b. Vegetation, including trees that may impact historic properties, may be removed and
1200 fire lines or breaks may be constructed within the boundaries of known cultural
1201 resources or historic properties using hand tools, so long as ground disturbance is
1202 minimized, and features are avoided.

1203 c. Prescribed fire is allowed in areas that fit one or more of the following: burned within
1204 the last 40 years; without heavy fuel buildup; area of low intensity fire. APE includes
1205 burn areas, staging areas, hand lines, escape routes, and safety zones.

1206 d. Hazard fuel management including thinning operations and removal of dead and
1207 downed trees and vegetation are approved provided that management activities occur
1208 outside of cultural or historic landscapes and/or concentration(s) of culturally modified
1209 trees and equipment used will not introduce ground disturbance.

1210 **VI. Mine Closures – General Guidelines**

1211 **Mine closures may be carried out under this Agreement as long as no actions compromise**
1212 **the mine’s eligibility to the National Register and actions are reversible:**

1213 a. Removal of petroleum products and other hazardous substances that are in modern-age
1214 containers do not constitute an action with the potential to affect historic properties, so
1215 long as this can be accomplished without any ground disturbance or disturbance or
1216 removal of any historic artifacts or features within the historic property.

1217 b. Routine maintenance at active mines that includes replacing timber sets with rock bolts,
1218 steel bands and wire screening, and barring down loose rocks.

1219 c. Installation of gates or grates for mine openings that provide bat habitat or where
1220 future access is required.

1221 d. Backfill with rock material or overburden. Blasting or other ‘cave in’ options are
1222 considered ground disturbing and have the potential to affect a historic property. These
1223 methods require standard Section 106 procedures.

1224 e. Installation of foam plugs, corrugated metal pipe, mortar and stone wall, or concrete
1225 caps with inlaid natural rock to reduce UV degradation and for visual affect.

1226 f. Installation of corrugated metal pipe with a front stabilization at the portal provided
1227 that any shoring and the removal of hazardous rock/material from above the portal do
1228 not constitute an action with the potential to adversely affect historic properties.

1229

APPENDIX C: Forms and Templates

1230 This appendix contains standard forms and templates to be used under the terms of this
1231 Agreement.

1232 ~~National~~ Forest Service Cultural Resource Record ~~(NFS-CRR)~~:

1237

APPENDIX D: Inventory Strategy

1238 This appendix describes the procedures for meeting the requirements of 36 CFR 800.4(b) by: 1)
1239 defining cultural resource probability zones; 2) describing the survey intensity appropriate to
1240 each probability zone; and 3) defining standards and guidelines for the conduct of on-the-
1241 ground inventories within the APE.

1242 I. Identification

1243 a. In all cases, areas previously surveyed with techniques and/or documentation that do
1244 not meet current standards as identified in this appendix, will require additional survey
1245 and documentation for the current project APE under consideration.

1246 b. The Forest Service shall use predictive models that identify “Probability Zones” in order
1247 to better calculate the probability that historic properties exist or have the potential to
1248 exist within any given area. At all times, the Forest Service will use the best available,
1249 and most current, model for the area being analyzed.

1250 c. **Probability Zones** are defined as areas of land where the probability that a cultural
1251 resource will be discovered is either “high” or “low” based on models that take into
1252 account the physical, biological, and cultural features and history of those areas or in
1253 approximately similar areas. The basic premise is that areas with suitable habitat or
1254 resources, both currently and in the past, are more likely to have a greater cultural
1255 resource density, and probability of discovery, than areas without suitable habitat or
1256 resources. Probability zones are dynamic approximations based on previous cultural
1257 resource discoveries and analyses, and are iteratively updated and applied as new data
1258 is acquired.

1259 d. Probability zones will be reviewed annually and revised as needed at the time of the
1260 annual report to reflect current predictive models as they are updated.

1261 e. The Forest Service in the Alaska Region recognizes “high” and “low” probability zones,
1262 with slight differences in their meaning between the Tongass National Forest and the
1263 Chugach National Forest. For both Forests, anything that is not included in the “high”
1264 probability zone are considered to be in the “low” probability zone.

1265 i. High probability zones include Forest Service managed and adjacent lands with
1266 the following elements that are common to both Forests:

1267 1. Areas identified through historic or ethnographic research or oral history.

1268 2. Paleo-shoreline systems including elevated/fossil marine, river, and lake
1269 terrace systems.

1270 3. Landscapes altered by catastrophic events such as earthquakes which might
1271 cause a rise or lowering of lands; or shorelines and riverbanks with

1272	immediate short term erosion due to rising sea levels, storm surges and
1273	other erosional processes.
1274	4. Caves and rockshelters, areas of karst landforms, and/or igneous rock
1275	formations known for caves and rockshelters, if in the estimation of the
1276	Heritage Professional, in consultation with the Forest geologist as
1277	appropriate, the land has significant potential to contain cultural resources.
1278	5. River valley, lake, and river systems providing passes or portages across
1279	larger land masses.
1280	6. Lake and stream systems containing, or known to have contained,
1281	anadromous fish runs; including a focus on barrier falls locations in such
1282	systems.
1283	7. Areas of known resource extraction activities including former lode and
1284	placer mining activity, fish processing, fur industry, and forest products
1285	industry.
1286	8. Known sources of potential raw materials (obsidian sources; exceptional
1287	concentrations of cedar trees, etc.).
1288	9. Alpine areas if historic or ethnographic research or previous surveys
1289	conducted nearby indicate cultural use, such as high elevation mountain
1290	peaks overlooking saltwater that may contain rock cairns.
1291	10. Areas associated with cultural practices or beliefs of a living community that
1292	are rooted in a community's history or are important in maintaining the
1293	continuing cultural identity of the community such as TCPs or cultural
1294	landscapes.
1295	11. All land between mean lower low water (mllw) and 100 ft of elevation above
1296	mean high water (mhw), regardless of slope.
1297	ii. Additional refinements of the model for each Forest or District are described
1298	below.
1299	1. Tongass National Forest
1300	a. Prince of Wales Island - lands at the 60 ft elevation above mhw are
1301	considered a high probability area for early Holocene sites based on
1302	recent and ongoing research.
1303	2. Chugach National Forest
1304	a. Ice patches and fossil ice patches as identified through satellite
1305	photography, digital ortho-photographs or direct observation.

1306 **II. Survey Strategy**

- 1307 a. If in the judgement of the Heritage Professional, the probability of encountering historic
1308 properties is low, then the Heritage Professional may rely on literature reviews and
1309 other non-field related research, and shall use their best professional judgement in
1310 deciding what, if any, level of on-the-ground survey is deemed necessary.
- 1311 b. In conducting field surveys for undertakings on Forest Service and adjacent lands,
1312 ~~irregardless~~regardless of ownership, the probability zones shall be inventoried as
1313 follows:
- 1314 i. High probability zones:
- 1315 1. Intensive survey of all locations of direct, indirect, and cumulative impact in
1316 the undertaking's APE. Indirect effects are determined on a case-by-case
1317 basis (e.g. visual effects for a historic property in which setting is a significant
1318 characteristic).
- 1319 2. Intensive survey of a sample of the high probability zone outside the
1320 undertaking's APE, but within the larger project area; location and acreage
1321 surveyed ~~is~~ to be determined on a case-by-case basis.
- 1322 ii. Low probability zone:
- 1323 1. Intensive survey of a sample of the locations of direct, indirect, and
1324 cumulative impact in the APE; location and acreage surveyed to be
1325 determined on a case-by-case basis.
- 1326 c. The Forest Service will continue to develop, test, and improve the accuracy of cultural
1327 resource locational modeling by employing post-implementation monitoring of
1328 previously surveyed areas in both high and low probability zones. Areas to be
1329 monitored and sampling strategy will be determined on a case-by-case basis relying on
1330 the judgement of the Heritage Professional.

1331 **III. Standards and Guidelines for the Conduct of Field Surveys**

- 1332 a. Surveys shall generally be guided by an explicit research design or scope of work. If a
1333 research design is not needed or used, the rationale shall be documented in the survey
1334 report.
- 1335 b. Cultural resource surveys that are performed specifically for compliance with NHPA or
1336 NEPA shall be designed and executed in such a manner as to provide reasonable
1337 assurance that all historic properties located in the APE will be discovered. A
1338 systematic, complete inspection of the areas surveyed is required (intensive survey), to
1339 ensure that ~~decision-makers~~Line Officers have sufficient cultural resource information
1340 to help them choose between alternatives.

- 1341 i. Systematic means consistent use of procedures or methods of inspection that
1342 yield demonstrably reliable and replicable results.
- 1343 ii. Complete means use of pedestrian survey following transects (with intervals of
1344 no greater than 20 meters) coupled with frequent sampling of the subsurface
1345 with soil probes, and shovel-excavated test pits where needed, to verify the
1346 presence of cultural materials. Natural exposures are also closely examined.
- 1347 iii. Sampling and collection of materials for laboratory processing may be necessary
1348 for cultural resource discovery or verification.
- 1349 c. All surveys and archival record searches will be documented in the NFSForest Service
1350 DBdatabase, completing all national Heritage Core Data Fields where information is
1351 knownrequired fields.
- 1352 d. Each newly discovered cultural resource will be thoroughly recorded using the
1353 NFSForest Service CRR with all fields completed for which data is known.
- 1354 e. Each NFSForest Service CRR will have the following attached: appropriate area of a 15-
1355 minute 1:63,360 scaled US TopoGS Quad map at the 1:36,360 scale with the cultural
1356 resource location clearly indicated; appropriate area of a goodbest available quality
1357 copy of an aerial photoimagery with the cultural resource location clearly indicated; a
1358 sketch map of the cultural resource indicating the approximate locations of major
1359 features and/or artifact concentrations; photographs of the cultural resource in its
1360 setting, and of features and artifacts; and additional detailed feature drawings as
1361 needed.

1362 **APPENDIX E: Alaska Native Tribes and Alaska Native Corporations Invited to Consult**

1363	<u>Alaska Native Tribes</u>	1394	Village of Salamatoff
1364	Angoon Community Association	1395	Wrangell Cooperative Association
1365	Central Council Tlingit & Haida Indian Tribes	1396	Yakutat Tlingit Tribe
1366	of Alaska	1397	<u>Alaska Native Corporations</u>
1367	Chenega Bay IRA Council	1398	Cape Fox Corporation
1368	Chickaloon Village	1399	Chenega Corporation
1369	Chilkat Indian Village	1400	Chickaloon-Moose Creek Native Association
1370	Chilkoot Indian Association	1401	Chugach Alaska Corporation
1371	Craig Tribal Association	1402	Cook Inlet Regional Corporation
1372	Douglas Indian Association	1403	Eklutna Incorporated
1373	Hoonah Indian Association	1404	English Bay Corporation
1374	Hydaburg Cooperative Association	1405	Eyak Corporation
1375	Kenaitze Indian Tribe	1406	Goldbelt, Incorporated
1376	Ketchikan Indian Community	1407	Haida Corporation
1377	Klawock Cooperative Association	1408	Huna Totem Corporation
1378	Knik Tribal Council	1409	Kake Tribal Corporation
1379	Metlakatla Indian Community	1410	Kavilco Inc.
1380	Nanwalek IRA Council	1411	Klawock Heenya Corporation
1381	Native Village of Eklutna	1412	Klukwan Inc.
1382	Native Village of Eyak	1413	Knikatnu Incorporated
1383	Native Village of Tatitlek	1414	Kootznoowoo Inc.
1384	Native Village of Tyonek	1415	Ninilchik Native Association, Inc.
1385	Ninilchik Traditional Council	1416	Port Graham Corporation
1386	Organized Village of Kake	1417	Salamatof Native Association, Inc.
1387	Organized Village of Kasaan	1418	Sealaska Corporation
1388	Organized Village of Saxman	1419	Seldovia Native Association
1389	Petersburg Indian Association	1420	Shaan-Seet Inc.
1390	Port Graham Village Council	1421	Shee Atika Incorporated
1391	Seldovia Village Tribe	1422	Tatitlek Corporation
1392	Sitka Tribe of Alaska	1423	Tyonek Native Corporation
1393	Skagway Traditional Council	1424	Yak-Tat Kwaan, Inc.