

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION; OSAGE NATION; THLOPTHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

2018

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FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC
PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA
STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF
LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPTHLOCCO TRIBAL
TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE
NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE
OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS**

WHEREAS, the U.S. Department of Agriculture, U.S. Forest Service, Ozark-St. Francis and Ouachita national forests (OSF/OUA NFs) have determined that routine-land management activities (undertakings) on National Forest lands may affect properties listed on or eligible for listing on the National Register of Historic Places (NRHP), hereafter referred to as historic properties (36 CFR § 800.16(I)(1)); and

WHEREAS, the OSF/OUA NFs have determined that consultation on proposed activities that **may** affect historic properties must be conducted in order for the forest supervisor (agency official) to take such effects into account in evaluating alternatives and in making decisions pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 USC 306108), and its implementing regulations entitled Protection of Historic Properties (36 CFR § 800); and

WHEREAS, the Forest Service (FS) has established policies, standards, manuals, and guidelines for the management of historic properties consistent with the NHPA including FS Manual 2360 (FSM 2360) and FS Handbook 2309 (FSH 2309.12); and

WHEREAS, the OSF/OUA NFs have viable-heritage programs spanning four (4) decades and the OSF has field surveyed seven hundred seventy three thousand forty-two (773,042) acres or sixty seven (67) percent of OSF lands and documented five thousand six hundred seventy-nine (5,679) archeological sites and the ONF has field surveyed six hundred fifty two thousand six hundred and ninety-seven (652,697) acres [four hundred seventy-five thousand (475,000) acres in Arkansas and one hundred seventy seven thousand six hundred and fifty-two (177,652) acres in Oklahoma] or thirty three (33) percent of ONF lands and has documented ten thousand and fifty-eight (10,058) archeological sites [eight thousand five hundred and ninety-six (8,596) archeological sites in Arkansas and one thousand four hundred and sixty-two (1,462) archeological sites in Oklahoma]; and

WHEREAS, Compartments are managed and field surveyed for historic properties on a

ten (10) year-entry schedule, assuring equal representation and uniform sampling of all forest compartments and environs, making it possible to predict site density and distribution in unsurveyed project areas for more informed planning; and

WHEREAS, the OSF/OUA NFs propose to develop a flexible programmatic agreement (PA), in accordance with 36 CFR § 800.14(b)(3), for expeditiously implementing projects subject to Section 106 of the NHPA that will satisfactorily take into account the effects of FS undertakings on historic properties, provide for tribal consultation and public participation, minimize redundant documentation, and reduce the need for case-by-case review of routine activities when historic properties will not be affected or when standard protocols and treatments can be applied; and

WHEREAS, to further streamline consultation and promote informed-decision making, the OSF/OUA NFs have coordinated public participation for this PA through the process set forth in the National Environmental Policy Act (NEPA); and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), OSF/OUA NFs have notified the Advisory Council on Historic Preservation (ACHP) of its intent to develop a PA with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the OSF/OUA NFs have consulted with both the Arkansas and Oklahoma state historic preservation officers (SHPOs) and state archeologists pursuant to 36 CFR § 800.14(b) of the regulations implementing Section 106 of the NHPA and the SHPOs and state archeologists have chosen to participate in development of this PA; and

WHEREAS, the Oklahoma SHPO and Oklahoma state archeologist consult on undertakings for the Choctaw, Kiamichi, and Tiak districts (sometimes referred to as the Oklahoma District) of the Ouachita National Forest (Appendix 1); and

WHEREAS, the Arkansas SHPO and Arkansas state archeologist consult on undertakings for the Big Piney, Boston Mountain, Mount Magazine, Pleasant Hill, St. Francis, and Sylamore districts of the Ozark-St. Francis national forests and the Caddo, Cold Springs, Fourche, Jessieville, Mena, Oden, Poteau, and Womble districts, and the Crossett Experimental Forest of the Ouachita National Forest (Appendix 1); and

WHEREAS, federally recognized Indian tribes are acknowledged by the United States government as sovereign nations in treaties and these tribes are unique political entities in a government-to-government relationship with the United States; and

WHEREAS, the OSF/OUA NFs have consulted with the Absentee Shawnee Tribe, Alabama-Quassarte Tribal Town of Oklahoma, Caddo Nation, Cherokee Nation, Chickasaw Nation, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Delaware Nation, Eastern Shawnee Tribe, Jena Band of Choctaw Indians, Kialegee Tribal Town, Miami Tribe of

Oklahoma, Mississippi Band of Choctaw Indians, Muscogee (Creek) Nation, Osage Nation, Peoria Tribe of Indians of Oklahoma, Quapaw Tribe of Oklahoma, Seminole Nation of Oklahoma, Shawnee Tribe, Thlopthlocco Tribal Town, Tunica-Biloxi Tribe of Louisiana, Inc., United Keetoowah Band of Cherokee Indians, and Wichita and Affiliated Tribes and have invited them to participate in the development of this PA as invited signatories pursuant to 36 CFR § 800.6(C)(2)(i-ii); and

WHEREAS, the Cherokee Nation, Coushatta Tribe of Louisiana, Delaware Nation, and Thlopthlocco Tribal Town (tribes) accepted the request to be invited signatories; and

WHEREAS, the OSF/OUA NFs have consulted with the county judges of Ashley, Baxter, Benton, Crawford, Garland, Franklin, Hot Spring, Howard, IZard, Johnson, Lee, Logan, Madison, Marion, Montgomery, Newton, Perry, Phillips, Pike, Polk, Pope, Saline, Scott, Searcy, Sebastian, Stone, Washington, and Yell counties, Arkansas and the county commissioners of LeFlore and McCurtain counties, Oklahoma and have invited them to participate in the development of this PA as concurring parties pursuant to 36 CFR § 800.14(b)(2)(i); and

WHEREAS, terms used in this PA retain their meanings as defined in 36 CFR § 800.16, FSM 2360, and FSH 2309.12.

WHEREAS, ratification of this PA does not invalidate memoranda of agreement (MOA) or programmatic agreements negotiated prior to the effective date of this PA; and

NOW, THEREFORE, the OSF/OUA NFs, Arkansas and Oklahoma SHPOs, ACHP, tribes and other consulting parties agree that undertakings shall be implemented in accordance with the following stipulations in order to take into account their effect on historic properties.

STIPULATIONS

The OSF/OUA NFs shall ensure that the following measures are carried out:

I. PROFESSIONAL QUALIFICATIONS

- A. The OSF/OUA NFs shall employ heritage professionals and non-government personnel through the use of contracts, agreements or other instruments who meet the following professional qualification standards.
 1. At a minimum, FS heritage professionals shall meet professional qualification standards established by the Office of Personnel Management [306131(a)(1)(b)] and by FSM 2360.5 and FSM 2360.91.1, and FSH 2309.12 Chapter Zero Code 04.1 and may also meet the Secretary of the Interior's (SOI) qualification standards (48 FR 190:44716-44742).
 - a. Qualifications of OSF/OUA NFs heritage professionals shall be reported annually pursuant to Stipulation XIII.A.2 of this PA.

2. The FS may use the services of paraprofessionals provided they have been trained in historic preservation and have acquired a paraprofessional certification per FSH 2309.12 Chapter Zero Code 0.6.6 and are supervised by FS heritage professionals meeting the above requirements.
 - a. Under the supervision of a qualified-heritage professional, paraprofessionals may document the presence/absence of historic properties, monitor historic properties, and prepare condition assessments of historic properties if baseline documentation exists.
 - b. Paraprofessionals may not apply National Register criteria for evaluation or make recommendations regarding historic property management.
3. All nongovernment personnel shall meet the Secretary of the Interior's (SOI) qualification standards found in the *Standards and Guidelines for Archaeology and Historic Preservation, Professional Qualifications for Archeologists and/or Historians* (48 FR 190:44716-44742) and FSM 2360.92 for the appropriate discipline (archaeology, architectural history, history, landscape architecture). These standards are currently described at Appendix A to 36 CFR § 61.

II. RESPONSIBILITIES

- A. Points of Contact. The OSF/OUA NFs, SHPOs, THPOs, and tribes shall each designate a primary and secondary point of contact to this PA. Each party to this PA shall provide the other parties with phone numbers, email addresses, and mailing addresses for the primary and secondary contacts (Appendix 2). Designated points of contact will communicate and consult following the procedures set forth in 36 CFR § 800 and the terms of this PA. Changes in points of contact will be reported annually under Stipulation XIII of this PA.
 1. For undertakings with potential to affect historic properties in Oklahoma, the Ouachita National Forest will contact the Oklahoma SHPO and Oklahoma state archeologist for any review required by this PA and all references herein to the Oklahoma SHPO will also include Oklahoma state archeologist participation, as applicable.
 2. For undertakings with potential to affect historic properties in Arkansas, the OSF/OUA NFs will contact the Arkansas SHPO for any review required by this PA. The Arkansas state archeologist receives field-survey reports for informational purposes and all references herein to the Arkansas SHPO does not include the Arkansas state archeologist.

- B. Forest Supervisors. The OSF/OUA NFs forest supervisors (one per forest) are the “federal agency official” as defined in 36 CFR § 800.2(a), having responsibility for implementing this PA and for implementing Section 106 in specific circumstances not covered by this PA. The forest supervisors shall maintain qualified professional and technical staff to carry out the terms of this PA. In the event that qualified professional and technical staff are not maintained, the forest supervisors will notify the signatories and follow measures at Stipulation XI of this PA. The forest supervisor can concur with determinations made by professional heritage-program staff, assure that necessary training is approved, and that appropriate funding is available for heritage-program implementation. The forest supervisor determines that tribal consultation is consistent with FSM 2360 direction and 36 CFR § 800 and executes PAs and MOAs for resolving adverse effects.
1. The forest supervisors may formally delegate their routine Section 106 compliance authority to district rangers (FSM 2360.4 – Exhibit 01), provided that the district ranger has received training in Section 106 of the NHPA and this PA pursuant to Stipulations IV.C-D and seeks and obtains advice from a FS heritage professional (FSM 2390.91(1), and FSH 2309.12 at Chapter 04.1). The forest supervisor retains all other authorities.
- C. District Rangers. The OSF/OUA NFs district rangers are FS line officers who have the delegated authority to make and execute decisions on a ranger district. Under this PA the district ranger can concur with determinations made by professional heritage-program staff, ensure that necessary training is available, make certain that funding is adequate for heritage-program implementation, and assist with tribal consultation consistent with FSM 2360 direction. Changes among district rangers will be reported annually under Stipulation XIII of this PA.
- D. Heritage-Program Managers. The OSF/OUA NFs heritage-program managers (HPM) (one per forest) serve as Section 106 coordinators and advise the respective forest supervisors, line officers, and staff as necessary on the implementation of this PA and the Section 106 process. The HPM consults with SHPOs, THPOs, tribes and other consulting parties; maintains heritage-program records, develops and implements Section 110 projects, and certifies that determinations and recommendations regarding the identification and management of historic properties meet the professional standards and requirements of this PA. Only heritage professionals may make management recommendations and review and recommend approval of heritage work done by archaeological technicians, heritage paraprofessionals, contractors, cooperators, and volunteers (FSM 2360.91). National Register eligibility determinations and application of the criteria of adverse effect may only be made by a qualified-heritage professional (FSH 2309.12, Chapter 04.1).
1. The HPM may delegate some of these responsibilities to qualified-heritage program staff (Archeologist GS 193 series, Anthropologist GS 190 series,

Archeological Technician GS 102 series, Historian GS 170 series) as appropriate, provided professional oversight is maintained.

- E. Heritage-Program Staff. Heritage-program staff (usually archeologists serving at the district or zone level) are trained in historic preservation specialties such as historic or prehistoric archeology, history, anthropology, ethnography, or architectural history who may conduct literature searches, field surveys, site documentation and monitoring, excavations, processing and analyzing data, maintaining databases, records and heritage collections, stabilizing sites, or helping the HPM with other historic preservation tasks. Heritage-program staff have the experience and skills pertinent to job duties under this PA.
1. For tasks where heritage-program staff do not possess the necessary qualifications, the OSF/OUA NFs shall obtain the services of SOI qualified individuals through FS indefinite delivery/indefinite quantity (IDIQ) contracts; the FS Region 8 blanket purchase agreement (BPA), supplemental project agreements with FS TEAMS Enterprise Unit and tribes; or through challenge-cost share (CCS) agreements with the respective SHPOs.

III. INTEGRATING SECTION 106 CONSULTATION WITH NEPA PROJECT PLANNING (SCOPING)

- A. NEPA Scoping. The OSF/ONF NFs shall coordinate the Section 106 process with NEPA scoping for all individual undertakings subject to this PA [36 CFR § 800.3(b) and 36 CFR § 800.8(a)(1)].
1. The OSF/OUA NFs will circulate Schedules of Proposed Actions (SOPA) to the SHPOs, THPOs, tribes and other consulting parties on a quarterly basis. The SOPA is the only comprehensive package of proposed projects for the succeeding three (3) month period.
 2. The OSF/OUA NFs will transmit to the appropriate SHPOs, THPOs, tribes and other consulting parties, specific project-announcement (scoping) letters that serve to initiate consultation under Section 106 of the NHPA.
 - a. The project announcement shall be accompanied by a letter of transmittal (Appendix 3) that, based on best-available information, indicates whether the referenced undertaking will be processed as an exempt undertaking (EU) pursuant to Stipulations V.C.2.a-c of this PA or if a field-survey report or project notification will be forthcoming pursuant to Stipulations V.B.4.a.
 3. OSF/OUA NFs will submit new projects which unexpectedly arise during the course of a fiscal year and which are not included on the quarterly SOPA

for review to the appropriate SHPOs, THPOs, tribes and other consulting parties.

- a. Emergency situations occur that may require immediate attention and/or treatment. Such emergency situations and appropriate protocols are discussed at Stipulations VIII.A-F.
4. SHPOs, THPOs, tribes and other consulting parties may elect to not receive the SOPA and NEPA scoping letters. For signatories not included on the NEPA mailing list, this information may be accessed on the OSF/OUA NFs websites at <http://www.fs.fed.us/sopa/forest-level.php?110810> and <http://www.fs.fed.us/sopa/forest-level.php?110809>. Otherwise, the first notice of a Section 106 undertaking received by these signatories shall be the field-survey report or project notification pursuant to Stipulation V.B.4.a of this PA.
- B. Prior to the Approval of an Undertaking and Signing a Decision Notice. The Forest Supervisor shall complete one of the following steps:
1. Make a finding that the undertaking is excluded from review pursuant to Stipulations V.C.1-3 of this PA and include documentation of the finding in the NEPA administrative record.
 2. Make a finding of no historic properties affected in the APE and include documentation of the finding in the NEPA administrative record (Stipulations V.C.3, Streamlined-Section 106 Procedures).
 3. Make a finding of no historic properties adversely affected in the APE and complete the procedures in Stipulation V.B.4.a-e, Standard-Section 106 Procedures.
 4. Make a finding of historic properties adversely affected by the undertaking and follow the procedures at 36 CFR § 800.5 to 800.6.
 5. Make a finding to phase Section 106 compliance in accordance with the procedures in Stipulations VI.A.1-3, Large Scale or Phased Projects. Notify the signatories prior to signing NEPA decisions and follow Stipulations V.B.2-4 for identification, application of the criteria of adverse effect, and further consultation.
 6. Make a finding that the undertaking is in response to a disaster or emergency and follow procedures outlined in Stipulation VIII, of this PA.

IV. TRAINING

- A. The OSF/OUA NFs shall ensure that heritage professionals are provided with appropriate training consistent with current direction (FSM 2360, FSH 2309.12, and 54 U.S.C. 306131).
- B. The OSF/OUA NFs recognize and support the membership of heritage personnel in professional societies for enhancing knowledge and skills in their respective disciplines, and for acquiring current information for making informed recommendations and determinations under the terms of this PA.
- C. The OSF/OUA NFs shall assure that the forest-leadership team, project-planning staff and forest personnel maintain an up-to-date working knowledge of the requirements of the NHPA (54 U.S.C. 300101, et seq.), 36 CFR § 800, the Secretary of the Interior's Standards for Historic Preservation, the Native American Graves Protection and Repatriation Act (NAGPRA), and the Archaeological Resources Protection Act (ARPA).
- D. The OSF/OUA NFs shall assure that line officers, staff officers, leadership-team members, and other critical staff will receive training and instruction on the purpose, meaning, application, and implementation of this PA within three (3) months following ratification. Such training will be presented by the HPM and may be conducted with the assistance of the SHPOs and Tribes.
- E. The OSF/OUA NFs will assure that personnel receive the cultural-sensitivity training being developed by FS Region 8 in cooperation with SHPOs and Tribes. This training will occur within one year following its availability.

V. REVIEW OF UNDERTAKINGS

- A. Initiating Consultation. The OSF/OUA NFs shall follow Stipulations III.A.1-4 for initiating consultation on all undertakings pursuant to this PA.
- B. Standard-Section 106 Procedures
 - 1. Delineating Area of Potential Effect (APE)
 - a. For each undertaking not exempted under PA Stipulations V.C.1-3, the heritage professional shall establish the APE in a manner consistent with 36 CFR § 800.4(a)(1) and 36 CFR § 800.16(d).
 - 2. Identification, Evaluation, and Application of the Criteria of Adverse Effect
 - a. The OSF/OUA NFs will make a reasonable and good faith effort to

identify historic properties as required by Section 106 (54 U.S.C. 306108) and Section 2363 of FSM 2360. Identification efforts will follow FSH 2309.12 (Chapter 30, Section 32), the ACHP's Section 106 Archaeology Guidance, and the SOI *Standards and Guidelines for Archaeology and Historic Preservation*.

- b. The scope of identification efforts depends on existing knowledge, management purposes and need for the information, nature of the proposed undertaking, and the potential for adverse effects on historic properties. Pursuant to 36 CFR § 800.4(b)(1) the OSF/OUA NFs will carry out appropriate identification efforts which may include background research, consultation, oral-history interviews, sample-field survey, and field survey. Two methods of field survey are utilized.
 1. Intensive surveys are performed on a 30-meter grid. On slopes between 0-12%, shovel tests are placed on transects at no greater than 30-meter intervals. On slopes between 12-25%, transects are spaced no greater than 100-meter intervals and shovel tests are only excavated in microgeographic areas with less than 12% slope. Slopes greater than 25% have transects spaced no greater than 100-meter intervals. Areas over 60% slope are hazardous and may be visually inspected at greater intervals when necessary. On these slopes, shovel tests will not be required. During the survey of areas over 12%, if slopes are encountered that are less than 12%, then these flatter areas will be surveyed at the appropriate transect and shovel test-spacing interval. If they can be safely explored, all rock outcrops and rock faces (60-100+% slope) will be examined for rock shelters, rock art or other evidence of cultural utilization.
 2. In the direct gradient method, transects are oriented parallel to the valley axis or following the centerline of landforms such as ridges, valley walls, and terraces or floodplain edges. This technique is highly effective in narrow-mountain valleys and on steep, dissected landforms. Shovel tests are spaced along each transect at 30-meter intervals with the following caveat. The interval spacing may vary according to microenvironment (i.e., avoiding flooded areas, eroded areas, steep slopes, or densely vegetated areas). Hazardous situations, such as bug kill, wildland fire, ice damage, dense-pine plantations or

thickets, or storm damage may be avoided to reduce risk of injury or death and meet the safe workplace standards set in the USDAFS Health and Safety Code (FSH 6709.11). Also, to maximize the potential for discovering as many sites as possible, landforms adjacent to any given transect or falling between the 30-meter interval and which appear to have intact soils and a high potential for human use (e.g., benches, ridge flats, prairie bumps, and floodplain terraces), will be opportunistically tested. Shovel tests are excavated until sterile subsoils are encountered or an impediment is reached that precludes further excavation. Most mountain soils are shallow-residual soils formed in bedrock. Deep-shovel testing (-50 cm. below surface) is reserved for depositional settings—floodplains, terraces, benches, and lower-hill slopes. Sandy soils in the Red River Valley of the Gulf Coastal Plain are routinely subjected to deep-shovel testing. To promote artifact recognition, fill from each shovel test is screened.

- c. When an archeological site is identified during field survey, additional-shovel testing is conducted to assess the depth of cultural deposits, artifact content, and to establish site boundaries. Historic properties are delineated regardless of whether they extend outside the project's APE unless they extend onto private property. Historic properties should be delineated using 10-meter spaced shovel tests extending out in all four cardinal directions. At a minimum, two consecutive negative-shovel tests are used to define site boundaries. Larger sites will require multiple transects. Artifacts from the surface of a site may be selectively collected for analysis. All artifacts from shovel tests are collected. Depending on availability, sufficient data will be obtained to determine time period, site function, size, and NRHP eligibility.
- d. The qualified-heritage professional as defined at Stipulation IA1 will determine the National Register eligibility of all sites identified within the APE of an undertaking. These include archaeological sites, buildings and structures. This will consist of the categorization of all sites as NRHP eligible, listed, not eligible, or unevaluated. With the exceptions listed at Stipulation V.C.3.a of this PA, all other sites are considered eligible for the NRHP until formally determined to be not eligible.
- e. The OSF/OUA NFs will apply the criteria of adverse effect at 36

CFR § 800.5(1) to historic properties.

3. Documentation and Reporting Standards

- a. The documentation of standing structures and buildings will follow the *SOI Standards and Guidelines for Architectural and Engineering Documentation* and applicable state guidelines including the Arkansas Historic Preservation Program (AHPP) *Survey Manual* of 1991 and the Oklahoma *Review and Compliance Manual* of 2015. The Oklahoma State Historic Preservation Office (OK/SHPO) *Historic Preservation Resource Identification Form* and the AHPP *Architectural Resources Form*, as amended, will be used to document standing structures and buildings.
- b. The documentation of archeological sites and isolated artifacts shall follow applicable state standards using forms developed and amended by the AAS and OAS. The AAS forms are found at <http://archeology.uark.edu/forms-records/> and the OAS forms are found at <http://www.ou.edu/content/archsurvey/cultural-resource-management/forms.html>.
- c. Field-survey reports will be formatted to comply with requirements in FSH 2309.12, Chapter 30, Section 32.7 and Chapter 40, Section 42.12 and applicable state standards as published in Appendix B of the Arkansas State Plan *Guidelines for Archeological Fieldwork and Report Writing in Arkansas*, as amended and in Fact Sheet #16 *Guidelines for Developing Archeological Survey Reports in Oklahoma and Report Components*, as amended.

4. Consultation and Review

- a. When historic properties are present in the APE, the OSF/OUA NFs will provide information on the field survey, NRHP eligibility determinations and application of the criteria of adverse effect in a formal field-survey report to the appropriate SHPOs, THPOs, tribes and other consulting parties for review and comment. For undertakings involving only standing structures and other elements of the built environment or for those undertakings not requiring a field survey, a project notification form (Appendix 3) may be used for consultation. With the exception of phased compliance projects (Stipulation VI.A), the field-survey report or project notification will be provided prior to signing any decision document which could result in adverse effects to historic properties.

- b. Within thirty (30) calendar days of receipt of a report or project notification, unless a longer review period has been requested, the appropriate SHPOs, THPOs, tribes and other consulting parties shall review and provide comments on the APE, NRHP eligibility determinations, and application of the criteria of adverse effect. If no response is received, a memorandum will be placed in the project file documenting the lack of response. Pursuant to 36 CFR § 800.3(c)(4), the OSF/OUA NFs will continue to take into account any comments received and renew consultation. A heritage professional shall enter the field-survey data into the NRM database and other databases of record.
- c. If the SHPOs, THPOs, tribes and other consulting parties do not agree with the OSF/OUA NFs NRHP eligibility assessments, the OSF/OUA NFs shall seek to resolve the disagreement. In the event the disagreement is not resolved, the SHPOs, THPOs, tribes and other consulting parties may notify the ACHP and request its participation in the Section 106 review. The ACHP may request that the OSF/OUA NFs obtain a determination of eligibility per Stipulation V.B.4.d.
- d. If the OSF/OUA NFs, the SHPOs, THPOs, tribes and other consulting parties do not agree on NRHP eligibility, or if the ACHP or the SOI so requests, the OSF/OUA NFs with the assistance of the Regional Forester, shall obtain a NRHP eligibility determination from the SOI pursuant to 36 CFR § 63.
- e. If the SHPOs, THPOs, tribes and other consulting parties do not agree with the OSF/OUA NFs' assessment of adverse effects, the process at 36 CFR § 800.5(b)(2) will be followed.

C. Streamlined-Section 106 Procedures

- 1. Many routine undertakings within the OSF/OUA NFs have little-to-no potential to affect historic properties and can be exempted from further Section 106 review pursuant to this PA.
- 2. Exempt Undertakings (EUs) requiring no further consultation are listed in Appendix 4. Qualifying EUs are subject to the following stipulations.
 - a. All proposed undertakings shall be reviewed by a qualified-heritage professional to determine whether they meet the definition of an EU.

- b. An EU form (Appendix 3) signed by a qualified-heritage professional and the designated-line officer will document that the undertaking is an EU currently listed in Appendix 4. EU forms will be placed in the NEPA project file and in the HPMs' file in the forest supervisor's office.
 - c. A qualified-heritage professional shall record EU forms in the Natural Resource Manager (NRM) database and other databases of record for upward reporting.
 - d. Any post-review discovery of an historic property, or unanticipated adverse effect to an historic property by the OSF/OUA NFs during the implementation of an EU will be treated in accordance with PA Stipulations VII.A-B, Unanticipated Discoveries.
3. Undertakings where the APE is surveyed at an intensive level per Stipulations V.B.2.b.1-2 of this PA and where historic properties are not present are exempt from further consultation when the following stipulations are met.
- a. The OSF/OUA NFs, SHPOs, tribes and other consulting parties agree that isolated artifacts (following applicable state definitions), undeveloped mineral-prospect pits, isolated wells, and trash dumps less than 45-years old are not historic properties and require no further consultation.
 - b. Use of this exclusion shall be documented as an EU under Stipulation 2 in Appendix 4.
 - c. With the exception of field surveys conducted by archeological contracting firms, if no historic properties are found within the APE of an undertaking, the OSF/OUA NFs will not provide a field-survey report to signatory parties. The standard FS cultural resource report (CRR) form (Appendix 3) will document the field investigation and provide metadata for geographic information systems (GIS) data entry. Alternatively, a short-form report may be developed in consultation with the signatory parties. Field-survey areas will be digitized for GIS coverage and a heritage professional shall enter these data into the NRM database and other databases of record for upward reporting.
 - 1. GIS shape files or .kmz files are available for distribution to signatory parties. The signatories may agree to distribution of these data on a project-by-project or annual basis.

2. The CRR form, or alternate short-form report documenting a field survey with no historic properties shall be provided to signatory parties for informational purposes.
3. The OSF/OUA NFs, SHPOs, THPOs, tribes and other consulting parties agree to use the CRR form or alternate short-form report to populate their individual databases. The AAS will use these data to populate the Automated Management of Archeological Site Data in Arkansas (AMASDA) Database. These signatories will be responsible for the accuracy of their respective-records systems.

D. Assessment and Resolution of Adverse Effects

1. When avoidance is possible. The OSF/OUA NFs will approve alternatives or make modifications to a proposed undertaking to avoid adversely affecting historic properties. The HPM or qualified-heritage program staff shall assure that the following standard protection measures are implemented for undertakings pursuant to this PA.
 - a. Whenever possible, historic properties will be excluded from the project area APE by adjusting project boundaries to achieve a finding of no historic properties affected.
 - b. When historic properties may not reasonably be excluded from a project area APE, the historic property shall be avoided. Avoidance means that no project activities may occur within historic property boundaries with the exception of using FS transportation system roads when the HPM or qualified-heritage professional recommends that such use will not adversely affect historic properties.
 1. Based on the nature of the undertaking, buffer zones may be established for historic property protection where the HPM or qualified-heritage professional determines they are necessary.
 2. The size of buffer zones must be determined by the HPM or qualified-heritage professional on a case-by-case-basis.
 3. Buffer zones shall be clearly delineated prior to implementing any undertaking holding the potential to

affect historic properties.

4. Buffer zones shall be demarcated with coded-flagging tape and/or by the application of color-coded paint.
5. Protection measures applied shall be documented in the *Site Protection Checklist* (Appendix 3). The *Site Protection Checklist* and historic property location maps shall be distributed to essential FS personnel to assure that protection measures are considered during project planning and implementation, and that they are included in contract specifications and permits as applicable.

c. When historic properties can be preserved in place, the OSF/OUA NFs will make a finding of No Adverse Effect and consult with the appropriate SHPOs, THPOs, tribes and other consulting parties.

2. When adverse effects cannot be avoided. If an adverse effect is found, the OSF/OUA NFs shall consult further to resolve the adverse effect pursuant to 36 CFR § 800.6.

E. Unusual or Controversial Circumstances

1. If the OSF/OUA NFs in consultation with the appropriate SHPOs, THPOs, tribes and other consulting parties determine that a proposed project has potential effects that are unusual, controversial or not covered by PA stipulations, the OSF/OUA NFs will follow the standard process specified in *Protection of Historic Properties* (36 CFR § 800).

VI. LARGE SCALE OR PHASED PROJECTS IN WHICH TREATMENT LOCATIONS ARE NOT SPECIFICALLY IDENTIFIED AT THE TIME THE NEPA DECISION IS SIGNED

A. Phased Identification and Evaluation

1. When a landscape-scale undertaking is proposed and effects to historic properties may not be fully determined because treatment locations are not identified or because the undertaking is too large to complete the fieldwork prior to signing the NEPA decision, the OSF/OUA NFs may use phased identification and evaluation pursuant to 36 CFR § 800.4(b)(2). Examples of landscape-scale undertakings in which effects to historic properties cannot be determined prior to approval include but are not limited to: projects exceeding fifty (50) linear miles or ten thousand (10,000) acres, certain adaptive management projects, NEPA decisions that anticipate events that have not yet

happened (bark-beetle outbreaks, non-native invasive species, blowdowns, ice damage, catastrophic wildfires, and tornados)--but which require prompt attention when they do--and actions that are phased over a period of three (3) or more years. Should the OSF/OUA NFs use phased identification and evaluation, a heritage professional shall notify the SHPOs, THPOs, tribes and other consulting parties during the NEPA scoping process. The notification shall include:

- a. A letter stating the intent to use phased identification and evaluation pursuant to 36 CFR § 800.4(b)(2) and PA Stipulation VI.
 - b. A description of the undertaking along with the NEPA timeline and proposed undertaking implementation schedule (if known).
 - c. Maps of the general project area.
 - d. A summary table and detailed location map of all previously recorded historic properties and previous field surveys in the general project area.
2. The NEPA Decision Notice shall clearly indicate the decision to use phased identification and evaluation pursuant to 36 CFR § 800.4(b)(2) and PA Stipulation VI.
 3. For field survey, identification, documentation, application of the criteria of adverse effect, reporting and consultation, all provisions in PA Stipulations V.B.1-4 are applicable in phased identification. Consultation shall be concluded prior to project implementation. Provisions for unanticipated discoveries at PA Stipulations VII.A-B shall be followed. Pursuant to PA Stipulation VII.A.1.f, in the event that historic properties are adversely affected, the OSF/OUA NFs in consultation with the SHPOs, THPOs, tribes and other consulting parties shall prepare memoranda of agreement (MOA) to mitigate adverse effects.

VII. Post-review Discoveries

A. Historic Properties

1. The OSF/OUA NFs recognize that historic properties may be discovered or unanticipated effects on historic properties may be identified after the completion of the Section 106 process under this PA. Upon such a discovery, the OSF/OUA NFs will follow these procedures:
 - a. The SHPOs, THPOs, tribes and other consulting parties will be notified by the OSF/OUA NFs within forty-eight (48) hours upon

discovery that an historic property has been adversely affected by an undertaking.

- b. If the undertaking has not been completed at the time the effect is discovered, all activities within one hundred (100) meters of the discovery shall cease, and reasonable efforts shall be taken to avoid or minimize harm to the historic property.
- c. A qualified-heritage professional as defined at Stipulation IA1 will evaluate the discovery, assess the effects, develop possible treatment recommendations and implement additional protection measures as necessary until Stipulations VII.A.d-g are completed.
- d. Within forty-eight(48) hours of the discovery, the OSF/OUA NFs will initiate consultation with the appropriate SHPOs, THPOs, tribes and other consulting parties to determine if any historic properties are affected.
- e. When the OSF/OUA NFs and consulting parties agree that historic properties are not affected, the OSF/OUA NFs will document the decision.
- f. When the OSF/OUA NFs and consulting parties agree that historic properties are affected, the OSF/OUA NFs, ACHP, and consulting parties will develop a MOA to mitigate adverse effects to historic properties.
- g. When the OSF/OUA NFs and consulting parties do not agree that historic properties are affected, the OSF/OUA NFs shall seek a formal NRHP eligibility determination from the Keeper and then revisit items e and f above with the consulting parties.

B. Human Remains and/or Funerary Objects

1. Consistent with Arkansas Act 753 of 1991 (Grave Protection Act) and Arkansas Act 1533 of 1999 (Grave Protection Act Amendment); Oklahoma State Statutes 21 parts 1167-1168 (Burial Act); NAGPRA (43 CFR Part 10) or the NAGPRA and ARPA comprehensive agreements ratified previously and separately with the Caddo and Choctaw tribes, if human remains and associated- or unassociated-funerary objects are encountered during implementation of an undertaking pursuant to this PA, the following steps will be followed.
 - a. All actions within one hundred (100) meters of the discovery shall cease. The OSF/OUA NFs will implement immediate protection

measures including but not limited to respectful covering of the remains and associated- or unassociated-funerary objects.

- b. The OSF/OUA NFs will notify the appropriate county sheriff, SHPOs, THPOs, tribes and other consulting parties within forty-eight (48) hours of the discovery of human remains and associated- or unassociated-funerary objects.
- c. Upon official determination by the county sheriff that the remains are of such age as to preclude association with a crime or other recent event, and
 - i. If the evidence suggests the remains are Native American, the OSF/OUA NFs will follow the NAPGRA comprehensive agreements and initiate consultation regarding the treatment and disposition of the human remains and funerary objects per 43 CFR 10.4 with the lineal descendants and/or affected THPO(s) and tribes. Preservation in place shall be the preferred action.
 - ii. If the evidence indicates that the remains are not Native American, the OSF/OUA NFs will consult with the lineal descendants and/or appropriate SHPO, state archaeologist, and other consulting parties regarding the treatment and disposition of the human remains and funerary objects. Preservation in place shall be the preferred action.
- d. With the exception of ARPA crime-scene investigations, it shall be the policy of the OSF/OUA NFs that human remains will not be photographed.

VIII. EMERGENCY UNDERTAKINGS.

- A. Definition. Emergency actions are those deemed necessary by the OSF/OUA NFs forest supervisors as an immediate and direct response to an emergency situation which is a disaster or emergency declared by the president, tribal government, or governor of the state, or other immediate threats to life or property. Emergency actions under this PA are only those implemented within thirty (30) calendar days from the emergency. Examples of emergency actions may include but are not limited to responses to wildfires, hurricanes, tornados, straight-line winds and ice-storm damage, search and rescue operations, droughts, floods, oil spills, landslides, insect infestations, and subsequent-salvage operations. Pursuant to 36 CFR § 800.12(b)(1), the OSF/OUA NFs have developed the following process for addressing emergencies.
- B. Notification Preceding Emergency Actions. If the emergency action has the potential

- to affect historic properties, the OSF/OUA NFs will notify the ACHP, appropriate SHPOs, THPOs, tribes and other consulting parties prior to undertaking the action, when possible. Initial notification shall occur by telephone or electronic mail followed by formal notice through postal delivery. As part of the notification, the OSF/OUA NFs shall provide a plan to address the emergency including the decision to conduct field survey following implementation of emergency actions (Stipulation VIII.D). Pursuant to 36 CFR § 800.12, the appropriate SHPOs, THPOs, tribes and other consulting parties shall have seven (7) calendar days—or a shorter timeframe if necessary—to review and comment on the plan. Response by telephone or electronic mail is satisfactory. If the appropriate SHPOs, THPOs, tribes and other consulting parties do not comment or object to the plan within the review period, the OSF/OUA NFs shall implement the plan.
- C. Notification Following Emergency Actions. If the OSF/OUA NFs are unable to consult with the appropriate SHPOs, THPOs, tribes and other consulting parties prior to implementing emergency actions, the OSF/OUA NFs shall notify the appropriate SHPOs, THPOs, tribes and other consulting parties as appropriate after initiating the emergency action. This notification shall include a description of the emergency action taken, the effects of the action on historic properties and where appropriate, any further proposed measures to avoid, minimize, or mitigate potential adverse effects to historic properties.
- D. Field Survey. In many emergency and post-emergency situations, performing field survey prior to initiating emergency responses is neither safe nor practical. In such instances, when the undertaking has the potential to adversely affect historic properties, the OSF/OUA NFs will notify the appropriate SHPOs, THPOs, tribes and other consulting parties and perform post-undertaking field survey. Inadvertent discovery protocols at PA Stipulation VII.A-B will be followed.
- E. Reporting. After field surveys are concluded and pursuant to PA Stipulation V.B.4.a, a field-survey report describing historic properties, application of the criteria of adverse effect, and proposed mitigation measures may be submitted to the appropriate SHPOs, THPOs, tribes and other consulting parties. Reporting and consultation protocols at PA Stipulations V.B.3.a-c and V.B.4.a-e shall be followed.
- F. Exemption. Pursuant to 36 CFR § 800.12(d), immediate rescue and salvage operations conducted to preserve life or property are exempt from these and all other provisions of this PA.

IX. CURATION

- A. Collections and Records. The OSF/OUA NFs will assure to the fullest extent possible that curation and disposition of all archeological collections and related documents are treated consistent with FSM 2360 and FSH 2309.12 Chapter 60 and will be housed in a facility meeting the standards in 36 CFR § 79. Collections resulting from field surveys and excavations undertaken by OSF/OUA NFs staff may be maintained in FS facilities or through cooperative agreements, may be curated elsewhere. In Arkansas, artifacts from contracted field survey and excavation projects are housed by the AAS. In Oklahoma, artifacts are curated at the Sam Noble Museum of History under their curation standards. Currently, there is no deaccessioning policy and all artifacts are retained in perpetuity.

X. AMENDMENT

- A. Body of Agreement. This PA 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.
- B. Appendices. By mutual-written agreement of the signatory parties with a thirty (30) day response time, any appendix to this PA may be modified without formal amendment of this agreement. Modified appendices shall be distributed to all signatories and included in this PA.

XI. DISPUTE RESOLUTION

- A. Consultation. Should any signatory, invited signatory, or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the OSF/OUA NFs shall consult with such party to resolve the objection. If the OSF/OUA NFs determines that such objection cannot be resolved, the OSF/OUA NFs will:
1. Forward all documentation relevant to the dispute including the OSF/OUA NFs proposed resolution to the ACHP. The ACHP shall provide the OSF/OUA NFs with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision, the OSF/OUA NFs shall prepare a written response that takes into account any timely advice or comments from the ACHP and signatories and provide them with a copy of this written response. The OSF/OUA NFs will then proceed according to its final decision.
 2. If the ACHP does not provide its advice within the thirty (30) day time period, the OSF/OUA NFs may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, the OSF/OUA NFs shall prepare a written response that takes into account any timely comments from

the signatories and provide them and the ACHP with a copy of such written response.

3. The OSF/OUA NFs' responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

XII. TERMINATION.

- A. Consultation. If any signatory to this PA determines that its terms cannot be carried out, that party shall immediately consult with the other parties to develop an amendment per Stipulation X. If within ninety (90) days, or another time agreed to by the signatories, an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.
- B. Post-termination Procedures. Once the PA is terminated, the OSF/OUA NFs must comply with 36 CFR § 800, Subpart 8, for each individual undertaking until it executes a new PA pursuant to 36 CFR § 800.6. The OSF/OUA NFs shall notify the signatories as to the course of action it will pursue.

XIII. MONITORING AND ANNUAL REPORTING

- A. Annual Report. Each year following the execution of this PA or until it expires or is terminated, the OSF/OUA NFs shall provide all parties to this PA a summary report detailing work undertaken pursuant to its terms.
 1. The annual report [one (1) per forest] shall cover the fiscal year from October 1 to September 30 and will be distributed to signatory parties at least fourteen (14) days prior to the annual meeting (Stipulation XIII.B).
 2. The annual report shall include but not be limited to a discussion of qualifications of all OSF/OUA NFs professional heritage staff, personnel changes among line officers (rangers) and heritage staff, undertakings accomplished, field surveys completed, historic properties identified; status of protection, monitoring, and mitigation measures; ongoing public-education activities, routine activities excluded from consultation pursuant to Stipulations V.C.1-3 and Appendix 4 of this PA, issues encountered, and disputes or objections received and how these were resolved. The annual report will also address any additional parties who have become signatory or concurring parties to this PA in the past year.
- B. Annual Meeting. The OSF/OUA NFs shall convene a meeting of the signatory parties within 18 months following implementation of this PA and thereafter on an annual basis. At any time, however, signatories may request a meeting regarding implementation of this PA. These meetings may be conducted in a mutually agreeable venue and/or format including field visits, face-to-face meetings and teleconferences or videoconferences.

1. Topics for discussion shall include but not be limited to a review of activities accomplished during the past fiscal year, issues encountered and recommended changes to the PA, and the upcoming program of work in the current fiscal year.

XIV. DURATION

- A. This PA will expire within 10 years from the date of its execution. Prior to such time, the OSF/OUA NFs may consult with the other signatories to reconsider the terms of the PA, extend the current PA, or amend it in accordance with Stipulation X.A.

XV. ANTI-DEFICIENCY ACT STATEMENT

The stipulations of this PA are subject to provisions of the Anti-Deficiency Act of 1998 (31 U.S.C. 1341). If compliance with the Anti-Deficiency Act alters or impairs the ability of the OSF/OUA NFs to implement the terms of this PA, the OSF/OUA NFs will consult in accordance with the dispute resolution, amendment or termination protocols in Stipulations X, XI or XII of this PA.

Execution of this agreement and implementation of its terms evidences that the FS has taken into account the effects of individual undertakings on historic properties from its on-going management of the OSF/OUA NFs, pursuant to the terms of this PA and has afforded the ACHP an opportunity to comment.

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

SIGNATORY:

USDA FOREST SERVICE, Ouachita National Forest

By: _____ Date: _____
Norman Wagoner, Forest Supervisor

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

SIGNATORY:

USDA FOREST SERVICE, Ozark-St. Francis National Forests

By: _____ Date: _____
Cherie Hamilton, Forest Supervisor

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPTHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

SIGNATORY:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____

John M. Fowler, Executive Director

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

SIGNATORY:

ARKANSAS STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Stacy Hurst, SHPO

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPTHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

SIGNATORY:

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

Bob Blackburn, SHPO

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPTHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

SIGNATORY:

ARKANSAS STATE ARCHEOLOGIST

By: _____ Date: _____
Ann Early, State Archeologist

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

SIGNATORY:

OKLAHOMA STATE ARCHEOLOGIST

By: _____ Date: _____
Kary Stackelbeck, State Archeologist

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

INVITED SIGNATORY:

CHEROKEE NATION

By: _____ Date: _____
Bill Baker, Principal Chief

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPTHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

INVITED SIGNATORY:

COUSHATTA TRIBE OF LOUISIANA

By: _____ Date: _____
David Sickey, Chairman

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPTHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

INVITED SIGNATORY:

DELAWARE NATION

By: _____ Date: _____
Deborah Dotson, President

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPTHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

INVITED SIGNATORY:

OSAGE NATION

By: _____ Date: _____
Geoffrey Standing Bear, Chief

**PROGRAMMATIC AGREEMENT
AMONG**

U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A. FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC PRESERVATION OFFICER; ARKANSAS STATE ARCHEOLOGIST; OKLAHOMA STATE ARCHEOLOGIST; CHEROKEE NATION; COUSHATTA TRIBE OF LOUISIANA; DELAWARE NATION, OSAGE NATION, THLOPTHLOCCO TRIBAL TOWN; AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL FORESTS

INVITED SIGNATORY:

THLOPTHLOCCO TRIBAL TOWN

By: _____ Date: _____
Ryan Morrow, Mekko

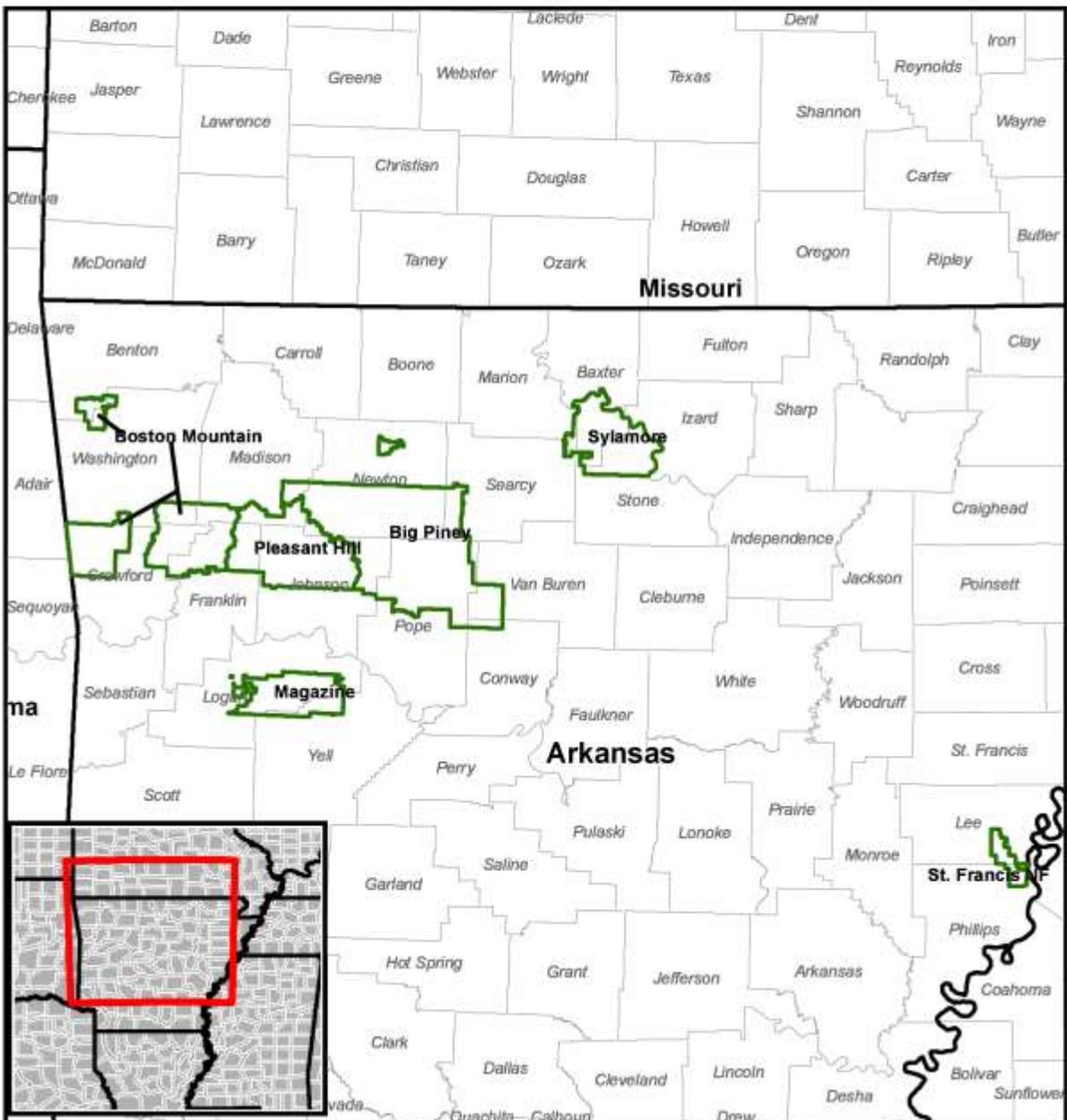
APPENDIX 1
LOCATION MAPS

Ozark - St. Francis National Forests

District Boundary with County Boundaries

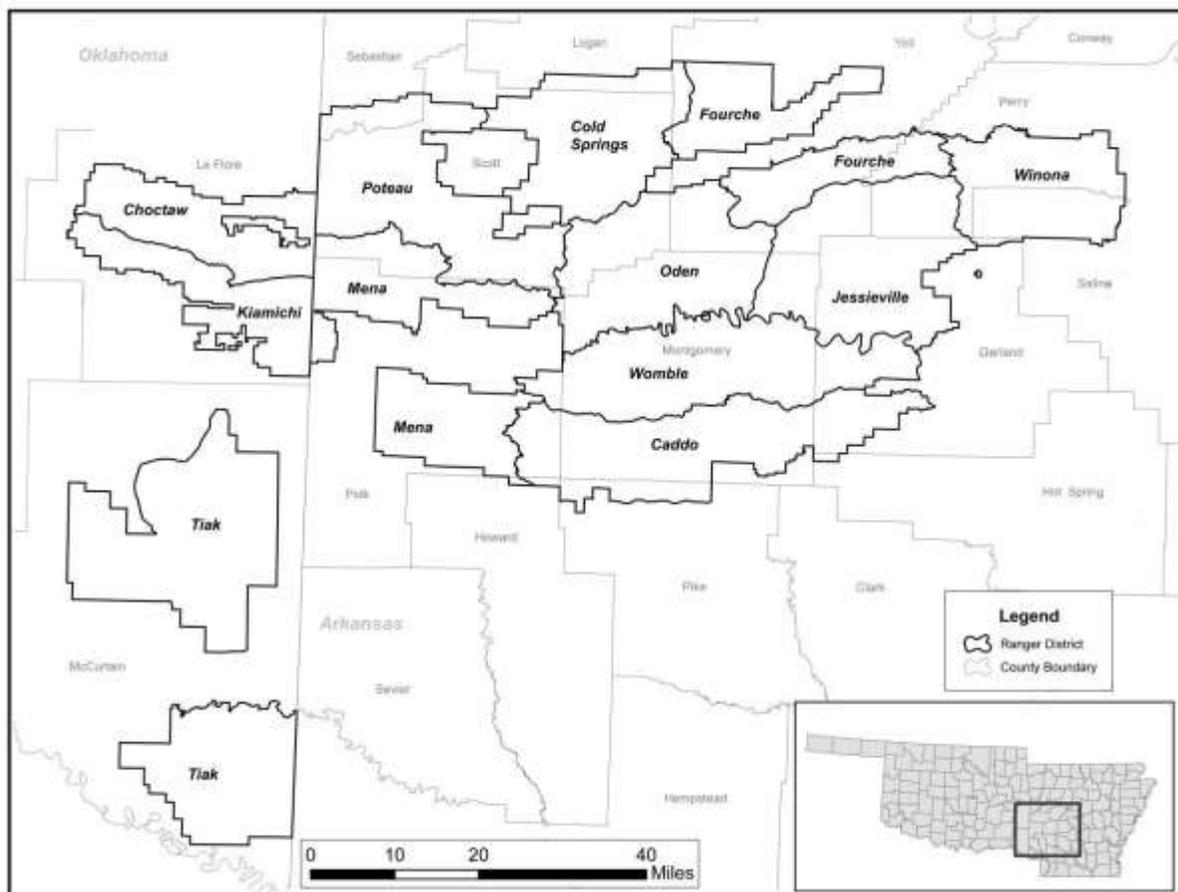


-  National Forest District Boundary
-  State Boundary
-  County Boundary



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Ouachita National Forest Lands by State, County, and Ranger District



APPENDIX 2

POINTS OF CONTACT

Advisory Council

Primary Point of Contact

Name	John M. Fowler	Mailing Address:	401 F St. NW, Suite 308, Washington D.C. 20001
Title	Executive Director Advisory Council on Historic Preservation	Email Address:	jfowler@achp.gov
		Phone Number:	202.517.0200 (office)

Secondary Point of Contact

Name	Christopher Daniel	Mailing Address:	401 F St. NW, Suite 308, Washington D.C. 20001
Title	Program Analyst Advisory Council on Historic Preservation	Email Address:	cdaniel@achp.gov
		Phone Number:	202.517.0223 (office and cell)

State Archeologists and Historic Preservation Officers

Primary Point of Contact

Name	Dr. Ann Early	Mailing Address:	2475 N Hatch Ave Fayetteville, AR 72704
Title	State Archeologist Arkansas Archeological Survey	Email Address:	amearly@uark.edu
		Phone Number:	479.575.3556 (office)

Primary Point of Contact

Name	Dr. Kary Stackelbeck	Mailing Address:	111 E. Chesapeake, Bld. 134, Norman, Ok. 73019
Title	State Archeologist Oklahoma Archeological Survey	Email Address:	kstackelbeck@ou.edu
		Phone Number:	405.632-7201 (office)

Secondary Point of Contact

Name	Dr. Debra Green	Mailing Address:	111 E. Chesapeake, Bld. 134, Norman, Ok. 73019
Title	Assistant State Archeologist Oklahoma Archeological Survey	Email Address:	dgreen@ou.edu
		Phone Number:	405.325.7211 (office)

Primary Point of Contact

Name	Stacy Hurst	Mailing Address:	1100 North Street Little Rock, AR 72201
Title	SHPO Department of Arkansas Heritage	Email Address:	Stacy.Hurst@arkansas.gov
		Phone Number:	479.324.9150 (office)

Secondary Point of Contact

Name	Scott Kauffman	Mailing Address:	1100 North Street Little Rock, AR 72201
Title	Director Arkansas Historic Preservation Program	Email Address:	Scott.Kaufman@arkansas.gov
		Phone Number:	479.324.9150 (office)

Secondary Point of Contact

Name	Tim Dodson	Mailing Address:	1100 North Street Little Rock, AR 72201
Title	Section 106 Reviewer Arkansas Historic Preservation Program	Email Address:	Tim.Dodson@arkansas.gov
		Phone Number:	479.324.9150 (office)

Primary Point of Contact

Name Lynda Ozan Mailing Address: 800 Nazih Zuhdi Drive, Oklahoma City, Ok. 73105
 Title Deputy SHPO Email Address: lozan@okhistory.org
 Oklahoma Historical Society Phone Number: 405.522.4484 (office)
 Oklahoma History Center

Secondary Point of Contact

Name Cate Wood Mailing Address: 800 Nazih Zuhdi Drive, Oklahoma City, Ok. 73105
 Title Section 106 Program Coordinator Email Address: cwood@okhistory.org
 Oklahoma Historical Society Phone Number: 405.521.6381 (office)
 Oklahoma History Center

Forest ServicePrimary Point of Contact

Name Cherie Hamilton Mailing Address: 605 W. Main Russellville, AR 72801
 Title Forest Supervisor Email Address: cehamilton@fs.fed.us
 Ozark-St. Francis NFs Phone Number: 479.964.7202 (office)

Secondary Point of Contact

Name Lexie Rue-Harris Mailing Address: 605 W. Main Russellville, AR 72801
 Title Heritage-Program Manager Email Address: lcrue@fs.fed.us
 Ozark-St. Francis NFs Phone Number: 479.964.7237 (office)

Primary Point of Contact

Name Norman Wagoner Mailing Address: 100 Reserve Street Hot Springs AR 71901
 Title Forest Supervisor Email Address: nwagoner@fs.fed.us
 Ouachita NF Phone Number: 501.321.5202 (office)

Secondary Point of Contact

Name Roger Coleman Mailing Address: 100 Reserve Street Hot Springs AR 71901
 Title Heritage-Program Manager Email Address: recoleman@fs.fed.us
 Ouachita NF Phone Number: 501.321.5252 (office)

Tribes**Cherokee Nation**Primary Point of Contact

Name Bill Baker Mailing Address: PO Box 948 Tahlequah OK 74465
 Title Principal Chief Email Address: bill-baker@cherokee.org
 Phone Number: 918.453.5000 (office)

Secondary Point of Contact

Name Elizabeth Toombs Mailing Address: PO Box 948 Tahlequah OK 74465
 Title Special Projects Manager Email Address: Elizabeth-toombs@cherokee.org
 Phone Number: 918.453.5389 (office)

Coushatta Tribe of Louisiana

Primary Point of Contact

Name David Sickey

Title Chairman

Mailing Address: P.O. Box 10 Elton LA 70532

Email Address:

Phone Number: (office)

Secondary Point of Contact

Name Linda Langley, PhD

Title Tribal Historic Preservation
Officer

Mailing Address: P.O. Box 10 Elton LA 70532

Email Address: LLangley@CoushattaTribeLA.org

Phone Number: 337.584.1560 (office)

Delaware Nation

Primary Point of Contact

Name Deborah Dotson

Title President

Mailing Address: PO Box 825 Anadarko OK 74801

Email Address: ddotson@delawarenation.com

Phone Number: 405.247.2488 (office)

Secondary Point of Contact

Name Kim Penrod

Title Cultural Preservation
Director

Mailing Address: PO Box 825 Anadarko OK 74801

Email Address: kpenrod@delawarenation.com

Phone Number: 405.247.2448x1182 (office)

Thlopthlocco Tribal Town

Primary Point of Contact

Name Ryan Morrow

Title Mekko

Mailing Address: PO Box 188 Okema, OK 74859

Email Address:

Phone Number: 918.560.6198 (office)

Secondary Point of Contact

Name Terry Clouthier

Title Tribal Historic Preservation
Officer

Mailing Address: P.O. Box 188., Okemah, OK 74859

Email Address: thpo@ttown.org

Phone Number: 918.560.6113 (office)

APPENDIX 3
PROJECT FORMS



_____ National Forest

_____ Ranger District

Letter of Transmittal

Enclosed please find notification of availability or copy of National Environmental Policy Act (NEPA) document(s) for the following project:

Name: _____ PALS Number: _____

___ Project announcement (scoping) letter

___ Draft Decision Notice

___ Environmental Assessment (EA)

___ Final Decision Notice

___ Decision Memo

These documents are part of the NEPA process and

are not consultation documents under Section 106 of the NHPA.

are consultation documents under Section 106 of the NHPA.

Heritage Compliance

___ Programmatic Agreement Exempt Undertaking (exempt from Section 106 consultation)

Project Notification No(s) _____:

Not yet submitted to Tribes and SHPO

Previously submitted for review/comment to Tribes and SHPO

Cultural Resources Report No. _____:

Not yet submitted to Tribes and SHPO

Previously submitted for review/comment to Tribes and SHPO

Comments _____

**PROJECT NOTIFICATION
OUACHITA NATIONAL FOREST
CULTURAL RESOURCES**

No:

Date:

Project name:

Project Acres:

District/compartiment:

F.S. Project Number:

Project location: (Township, Range, Section, County):

Project Description: (Provide project description with the potential effects to historic properties which may occur in the impact area)

Historic properties present, NRHP eligible and others: (List the known historic properties within the project area and provide the NRHP status of each)

Project Locational Maps

(Include project location topographic maps with location well marked; provide USGS quad name, series and date; the county name, and the FS district name on the face of the map)

Previous Survey/Investigations Yes No
(Provide report number, date, author's name & agency or firm)

SHPO Review of Prior Investigations Yes No

Project Notification prepared by:

USDA FOREST SERVICE
 CULTURAL RESOURCE REPORT (CRR) FORM
 _____ RANGER DISTRICT
 _____ N.F.
 (revised 5/2018)

1. PROJECT NAME:

2. EXPLANATION OF UNDERTAKING (mark those that apply):

- | | | |
|----------------------------|--------------------------|----------------------------|
| Harvest-clearcut _____ | Harvest-seedtree _____ | Harvest-shelterwood _____ |
| Harvest-thinning _____ | Harvest-unevenaged _____ | Site prep-rip _____ |
| Site prep-chop & rip _____ | Site prep-chop _____ | Site prep-shear/rake _____ |
| Site prep-burn _____ | Site prep-chainsaw _____ | Wildlife burn _____ |
| Wildlife pond _____ | Wildlife opening _____ | Road (FS# _____) _____ |
| Temp. road _____ | Special use _____ | Mining - quartz _____ |
| Mining - other _____ | Oil and gas well _____ | Seismic lines _____ |
| Site documentation _____ | Firelines _____ | Prescribed burn _____ |
| Land exchange _____ | Rec-trails _____ | Rec-site const. _____ |
| Other (explain) _____ | | |

DESCRIPTION:

3. COUNTY:

USGS QUAD:

COMPARTMENT:

LEGAL DESCRIPTION:

Township	Range	Section

4. SURVEY CONDUCTED BY:

ACRES INSPECTED:

TITLE:

ROAD/FIRELINE LENGTH:

DATES OF FIELD RESEARCH:

ASSISTANTS (Name, Title, Station)

8. DESCRIBE THE PROJECT AREA SURVEYED (Include details on topography, geology, soils, water sources, timber types/ground cover and man-made features. If more than one area is documented in this report, provide a detailed description of each area and add additional pages if needed):
9. DESCRIBE METHODS IN DETAIL THAT WERE USED TO CONDUCT SURVEY (include transect interval, direction of survey, shovel testing, and soil screening. Attach a map showing the extent and intensity of coverage. Describe problems encountered including ground cover, steep terrain, thick vegetation, etc. If areas were not traversed for safety concerns, depict on survey coverage map).

12. SUPPLEMENTAL MATERIALS ATTACHED:

UNDERTAKING VICINITY MAP _____	CONTINUATION SHEET(S) _____
LOCATION (TOPO) MAP _____	SHPO CORRESPONDENCE _____
PROJECT MAP/SITE PLAN _____	CRR FORMS _____
SURVEY COVERAGE MAP _____	PHOTO(S) _____
SITE LOCATION MAP _____	ENVIRONMENTAL ASSESSMENT _____
OTHER SUPPLEMENTAL DATA _____	

13. IF HISTORIC PROPERTIES WERE FOUND, COMPLETE FOLLOWING SECTIONS AND ATTACH STATE SITE FORMS.

14. FINDINGS, SUGGESTIONS CONCERNING POTENTIAL EFFECTS ON HISTORIC PROPERTIES:

a. BASED ON YOUR RESEARCH, WILL THE PROPOSED UNDERTAKING AFFECT HISTORIC PROPERTIES? NO _____ YES _____

b. IF HISTORIC PROPERTIES ARE PRESENT BUT WILL NOT BE AFFECTED, EXPLAIN WHY:

c. IF HISTORIC PROPERTES WILL BE AFFECTED, WHAT PROTECTIVE MEASURES DO YOU RECOMMEND TO AVOID THESE EFFECTS:

15. OTHER REMARKS:

16. CERTIFICATION (I certify that I personally conducted the fieldwork reported here, that my observations and methods are fully reported, and that this CRR form is complete and accurate to the best of my knowledge):

NAME:

SIGNATURE:

DATE:

17. PROFESSIONAL REVIEW (To be completed by heritage program staff).

- (1) Has background research been adequate to assure recognition of previously identified historic properties? NO___ YES___
- (2) Has the project area been adequately inspected to acceptable archeological practices? NO___ YES___
- (3) Has coverage been adequate to assure recording of all historic properties? NO___ YES___
- (4) Have you any reason to question the completeness or accuracy of this form? NO___ YES___

18. OPINION ON EFFECT OF THE PROPOSED UNDERTAKING ON HISTORIC PROPERTIES:

19. REMARKS, RECOMMENDATIONS:

20. REVIEWED BY:

NAME:
TITLE:
STATION:

SIGNATURE:
DATE:

EXEMPT UNDERTAKING CHECKLIST
HERITAGE RESOURCES
_____ National Forest

District/Compartment:

Map Name/Number:

Project Name/Legal Location:

Project Number:

MOA Reference number/letter:

Acres:

Project Description:

Are known archeological sites located within or near the project area? Yes No

Are known NRHP sites located within or near the project area? Yes No

How will known sites be protected?

CE Prepared by:

Date:

/s/ District Ranger (date)

Concur: _____
/s/ Forest Archeologist (date)

Attach project location map below (topo map with location clearly marked).

APPENDIX 4

EXEMPT UNDERTAKINGS

The following undertakings on Ozark-St. Francis National Forests or Ouachita National Forest lands will require no further consultation.

1. **Work in Previous Survey Areas.** Projects within areas that have been surveyed with an adequate and intensive level of effort (including only field surveys after 1982, the inception of the Arkansas State Plan and uniform fieldwork standards) and pursuant to Stipulations V.B.2.a-c of this PA and where historic properties will not be affected require no further consultation.
2. **Negative Surveys.** Projects where the APE is surveyed at an intensive level pursuant to Stipulations V.B.2.a-c of this PA and where historic properties are not present (see Stipulation V.C.3) require no further consultation.
3. **Maintenance/Construction on Forest Service Buildings.** Maintenance, alteration, or removal of existing facilities or research structures less than 45 years old that do not involve additional ground disturbance. These facilities may include administrative structures, concrete block storage buildings, recreation structures, campgrounds, cattle guards, fences, gauging stations, research areas, and stock tanks or ponds. If a building or structure has other significant contexts or association with important events or people, then full consultation is required. The 45-year time frame is a general reference point used by the National Register divisions of both Arkansas and Oklahoma SHPOs; while 50 years is usually required for listing, unless superseded by considerations of association, significant events, people, etc.).
4. **Reroofing Historic Structures.** Since their original construction, buildings older than 50 years have had roofs replaced at least once. Reroofing as routine maintenance that is accomplished with in-kind materials and preserves the original appearance of structures can be excluded from further consultation.
5. **Fencing Cemeteries and Historic Properties.** Fencing of historic cemeteries or other historic properties using T-posts and wire or by placing signs to ensure their protection will not require NHPA Section 106 review.
6. **Revegetation.** Broadcast seeding (no-till seeding where seeds are spread by hand or with a mechanical hopper attached to an all-terrain vehicle) and mulching for establishment of vegetation (does not include disking).
7. **Recreation Area/Vista Maintenance.** Routine Recreation-Research Area/Vista Site Maintenance involving non-ground-disturbing activities such as conducting silvicultural demonstrations and field visits, replacement of barriers or signs, regravelling of roads and parking areas, maintenance of existing trails within a campground, mowing, and hazard tree removal

when a skidder or bulldozer is not used. Maintenance of vistas is done with hand tools with no ground surface disturbance and may also include clearing (tree cut-and-leave) of vistas for hang gliding or viewing.

8. Recreation Structures and Other Facilities. The placement of recreation structures or other facilities (eg. kiosks, fire grills, play-ground equipment, fee tubes, gates, concrete parking stops) that do not entail modifications to structures 45 years old or older, or that do not present a visual intrusion on historic properties, does not require consultation.

9. Road Paving. Paving of National Forest System roads and existing graveled parking areas or roads within recreation areas, and at administrative facilities where such paving does not require the removal of earth and there are no known historic properties.

10. Maintenance of Forest System Roads and Fire Lines. Maintenance and resurfacing of existing roads or superficial disking and blading existing firebreaks where work is confined to previously constructed and maintained surfaces, plowed areas, ditches, culverts, and cut-and-fill slopes where historic properties will not be affected. If historic properties will be affected, the undertaking must be submitted for consultation.

a. Maintenance on roads where intact, unaltered, and undamaged FS or Civilian Conservation Corps rock and/or concrete culverts and bridges occur will require documentation and consultation. NHPA Section 106 consultation as to level of architectural documentation must occur before these intact features can be removed or replaced. If an emergency situation is declared pursuant to Stipulation VIII of this agreement and the rock culvert needs to be replaced immediately, documentation will be submitted after the emergency action.

b. Construction of new leadoff ditches and road realignment will not be treated as an EU.

c. Borrow fill from undisturbed contexts at off-forest sources must be treated as an undertaking.

11. Actions in a Road Prism. Actions that take place in existing road clearing limits where historic properties will not be affected. These actions may include road expansion or realignment as well as permit actions (such as overhead or buried transmission/phone lines, water lines, fiber-optic cable, collection of building stone from natural rock outcrops, access along existing FS roads into adjacent private lands).

12. Road Closures. Any road closure (i.e. tank trap, gates and barriers, etc.) which involves no new earth disturbance (shallow pits and/or mounds) and does not penetrate below previous soil disturbances. This may also include scarification and seeding within the existing road rights-of-way. Bedrock excavation is also excluded from further consultation. Borrow fill from off-Forest sources must be treated as an undertaking unless it is a pre-existing commercial pit with no increase in lateral limits.

13. **Pavement Removal.** Existing surfaced areas may be removed if they are not historic properties or situated within an historic property.

14. **Firewood Cutting and Cut-and-Leave Treatments.** Firewood cutting and cut-and-leave are similar actions. Vegetation is cut with chain saws or hand tools and in the case of firewood is removed by hand or allowed to remain on the ground within the improvement areas. No heavy equipment is used in the process nor are new roads constructed for access.

a. The FS provides permits to individuals to allow them to hand cut firewood in specified areas. In some cases, the timber cut by wildlife stand improvement actions, listed below, is offered for firewood. In other cases, hardwood within expired timber sale areas, or dead and down timber within 200 feet of a road ROW, is offered for firewood. No heavy equipment (i.e. bulldozers, skidders, etc.) or new access is provided for firewood areas.

b. Several types of cut-and-leave projects may occur in which vegetation is cut by hand and allowed to remain on the ground during which disturbance to historic properties is very unlikely to occur. These may include:

1. Wildlife Stand Improvement - Overstory Reduction (WSI) which involves the thinning of pole-sized hardwoods in the overstory to allow crown expansion in residual trees. Selected stems, usually less than 10-inch diameter at breast height (dbh), are cut with chainsaws and allowed to remain on the ground within the improvement areas. No heavy equipment is used in the process nor are new roads constructed for access;
2. Wildlife Stand Improvement - mid-story reduction involves the thinning of relatively small trees to create a more open forest environment;
3. Insect Infestation treatments where trees are cut and allowed to remain on the ground and are not harvested;
4. Pre-commercial thinning of pine plantations where small pine trees are thinned out of the plantation and allowed to remain on the ground and not harvested; and
5. Chain saw site preparation using chain saws to cut undesirable vegetation.

15. **Existing Wildlife Ponds and Openings.** The cleaning and relining of existing ponds, as long as they are not enlarged from their original sizes, will not affect historic properties. Bush hogging of existing openings and installation/maintenance of nesting structures will also have no effect and does not require consultation. If previously plowed wildlife openings were intensively surveyed and historic properties are not present, plowing will not require consultation. If pre-existing wildlife openings are not previously surveyed, but are previously plowed, then shallow plowing may be used as a discovery technique for subsequent survey.

16. **Trash Dump Removal.** The clean-up and removal of refuse or hazardous material dumps less than 45 years old. Removal of stream gauges, research equipment, plot markers, or sampling equipment that does not affect historic properties.

17. **Research Activities.** Research activities involving no destructive actions (such as demolition, dismantling, or ground disturbance) that will not affect historic properties.
18. **Permits and Leases.** Permits, easements, rights-of-way, and leases that do not authorize ground disturbance or affect historic properties.
19. **Land Acquisition.** Acquisition of lands does not require consultation.
20. **Pesticide and Herbicide Use.** Pesticide or herbicide use with no effect to historic properties. Existing timber stands, trails, utility corridors, or other undertakings scheduled for herbicide site preparation where no historic properties are affected may be excluded. In these cases, the action will consist of the application of herbicide to control undesirable or invasive vegetation. In some cases, herbicide treatment will be used in conjunction with tree cut-and-leave treatments.
21. **Land Withdrawal Revocations.** Withdrawal revocations, lands that return to FS control from other Federal or State agencies, or lands that are purchased from other entities does not require consultation. Lands that the OSF/OUA NFs are transferring to another federal agency require no further consultation.
22. **Wilderness Study Areas.** Wilderness study areas are areas designated by Congress for further study as possible future wilderness areas.
23. **Stream Channel Work.** Snagging and clearing of streams within stream channels, or emplacement of large woody debris, not including work on terraces, cut banks, and similar locations; where the channel is not expanded.
24. **Posts and Survey Monuments.** Installation of sign posts, gate posts, and survey monuments where no known historic properties will be affected. This also includes land lines, research areas, and existing property corner maintenance.
25. **Trail Maintenance.** Routine trail maintenance that does not involve new construction.
26. **Environmental Surveys.** Environmental surveys for American Burying Beetle, other threatened and endangered species, etc.
27. **Heliports.** Maintaining existing heliports through hand-tool brush control and machine mowing-brush hogging.
28. **Existing Borrow Pits.** Work in existing shale pits or gravel pits in which the horizontal extent is not expanded, and no architectural features older than 45 years are present. Any new borrow pits, new off-Forest borrow pits, or lateral extension of open pit quarries will require consultation.
29. **Transfer of Use Authorization.** Transfer of use authorization from one federal agency to

another when an action such as a boundary adjustment necessitates changing a right-of-way or easement.

30. Hand Planting. Non-mechanized hand planting of shrubs, forbs, or other plants such as native cane where dibble sticks are used-usually penetrating less than 15 cm below ground surface with no lateral soil displacement (hand planting pine seedlings within the boundaries of archeological sites requires consultation).

31. Wildlife and Fisheries. Improvements consisting of hand planting stream banks for stabilization, sediment sampling, and channel improvement, where the work is restricted to the existing stream channel. Any debris removal will be restricted to the stream channel. Intact soils will not be excavated and machines will not track along stream banks.

32. Closure of Open Wells and Mine Shafts. Many historic house sites and mining sites contain open wells or mine shafts and adits that present serious safety hazards. These will be mitigated by placing concrete caps, metal grates, or fencing over or around these features or filling with sterile materials. The activity will not meet the criteria for exclusion unless the site has been previously and adequately documented. Documentation will also include photographs and an accurate map with size [diameter/depth] of well or shaft to be filled/covered.

33. Prescribed Burns in Areas Burned Previously. Prescribed burns are low-to-moderate intensity burns not likely to affect prehistoric sites and historic sites lacking wooden features. These areas where repeated prescribed burning has occurred in past years require no NHPA Section 106 review. Plowing and mowing of existing firebreaks where known historic properties will not be affected require no further consultation. Cemeteries, rock shelters and rock art sites, and historic wooden buildings and structures protected during previous burns must be protected again. New fire-line construction will require field survey and consultation pursuant to Stipulations V.B.2.a-c of this agreement.

34. Reclaiming Borrow Pits. Once open borrow pit operations have ceased, no NHPA Section 106 submittal will be necessary to rehabilitate the area if actively used within the past 45 years. These types of projects include resurfacing of borrow pits with existing stockpiled fill material. Projects that require a new source of fill material from undisturbed contexts on private or federal land are not exempt from Section 106 review under this PA.

35. First Commercial Thinnings. Pine plantations being commercially thinned for the first time, where known historic properties will not be affected, require no further consultation. These pine stands were mechanically site prepped for artificial or natural regeneration. They are typically under 35 years of age and contain dense vegetation mats that impede pedestrian access. Actions in first commercial thinning stands may include one or more of the following: use of cutting machines and skidders, dozers for construction of temporary roads and log landings, and tractors for understory seeding for watershed protection.

36. **Cumulative Ground Disturbance.** Any undertaking that proposes less than one square meter of cumulative ground disturbance. This includes activities relating to special use authorizations, installation of signs, mechanical and electrical devices used for weather observations, research purposes, etc.

37. **Mastication.** A masticator (sometimes also called a mulcher) is a piece of equipment, operating as either an attachment or dedicated system, that uses toothed rotary heads to chip standing vegetation or downed woody debris into small pieces. Typically, these chipped pieces are left in situ during a vegetation management project. This activity can provide valuable ways to quickly reduce fuel structures and make treated locations more open and less prone to catastrophic wildfire. They do not tend to have much impact on the ground surface.

38. **NAGPRA Reburial.** Reburial of human remains and other cultural items subject to NAGPRA when the reburial has No Effect on known historic properties.

APPENDIX 5

LIST OF ACRONYMS

AAS	Arkansas Archeological Survey
ACHP	Advisory Council on Historic Preservation
AHPP	Arkansas Historic Preservation Program
AMASDA	Automated Management of Archeological Site Data in Arkansas
APE	Area of Potential Effect
ARPA	Archeological Resources Protection Act
BPA	Blanket Purchase Agreement
CCS	Challenge Cost Share
CFR	Code of Federal Regulations
CRR	Cultural Resource Report
EU	Exempt Undertaking
FS	Forest Service
FSH	Forest Service Handbook
FSM	Forest Service Manual
GIS	Geographic Information Systems
HPM	Heritage Program Manager
IDIQ	Indefinite Delivery/Indefinite Quantity
MOA	Memorandum of Agreement
NAGPRA	Native American Grave Protection and Repatriation Act
NEPA	National Environmental Policy Act
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
NRM	Natural Resource Manager
OAS	Oklahoma Archeological Survey
OK/SHPO	Oklahoma State Historic Preservation Office
OSF/OUA NFs	Ozark-St. Francis and Ouachita national forests
PA	Programmatic Agreement
SHPO	State Historic Preservation Officer
SOI	Secretary of the Interior
SOPA	Schedule of Proposed Actions
THPO	Tribal Historic Preservation Officer