PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES FOREST SERVICE ALLEGHENY NATIONAL FOREST, PENNYSLVANIA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE ALLEGHENY NATIONAL FOREST

WHEREAS, the United States Department of Agriculture, Forest Service, administers the Allegheny National Forest (Forest) in Pennsylvania which has a Forest Land and Resource Management Plan (Forest Plan) to manage its public lands for a variety of resources, values, products and uses which may involve historic properties; and

WHEREAS, the Forest has determined that some of its land management activities (Undertakings) that are carried out to implement the Forest Plan to manage the Forest for a variety of purposes, may have an effect on historic properties included in or eligible for inclusion in the National Register of Historic Places (NRHP);

WHEREAS, these Undertakings include vegetation and timber management; routine maintenance and improvements to roads, trails, facilities and other administrative areas; minor repairs and improvements to infrastructure for public safety; and activities needed to restore services, facilities and public safety following emergencies or disasters; and

WHEREAS, these Undertakings do not include the development of privately owned oil, gas, and mineral rights in the Forest, and the Forest intends to initiate consultation within one year to develop a Memorandum of Understanding with the Pennsylvania SHPO and the Pennsylvania Department of Environmental Protection (DEP) to address the protection of historic properties in such development; and

WHEREAS, the Forest has consulted with the Pennsylvania State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, of the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C § 306108); and

WHEREAS, Appendix A to this agreement provides a summary of the types of existing historic properties and listed historic properties; and

WHEREAS, the Forest has consulted with the following Federally recognized tribes with: the Seneca Nation of Indians, the Tonawanda Band of Seneca, the Absentee-Shawnee Tribe of Oklahoma, the Cayuga Nation, the Delaware Tribe of Indians, the Delaware Nation, the Eastern Shawnee Tribe of Oklahoma, the Oneida Nation of Wisconsin, the Onondaga Nation, the St. Regis

Mohawk Tribe, the Seneca-Cayuga Tribe of Oklahoma, the Shawnee Tribe, the Stockbridge-Munsee Band of Mohican Indians and the Tuscarora Nation for which historic properties within the Forest have religious and cultural significance, and has invited each tribe to sign this agreement as concurring parties; and the Delaware Tribe of Indians, Seneca Nation of Indians, the Stockbridge-Munsee Mohican Band of Mohican Indians and the Tuscarora Nation have agreed to be concurring parties; and

WHEREAS, this agreement does not exempt the Forest from consultation with federally recognized tribes with ancestral ties to Pennsylvania that may attach religious or cultural significance to properties in Pennsylvania with which will continue to occur prior to project decisions or implementation; and

WHEREAS, the Forest has invited the Historical Society of Pennsylvania, the Pennsylvania Archaeology Council, the Warren County Historical Society, the Forest County Historical Society, Elk County Historical Society, the McKean County Historical Society, the City of Warren, Warren County, Forest County, the City of Bradford, and McKean County to consult in the development of this agreement, and to be concurring parties to it, and the County of Forest and Warren County Historical Society have participated and agreed to be concurring parties; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), the Forest has notified the Advisory Council on Historic Preservation (ACHP) that these Undertakings may adversely affect historic properties and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the Forest wishes to streamline the Section 106 review of the Undertakings and has proposed this agreement pursuant to 36 CFR § 800.14(b)(3); and

WHEREAS, terms used in this agreement retain their meanings as defined in 36 CFR § 800.16.

NOW, THEREFORE, the Forest, SHPO, and the ACHP agree that the Undertakings shall be implemented in accordance with the following stipulations in order to take into account the effect of Undertakings on historic properties.

STIPULATIONS

The Forest Supervisor, in consultation with the Heritage Program Manager (HPM) shall ensure that the following measures are carried out:

I. ROLES AND RESPONSIBILITIES

A. The Forest Supervisor is the agency official. The Forest Supervisor shall maintain appropriately qualified professional and technical heritage staff to carry out the terms of this Programmatic Agreement (PA). Appropriately qualified staff is defined in the definitions in Appendix B.

B. The Forest HPM advises the Forest Supervisor in the implementation of this PA and the Section 106 review process in general and directs appropriate professional and technical heritage staff who carry out the terms of this PA.

II. COORDINATION WITH THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

A. The Forest may use notices, news releases, public workshops, community meetings, and other meetings for NEPA purposes to share information with the public about the Section 106 review of Undertakings on the Forest.

B. The Forest shall use NEPA communications via official letter to notify Indian tribes of Undertakings and solicit their input on impacts or concerns related to traditional use and/or sacred sites.

C. The Forest shall use NEPA communications via e-mail and website at http://www.fs.usda.gov/projects/allegheny/landmanagement/projects to notify the public of Undertakings and solicit their input about historic preservation concerns. If a member of the public or representative of an agency or organization demonstrates interest in an Undertaking and its effects on historic properties as a result of NEPA communications, the Forest Supervisor may invite that person to participate in the Section 106 review as a consulting party in accordance with 36 CFR § 800.2(c)(5) and 800.3(f)(3).

D. The Forest Supervisor shall, in consultation with the HPM, complete one of the following prior to issuing each NEPA decision:

1. Make a finding that the Undertaking is exempt from review and include documentation of the finding in the NEPA administrative record per Stipulation III of this agreement.

2. Make a finding of no historic properties affected in the Area of Potential Effects (APE) and complete the procedures in Stipulation V.C. 1 and 2.

3. Make a finding of historic properties adversely affected by the Undertaking and complete the procedures at 36 CFR § 800.6-7.

III. UNDERTAKINGS EXEMPTED AND SCREENED

The Forest will ensure that Section 106 review in accordance with the process defined in 36 CFR § 800.3–7 is completed prior to the approval of the expenditure of any federal funds on an undertaking or prior to the issuance of any license for an federal undertakings as defined at 36 CFR § 800.16 with the potential to affect historic properties except where stipulated herein as exempt or screened.

A. Exempted Undertakings

For each proposed Undertaking, the HPM will determine if it is exempt from review in accordance with the process defined in 36 CFR § 800.3–7, document the exemption decision as required by Stipulation XIII, and no further review under Section 106 is needed prior to the approval and implementation of the Undertaking.

An Undertaking is exempt from review pursuant to this agreement if it is included in the following list (see Appendix C for flow chart describing the streamlined process):

1. General

   a. Placement of geophysical seismic monitoring, water content and temperature sensor equipment on the surfaced portion or within the prism (area clearly associated with road construction, from road surface to top of cut and/or toe of fill) and the adjacent ditches of a regularly maintained road.

   b. Abandoned mineral sites reclamation including wells closed and plugged and pits closed by the Forest or Cooperators.

   c. Removal of log jams and debris using hand labor or small mechanical devices such as come along winches and chain saws, not when heavy or large mechanized equipment will be used.

   d. Land use planning activities that do not authorize specific undertakings (e.g., Forest Land Management Plans, Wilderness Plans, Wild and Scenic River Plans).

   e. Hazard abatements, including the elimination of toxic waste sites, drug labs, asbestos removal and marijuana abatement. This includes lead paint removal on structures that are less than 50 years old or those that have been previously determined not eligible for the NRHP.

2. Lands

   a. Land acquisitions or transfers of administrative control to the Forest Service where the historic properties received are not considered in exchange for any historic properties relinquished (see Appendix B Definitions).

   b. Withdrawal revocations (lands that return to Forest Service control from other Federal or State agencies).

   c. Issuance of SUAs, easements and other agreements where no surface disturbance is authorized and where non historic properties are involved (e.g., filming a movie or video production).

3. Special Use Authorizations

a. Transfer of use authorization from one authority to another when an action such as a boundary adjustment necessitates changing a right-of-way or easement from one authority to another (e.g., Forest Service Special Use Permit to a USFA Title V Right-of-Way).

b. Permits, easements, right-of-ways, and leases that do not authorize ground disturbance, demolition, rehabilitation, restoration, and/or renovation of standing structures.

c. Research activities involving no destructive actions (demolition or dismantling are destructive actions) or ground disturbance activities.

4. Recreation

a. Temporary road closures that involve installation of barriers such as imported dirt/rock berms, or strategically dropped trees.

b. Off-highway vehicle (OHV) trail designations which utilize existing roadways and trail ways provided that they occur within the existing OHV trail and where no heritage resources have been recorded within or adjacent to the roadways or trails during previous cultural resource inventories.

c. Clearance of brush and trees from existing trails when performed with hand tools only.

d. Installation, maintenance, or repair of sign and/or gate posts when no additional ground disturbance beyond digging a post hole is involved.

e. Routine maintenance or repair of existing fences and/or gates where new ground disturbance is not required.

f. Felling of hazardous trees within recreation areas or other areas for health and safety that do not require removal of logs by winching, skidding, or heavy equipment including a feller buncher or skid steer.

g. Replacement of signs and bulletin boards in developed recreation areas that do not require new ground disturbances.

h. Recreation and Tourism survey.

i. Issuance of recreation special use permits for the following activities:

i. Recreational water related activities on the Allegheny Reservoir.

ii. Development of cross-country ski trails where ground disturbance is not involved.

iii. Development of snowmobile trails where ground disturbance is not involved and where noise or associated activities will not affect historic properties.

j. Dispersed non-commercial recreation activities such as Christmas tree cutting, hiking, hunting, fishing, camping, mountain biking, horseback riding, winter sports, photography and mushroom gathering.

5. Transportation

a. Routine maintenance or repair of existing roads, culverts, and bridges that post-date 1965 and that have been in continuous maintenance and that have been previously identified as having no historically significant association as determined by previous Section 106 consultation, including resurfacing where work is confined to previously maintained surfaces, ditches, culverts and cut and fill slopes where there are no known historic properties or historic properties would not be affected because proposed work is clearly within disturbed context.

b. Work within the perimeter of existing material borrow pit.

c. Bridge inspections.

d. Road decommissioning that does not involve ground disturbing activities.

e. Felling and removal of hazard and wind throw trees from road prisms where deemed necessary for health, safety or administrative reasons, so long as the trees are felled into and removed from within the existing road prism (the area clearly associated with road construction from road surface to top of cut and/or toe of fill) where previous disturbance is such that the presence of historic resources is considered unlikely, and so long as ground disturbance is not allowed off previously disturbed areas associated with road prisms.

6. Vegetation Management

a. Personal use fuel wood and Christmas tree permits.

b. Vegetation Inventories.

c. Non-ground disturbing broadcast seeding, no-till seeding, and spreading mulch for establishment of vegetation and all routine mowing.

d. Vegetative disease (i.e., beech bark disease complex, sudden oak death, etc.) monitoring.

e. Hand fertilization of trees.

f. Aerial or hand vegetation spraying/fertilization or grass seeding including undertakings issued by permit.

g. Establishment of long term study plots for botanical research projects, botanical reintroduction studies which involve driving stakes (e.g., rebar or angle iron) in the ground several feet to serve as reference points.

h. Pruning or clipping branches from trees by hand and leaving clippings where they fall, or removing (e.g. Christmas boughs) if no ground disturbance occurs.

i. Gathering of wood bark by de-barking standing trees or cutting of pole-sized trees which do not involve ground disturbance in felling or transport.

j. Re-current brushing (e.g., hand, machine, chipping, etc.) activities to control vegetation within the exiting clearing limits of roads, trails, parking lots, airstrips or heliports. This includes campgrounds and administrative sites that are not associated with historic properties and have been previously examined for cultural resources.

k. Post-sale chipping operations utilizing existing landings or in place skid trails in areas previously surveyed for historic properties.

7. Fish and Wildlife

a. Threatened and endangered species monitoring and inventory, biological assessments, Bald Eagle monitoring, bat surveys, and Fish and Wildlife inventories including deer aging, car counts, pellet counts, monitoring for aquatic species and birds, including raptor nests or heron rookeries, as well as insect monitoring.

b. Fisheries improvement projects where trees up to 24 inches in diameter at breast height are felled into streams and floodplains in which there are no ground disturbing activities associated with felling activities.

c. Placement of fish habitat improvement structures by boat directly in a stream or the reservoir when construction of the structure does not involve ground disturbing activities.

d. Re-plowing of previously plowed wildlife openings.

e. Modification of existing fences to provide wildlife ingress and egress.

f. Re-introduction of endemic or native faunal species into their historic habitats.

g. Wildlife habitat improvement projects including:

i. Hand planting of forage and browse.

ii. Aerial seeding or fertilizing.

iii. Thinning from below (i.e. non-mechanized removal of downed materials).

h. Installation of nesting platforms and boxes.

8. Waters, Soils and Air Quality

a. Air quality monitoring that does not involve the placement of a permanent or semi-permanent structure requiring ground disturbing activities.

b. Cumulative watershed monitoring for water quality and channel morphology that does not require ground disturbing activities.

9. Facilities

a. Maintenance or replacement in kind of existing structural or non-structural facilities that does not involve new or additional ground disturbance (e.g., maintenance or replacement of gates, fences, guardrails, barriers, traffic control devices, light fixtures, curbs, sidewalks, etc.).

B. Screened Undertakings

For each proposed Undertaking that is not exempt from review pursuant to Stipulation III.A, the HPM will determine if it is a Screened Undertaking, and, if it is, ensure that the Streamlined Process defined in Stipulation V is completed prior to the approval and implementation of the Undertaking. Screened Undertakings will also be documented pursuant to Stipulation XIII. An Undertaking is a Screened Undertaking if it is included in the following list.

1. General

a. The APE for the Undertaking has been previously surveyed using accepted standards and no historic properties are present.

b. The APE for the Undertaking has been previously disturbed and presents no potential for historic properties to be present.

c. Law enforcement including the removal of illicit narcotics equipment from federal land during law enforcement operations, excluding the removal of buildings or structures that will become 50 years of age within five years of the date of execution of this agreement.

d. Research activities that require ground disturbing activities.

2. Lands

a. Easement acquisitions, where the historic properties are not considered in exchange for any historic properties relinquished.

b. Transfer of use authorization from one federal agency to another when an action such as a boundary adjustment necessitates changing a right-of-way from one federal agency to another.

3. Special Use Authorizations

a. Special Use Authorizations (SUAs) that would add another user and related electronic equipment to an approved communication facility or structure, not requiring expansion of the facilities in the permit area.

b. Issuance or granting of permits, easements, rights-of-way, or leases that do not authorize surface or resource disturbance, and that does not have the potential to affect access to or use of resources by Tribes.

c. Issuance of recreation SUAs when the event is utilizing existing roads, recreation trails, and does not increase the overall level of use (e.g., SUA is for a single event only) or create and/or continue unsatisfactory environmental conditions.

d. Issuance of road SUAs for commercial hauling over existing roads that do not traverse or cut through historic properties, whenever federal involvement is incidental to activities associated with the permit's purpose and where there are no known effects to historic properties, identified Traditional Cultural Properties or identified sacred sites.

e. Renewals, assignments and conversions of existing special use permits, easements and agreements where existing stipulations in permit are sufficient to protect any historic properties that may be involved.

4. Recreation

a. Issuance of recreational SUAs where the potential to cause ground disturbance or affect historic properties is negligible, including but not limited to:

i. On rivers, well-established trails and other specified areas where use is similar to previous permits for which environmental documents have been prepared, and which would not substantially increase the level of use or continued unsatisfactory environmental conditions.

ii. Where uses are consistent with planning decisions or land allocations, as applicable, and where there will be no surface disturbance.

iii. Where campsite locations are restricted to areas along the river that have been previously surveyed for cultural resources and historic properties are not located.

b. Campground, recreation residence, resort operation and maintenance, boat launches and marine operations and maintenance where no new ground disturbance occurs (i.e., repair of existing buried utilities, tables and fire rings) and there are no alterations to historic properties.

c. Routine maintenance or repair of existing trails when performed with hand tools only. This does not include trail relocation.

d. Small scale maintenance projects, except for repair and rehabilitation work at the Pennzoil Powerhouse, the Loleta Recreation Area or any other historic property. Refer to Appendix D for a delineation of steps that shall be taken for Undertakings associated with historic structures and/or buildings.

e. Placement or replacement of signs and bulletin boards in developed recreation areas that require new or additional ground disturbances.

f. Maintenance of snowmobile trails that are not located within an existing road prism.

g. Trail maintenance that require ground disturbing activities in previously disturbed areas such as the construction of steps, overlooks, etc.

5. Transportation

a. Road or trail closures accomplished with gates, barricades, berms and/or water bars.

b. Seeding and planting, blading or the ripping of existing native or non-native surfaced roadways or trails.

c. Off-highway vehicle (OHV) trail designations and trail ways in which ground disturbing maintenance occurs in previously disturbed areas that are outside of the existing road prism or trail bed.

d. Watershed restoration activities that address aquatic organism passage, road erosion and sedimentation with road upgrading and decommissioning:

i. Relieving inboard ditch lines to prevent critical amounts of drainage water discharge.

ii. Placing rock on non-native road surfaces to armor against road surface erosion and maintain design drainage configuration against traffic impacts, especially where roads must remain open during wet periods.

iii. Replacing/repairing road culverts that are less than 50 years old as of the project initiation date (unless those properties may be considered to be eligible for the NRHP in accordance with *National Register Criterion Consideration G: Property that have achieved significance within the last fifty* years) with structures that will require ground disturbance outside of the original culvert trench.

iv. De-compacting road surface.

v. Outsloping (see Appendix B).

vi. Water barring.

6. Vegetation Management

a. Activities that do not involve ground or surface disturbance (e.g., timber stand improvement, pre-commercial thinning, non-disturbing wildlife structures, and fuel treatments), and that do not have the potential to affect access to or use of resources by Tribes.

b. Vegetation reclamation treatments for routine maintenance of open land fields including removal of fallen trees and/or grinding of above ground invasive species from the perimeter

and/or within the fields if no ground disturbing activities are proposed and if heavy machinery shall not be used.

c. Pesticide/Herbicide spray projects involving no ground disturbance, if no heavy machinery is proposed for use and projects that do not have the potential to affect access to, or use of plant resources used by tribes.

d. Timber stand improvement (TSI) and/or timber thinning where cutting is done by hand with a chainsaw and trees are left in place on the ground.

e. Burning of brush piles in locations that do not contain or are not adjacent to historic properties.

f. Crop tree release (see Appendix B)

g. Collection of ramps (wild leeks) or other forest products for non-commercial purposes as long as ground disturbing activities or historic properties are not involved.

h. Fence construction and maintenance that does not require blading of the fence line.

i. Hand and dibble (tool used to create holes for planting seedlings) vegetation planting.

7. Fish and Wildlife

a. Wildlife improvement projects where actions consist of cutting a slash in trees that range in size from one inch to six inches in diameter (four feet height) to apply herbicide.

b. Fisheries improvement projects where trees up to 24 inches in diameter at breast height are felled into streams and floodplains. Portable winches and grip-hoists may be used to drag the tree to the site and position in the stream. Grip hoist may be used to fell tree and root wad in place.

c. Placement of fish habitat improvement structures when construction will occur in a previously disturbed area, not stream side, and will involve ground disturbing activities.

8. Water, Soils, Noxious Weeds and Air Quality

a. Air quality monitoring that requires ground disturbing activities to install a permanent or long-term air quality monitoring station.

b. Cumulative watershed monitoring for water quality and channel morphology that requires ground disturbing activities to install a permanent or long-term water quality monitoring station.

c. Stabilizing (following analysis) potentially unstable fills.

d. Seeding and planting of native vegetation and mulching if needed.

e. Noxious weed eradication.

10. Facilities

a. Maintenance or alteration of existing standing structures or objects less than 50 years old as of the project initiation date or that will not become 50 years of age within five years of the date of execution of this agreement unless those properties may be considered to be eligible for the NRHP in accordance with *National Register Criterion Consideration G: Property that have achieved significance within the last fifty years.*

b. Maintenance (that does not add to nor change the configuration of the existing facility) to an existing electronic communication site involving no ground disturbance or impacts to known historic properties.

c. Removal of previously determined non-eligible and non-contributing structures and reclamation of the same previously surveyed area.

d. Trespass, encroachments, and claims that do not involve historic properties.

C. The signatories may add, alter, or remove Undertakings from the Exempted or Screened Undertakings lists (Stipulations XIII.A.4 and XIII.B) by mutual written consent.

IV. UNDERTAKINGS ASSOCIATED WITH HISTORIC STRUCTURES

The Forest Supervisor, in consultation with the HPM, shall provide approval for routine exterior and interior repair and maintenance Undertakings affecting historic structures and buildings such as those at Farnsworth, the Pennzoil Powerhouse, Camp Birdsall Edey, Twin Lakes (i.e., the Pavilion), Hall Barn, the Irwintown Site and the historic structures and buildings at the Loleta Recreation Area. Such approval is required regardless of whether the undertaking is Exempted (Stipulation III.A), Screened (Stipulation III.B), or reviewed in accordance with the process defined in 36 CFR § 800.3–7.

A. Standards

Apply the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (SIS), as appropriate. When applying these protection measures, the appropriately qualified heritage professional (see Appendix B Definitions) shall verify that the proposed work conforms to the SIS. The Forest shall emphasize the repair of existing elements, rather than in-kind replacement, adhering to *Standard* 6 and accompanying *Guidelines.*

If for any reason work proposed on historic properties is not considered to meet the SIS, then the Forest will consult with the SHPO pursuant to stipulation V.C.4. of this Agreement.

B. Documentation of Work

All activities approved for the below listed protection measures shall be documented in a report

that describes each work item completed on historic structures. This documentation shall include, at minimum a pre-work condition assessment, pre-work photographs that meet the Secretary of Interior's Guidelines for Architectural and Engineering Documentation, and the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, post-work assessment and post-work photographs.

C. Exterior and interior routine repair and maintenance protection measures.

Common exterior and interior routine repair and maintenance protection measures which may be employed by the Forest to ensure the SIS are met or otherwise avoid adverse effects to historic structures and buildings are listed in Appendix D.

D. Forest Heritage Resource Management Plan

The Forest will continue to consult with the SHPO to develop and approve a Forest Heritage Resource Management Plan. Once approved, the Plan will detail the list of historic structures and buildings in the Forest and identify preservation priorities and strategies for each historic structure and building. The Forest Supervisor, in consultation with the HPM, shall ensure that the preservation priorities and strategies in the approved Plan are taken into account in the development of routine repair and maintenance Undertakings affecting historic structures and buildings.

V. STREAMLINED REVIEW PROCESS FOR SCREENED UNDERTAKINGS

For convenience, Appendix C presents a flowchart illustrating the streamlined review process for screened undertakings.

A. Decision to use the process.

The Forest Supervisor or designated line officer, in consultation with the HPM, may use the streamlined review process for individual Undertakings on the Forest unless one of the following is true:

1. The Forest Supervisor shall not use the streamlined process if the documentation is prepared by non-federal contractors, consultants, researchers, Archaeological Resource Protection Act (ARPA) permitees, or other applicants. Specific requirements of ARPA applicants are listed in Appendix E.

2. If the Forest Supervisor determines, in consultation with an Indian tribe, that an Undertaking may affect a historic property of religious and cultural significance to the Indian tribe, he/she shall not use the streamlined process.

3. If the Forest Supervisor determines, in consultation with the HPM, SHPO or other consulting parties, that an Undertaking is likely to present controversy regarding its effects to historic properties, he/she shall not use the streamlined process.

4. If the Forest Supervisor understands that another federal agency has Section 106 responsibilities for the same Undertaking, or if the Forest Supervisor has designated another federal agency the 'Lead Agency' for the Undertaking in accordance with 36 CFR § 800.2(a)(2) (i.e., the Federal Lands Division of Federal Highway Administration for certain road projects), he/she may not use the streamlined process to satisfy the other agency's responsibilities. In addition, the Forest Supervisor will not designate another agency as 'Lead Agency' if the other federal agency uses a streamlined process without written notification to the SHPO (i.e., Pennsylvania Department of Transportation).

5. If the Forest Supervisor determines for any reason and at any time during the process that an Undertaking is not appropriate for the streamlined process, he/she shall meet the requirements of the Section 106 review process defined in 36 CFR § 800.3–7.

B. Identification and Evaluation of Historic Properties and Assessment of Effects.

1. The Forest Supervisor, in consultation with the HPM, shall determine the scope of identification efforts in a manner consistent with 36 CFR § 800.4(a).

a. The Forest Supervisor, in consultation with the HPM, shall determine and document the APE. The Forest Supervisor shall also ensure that the entire project area listed in individual Prescribed Fire plans are APEs, not just the individual areas to be burned.

b. The HPM shall ensure and oversee the implementation of the appropriate survey strategy or strategies for the Undertaking:

i. Conduct background research to identify known historic properties, previously listed or determined eligible for the National Register, and potential historic properties locations in the APE.

ii. Enter historic property locations into the Forest's national historic properties Geographic Information System (GIS) database and the Forest Service's national INFRA database.

iii. Make a reasonable and good faith effort to survey the APE; record any historic property observed with a global positioning system (GPS) device, notes and photographs; and update the Forest's GIS and the INFRA databases with the results.

iv. Identified historic properties shall be recorded with the SHPO, and Smithsonian numbers obtained from the SHPO, prior to assessment of effects. Archaeological resources shall be recorded on hybrid Forest Service-Pennsylvania Bureau of Historic Preservation site forms or the National Forest Service site forms or one hybridized to

contain all SHPO required fields, when it is instituted by the Washington Office of the Forest Service. All other cultural resources shall be recorded with the Pennsylvania BHP Historic Resource Survey Form. These forms shall be submitted to the SHPO for the assignment of site and structure numbers, prior to the assessment of effects.

v. Make every effort to record historic properties during the pre-burn survey that shall be done within one year of implementation of the prescribed burn project.

2. The HPM or the appropriate qualified heritage staff shall determine, and advise the Forest Supervisor, if the APE contains any historic properties, previously determined eligible for or listed in the NRHP.

3. The HPM shall determine, and advise the Forest Supervisor, if there is a low probability that unidentified historic properties may be present in the APE by considering:

a. Background research,

b. Consultation with Indian tribes and other consulting parties

c. Oral history interviews, and

d. Any past planning, research, or studies.

4. The HPM shall determine, and advise the Forest Supervisor, if the following standard treatments can be implemented to avoid adverse effects to identified historic properties or historic properties in the APE. The signatories can add, alter, or remove standard treatments by mutual written consent (Stipulations XIII.A.4 and XIII.B).

a. For prescribed burn Undertakings, the Forest Supervisor can avoid adverse effects if he/she can ensures that historic properties that have the potential to be adversely affected by fire, wild or prescribed, are mapped as "areas to protect" (ATPs) during the Undertaking. The HPM shall consult with the Forest Fire Management Officer (FMO) to develop and implement burn-specific protection measures.

b. For Undertakings involving the restoration, rehabilitation, repair, maintenance (see Appendix D), stabilization, hazardous material remediation, and/or provision of handicapped access to historic properties that are buildings or structures, the Forest Supervisor may avoid adverse effects by ensuring the Undertaking is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, that the Undertaking is monitored, and progress is documented in the Annual Report (Stipulation XIII.A).

c. For all other Undertakings, the Forest Supervisor can avoid adverse effects if identified historic properties are mapped, flagged in the field with an appropriate buffer, treated as ATPs, and monitored by heritage staff, when necessary, during the Undertaking. The Forest Supervisor shall inform Forest staff, contractors, or permittees that project activities are

prohibited within heritage ATPs and shall ensure that these areas are identified on project maps and flagged in the field. Project activities include, but are not limited to ground disturbance, material or equipment storage or staging areas, and demolition and/or alterations to buildings or structures. The Forest Supervisor shall also inform Forest staff, contractors, or permittees that intentional approval or implementation of activities in the heritage ATPs shall be subject to review and potential prosecution pursuant to the ARPA.

d. The HPM, or appropriate qualified heritage staff, shall ensure that heritage ATPs are adequately mapped and flagged. The HPM will provide appropriately trained heritage staff to act as monitors during project activities when necessary and educate on-site personnel about the ATPs and prohibited activities. The HPM will evaluate and document the effectiveness of these treatments and make recommendations for any necessary revisions in the Annual Report (Stipulation XIII.A). If any unidentified historic properties are uncovered during monitoring of activities, the HPM will follow the post-review discovery procedures outlined in Stipulation XII.

C. Effect Findings.

The Forest Supervisor, in consultation with the HPM, shall make an effect finding for each Undertaking. The HPM shall ensure that documentation of an effect finding is included in the project file and NEPA administrative record. The Forest Supervisor may not approve and implement an Undertaking until an effect finding is documented as follows:

1. If no identified cultural resources are present in the APE and the potential for unidentified historic properties in the APE is low because the area has been previously surveyed using appropriate methods, then the Forest Supervisor, advised by the HPM, may find that the Undertaking shall not affect historic properties.

2. If the Forest Supervisor finds, in consultation with the HPM, that historic properties are in the APE or there is a potential for unidentified historic properties in the APE, and he/she can commit to implementing the standard protection measures (Appendix J) or exterior and interior routine repair and maintenance protection measures (Appendix D) to avoid adverse effects and monitoring, when necessary (Stipulation V.B.4.c), then he/she may find that the Undertaking may not adversely affect historic properties.

3. The HPM shall transmit a report documenting the finding that the Undertaking may not affect (Stipulation V.C.1) or may not adversely affect (Stipulation V.C.2) historic properties for review to the SHPO and consulting parties. The report shall meet the standards in Appendix F as revised by mutual written consent of the signatories (Stipulation XIII.B.1). The SHPO and consulting parties may object to the finding of no historic properties adversely affected within 30 days of receipt of the documentation. If the Forest receives no objections, the Forest has completed the Section 106 review process. If the Forest receives objections, then the Forest shall consult with the objecting party to resolve the objections and may, if needed, follow the dispute resolution process in Stipulation XIV or continue to Stipulation V.C.4.

4. If the Forest Supervisor finds that an historic property may be adversely affected by an Undertaking in accordance with the criteria of adverse effect at 36 CFR § 800.5(a) or that the standard treatments to avoid adverse effects and/or necessary monitoring cannot be implemented, the Forest Supervisor shall withdraw the Undertaking from the streamlined review process and complete the Section 106 process by following the procedures at 36 CFR § 800.6–7.

D. Expedited Review

1. If required, the Forest and SHPO can agree to an expedited review of projects. Expedited reviews will be considered on a case-by-case situation. The length and completion date of the expedited review will be negotiated between the HPM, the Historic Preservation Specialist reviewing the Forest and the Archaeology and Protection Division Chief in the SHPO office.

E. Streamlined Reporting Process

1. The Forest shall provide SHPO the "Allegheny National Forest Project Review Form" (sample in Appendix H) to initiate consultation with SHPO for all screened Undertakings using the streamlined review process and Undertakings using the Section 106 process in 36 CFR § 800.3–7.

2. Each heritage inventory report follows the standards established in Appendix I.

F. SHPO Response Letters

As there has been past confusion as to what is being concurred with by the SHPO, the inclusion of specific wording in all SHPO response letters to the Forest is necessary. The inclusion of this language will provide for a mutual understanding between the two agencies. Response letters from the SHPO will include the following.

1. Full title of the report, the report's author, and the date of the report.

2. A statement indicating whether the SHPO concurs or does not concur with the recommendation of 'No Historic Properties Affected.'

3. A specific indication of whether SHPO concurs with eligibility recommendations for historic properties discussed within the project report. Historic properties should be specifically referenced using their Smithsonian trinomial number.

4. A specific statement indicating that the SHPO is concurring on a finding of 'No Historic Properties Affected' within the areas surveyed or previously surveyed for the project.

VI. EMERGENCY UNDERTAKINGS

A. Emergency Undertakings are Undertakings which respond to a disaster or emergency declared by the President or the Governor of a State or which respond to other immediate threats to life or property as designated by the Forest Supervisor.

B. Examples of disasters or emergencies which may affect the Forest include, but are not limited to, a hurricane, tornado, flood, landslide, windstorm, ice storm, insect infestation, or wildfire.

C. Immediate rescue and salvage operations conducted to preserve life or property are exempt from Section 106 review (Stipulation III).

D. When the Forest is notified of an oil spill that will require ground disturbing activities to remove the oil, the HPM and corresponding District Archaeologist will be contacted immediately. The HPM will then contact SHPO to notify them of the emergency clean-up work. The District Archaeologist will investigate whether previously identified cultural resources are present within the oil spill area and the District Archaeologist will monitor all ground disturbances during clean-up. Subsequent to the clean-up activities, a report will be generated and submitted to the SHPO and consulting parties. If potentially eligible cultural resources are present within the oil spill area, a mitigation plan to lessen the effects of the oil and ground disturbing work will be developed by the HPM, District Archaeologist, Oil, Gas and Minerals personnel, the oil developer, and if time allows, the SHPO and consulting parties.

E. For all other emergency Undertakings, the Forest shall follow the Emergency situations procedures at 36 CFR § 800.12(a)(2).

VII. ONGOING IDENTIFICATION EFFORTS

The Forest shall continue its efforts to survey, identify, and evaluate historic properties within the Forest in accordance with the requirements of 54 U.S.C §§ 306101(a) and 306102 [formerly Section 110(a), 16 U.S.C § 40h-2(a)] of the National Historic Preservation Act and of Forest Service Manual (FSM) 2360.

The Forest shall prioritize such efforts to:

A. During its ongoing identification efforts, the Forest will use the historic property probability model documented in Appendix M which the SHPO and the Forest have both agreed upon. During Forest identification efforts, the model will be tested and updated as new historic properties are identified and previously recorded sites are evaluated.

B. Document and evaluate buildings, structures, and archaeological sites as outlined in the Heritage Resources Management Plan.

C. Assign management categories and develop management use plans for all Priority Heritage Assets (FSM 2360.5; 2362.3).

D. Develop a Heritage Resource Management Plan (hereafter called the Heritage Program Plan [HPP]) for the Forest and include a context for the evaluation of properties identified on the Forest (see also Stipulation VII.B).

E. Conduct Priority Heritage Asset (see Appendix B) condition assessments on a five (5) year basis (see Appendix B).

VIII. LAND MANAGEMENT PLANNING

A. Information Sharing.

1. The Forest shall provide the SHPO and Indian tribes with:

a. Forest maps available at http://www.fs.usda.gov/main/r9/maps-pubs or hard copy upon request.

b. Upon request, a hard copy of the 2004 Forest Land and Resource Management Plan (FLRMP).

c. FSM 2360 Heritage Program Management from Recreation, Wilderness, and Related Resource Management available at www.fs.fed.us/im/directives/fsm/2300/2360.doc or hard copy upon request.

2. The Forest shall share heritage GIS data layers with the SHPO and federally recognized Tribes with a Tribal Historic Preservation Officer, subject to the confidentiality provision of Section 304 of the NHPA and 36 CFR § 800.11(c). The Forest shall coordinate with the SHPO GIS data manager to ensure compatibility and to resolve data exchange issues.

IX. TRAINING

A. The Forest Supervisor shall ensure that he/she, program and project planning staff at the Forest maintain a working knowledge of the requirements of NHPA, the Section 106 implementing regulations at 36 CFR Part 800, the Secretary of the Interior's Standards for the Treatment of Historic Properties, and this agreement.

B. The Forest Supervisor shall ensure that he/she, Program Managers, and project planning staff do not authorize activities within the Forest with the potential to affect historic properties without meeting the terms of this agreement. The Forest Supervisor shall advise Forest staff that the intentional approval and implementation of activities that adversely affect historic properties without meeting the requirements of Section 106 shall be subject to review and potential prosecution pursuant to the ARPA.

C. The SHPO agrees to conduct, at a minimum, an annual one day training, beginning the year that the PA is signed, at the Forest Supervisor's Office in Warren, Pennsylvania for Forest Service Program Managers, project planning staff members and all that are interested to provide them a working knowledge of NHPA, the Section 106 implementing regulations at 36 CFR Part 800, the Secretary of the Interior's Standards for the Treatment of Historic Properties, and this agreement.

X. CONFIDENTIALITY

In accordance with 54 U.S.C § 100707 of the NHPA and 36 CFR § 800.11(c), certain information about the location, character, of a historic property may be withheld from public disclosure when such disclosure may cause a significant invasion of privacy, risk harm to the historic property, or impede the use of a traditional religious site by practitioners.

XI. CURATION

For all archaeological investigations conducted by the Forest under this PA, the Forest shall ensure that artifacts and records are prepared in accordance with 36 CFR § 79

A. The Forest will consider curation facilities operated by federally-recognized Indian tribes which meet the requirements of 36 CFR § 79 before other qualified non-tribal curation facilities.

B. The Forest may determine to curate artifacts and all associated records at the State Museum of Pennsylvania, which meets the requirements of 36 CFR § 79. In such case, the Forest shall fund activities necessary to prepare collections for disposition consistent with the *Revised Curation Guidelines: Preparing Archaeological Collections for Submission to the State Museum of Pennsylvania*, June 2006, and the fees for long term curation at the rate published in the curation guidelines of the Pennsylvania State Museum. A copy of the appropriate final heritage/cultural resource report will be included with the submission.

XII. POST-REVIEW DISCOVERIES/DISCOVERY AND TREATMENT OF HUMAN REMAINS

If potential historic properties are discovered or unanticipated effects on historic properties found, the Forest shall implement the procedures in 36 CFR § 800.13(b). In addition, the Forest will cease all activities within 100 meters of the historic property and reasonable efforts shall be taken to avoid or minimize harm to the property until the procedures of 36 CFR § 800.13(b) can be implemented.

The treatment and disposition of any inadvertently discovered human remains, graves or grave associated artifacts within an APE will be managed in a manner consistent with NAGPRA and its implementing regulations (36 CFR § 10) and, where applicable, the ACHP's February 23rd, 2007 Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects. Treatment will also follow Pennsylvania Commission Historical and Museum Commission's Policy on Treatment of Human Remains (BHP 2008, Appendix C). Steps that shall be taken upon the discovery of human remains are listed in Appendix L.

XIII. PERFORMANCE OF THE AGREEMENT/COMMITMENT TRACKING

A. The Forest shall compile and submit an Annual Report on its Heritage Resource Program by January 31st to signatories and the THPOs of the concurring tribes, summarizing its efforts in the previous fiscal year (October 1-September 30) under this agreement. If, due to extenuating circumstance, the Forest is unable to submit the report by the appointed date, the signatories and

the THPOs of the concurring tribes will be notified with a request for an extension, the length of the requested extension, and a new date for submittal. The SHPO will respond within 10 business days of receiving the request. The report shall include:

1. A summary of Undertakings determined to be exempt from review (Stipulation III) in the format illustrated in Appendix F and will include 7.5' United States Geological Survey maps indicating the location of exempted Undertakings.

2. Documentation of the standard protection measures (Appendices D and J) used to avoid adverse effects to historic properties.

3. Site monitoring activities.

4. Any recommendations for revisions to the list of Undertakings listed in Stipulation III, standard treatments to avoid adverse effects (Appendices D and J), or the reporting standards in Appendix D (Stipulation V.C.).

5. A summary of efforts to meet the terms of this agreement for Stipulations V–VIII.

6. The Forest Supervisor and/or the HPM will meet with representatives of and/or the SHPO annually to discuss the annual report. Signatories and concurring parties will be notified and invited to the meeting but will not be required to attend under this agreement.

B. Signatories and concurring parties may provide recommendations for revisions to the list of exempt Undertakings, standard treatments to avoid, or the reporting standards and/or comments within 30 days of receipt of the Annual Report.

1. The Forest may update the list of exempt Undertakings, standard treatments to avoid, or reporting standards as recommended in the Annual Report if no objections are received. The Forest shall provide signatories and concurring parties with a copy of the updated documentation.

2. If objections are received, the Forest shall consult to resolve the objections by following the dispute resolution provisions of this agreement (Stipulation XIV).

C. Signatories and concurring parties may request a meeting to discuss concerns regarding the implementation of this agreement at any time. Such meetings may include field visits, face-to-face conferences, and telephone meetings.

XIV. DISPUTE RESOLUTION

Should any signatory to this agreement object at any time to any actions proposed or the manner in which the terms of this agreement are implemented, the Forest shall consult with such party to resolve the objection. If the Forest determines that such objection cannot be resolved, the Forest shall:

A. Forward all documentation relevant to the dispute, including the Forest's proposed resolution, to the ACHP. The ACHP shall provide the Forest 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 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 shall then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) days, the Forest may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Forest shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the agreement, and provide them and the ACHP with a copy of such written response.

C. The Forest's responsibility to carry out all other terms of this agreement that are not the subject of the dispute remain unchanged.

D. Concurring party objections concerning the manner in which the terms of this agreement are implemented should be submitted to the Forest for consideration and resolution.

XV. AMENDMENTS

A. This agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment shall be effective on the date a copy signed by all of the signatories is filed with the ACHP.

B. The list of resources in Appendix F may be modified by the mutual written agreement of the Forest and the SHPO, and will not require a formal amendment to this agreement. Upon agreement to the proposed revisions, they shall provide the revised Appendix to the signatories.

XVI. TERMINATION

If any signatory to this agreement determines that its terms shall not or cannot be carried out, that party shall immediately consult, and provide written notice, with the other parties to attempt to develop an amendment per Stipulation XIV, above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the agreement upon written notification to the other signatories.

Once the agreement is terminated, the Forest shall meet the requirements of the Section 106 review process defined in 36 CFR § 800.3–7 for each Undertaking.

XVII. DURATION

This PA shall be in full force and effect for 5 years upon the date of signature. Within 18 months prior to the expiration of the PA, the signatories shall consult to consider amendments to the PA,

renewal, or development of a new PA. Amendment may include extension of the terms of this agreement.

In the event that the agreement expires, the Forest shall comply with the regulations contained in 36 CFR Part 800 for all proposed Undertakings.

Execution of this agreement by the Forest Service, the SHPO and the ACHP and implementation of its terms evidence that the Forest Service has taken into account the effects of its Undertakings at the Forest on historic properties and afforded the ACHP an opportunity to comment.

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES FOREST SERVICE ALLEGHENY NATIONAL FOREST,
PENNYSLVANIA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE ALLEGHENY NATIONAL FOREST

SIGNATORY:

USDA FOREST SERVICE, ALLEGHENY NATIONAL FOREST

Sherry A. Tune
Forest Supervisor

Date May 1, 2015

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES FOREST SERVICE ALLEGHENY NATIONAL FOREST,
PENNYSLVANIA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE ALLEGHENY NATIONAL FOREST

SIGNATORY:

PENNSYVLANIA HISTORICAL AND MUSEUM COMMISSION BUREAU FOR HISTORIC PRESERVATION

Serena Bellew
Deputy State Historic Preservation Officer

March 18, 2015
Date

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES FOREST SERVICE ALLEGHENY NATIONAL FOREST,
PENNYSLVANIA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE
NATIONAL HISTORIC PRESERVATION ACT FOR MANAGEMENT OF HISTORIC
PROPERTIES BY THE ALLEGHENY NATIONAL FOREST

SIGNATORY:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

for John M. Fowler
Executive Director

6/8/15
Date

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES FOREST SERVICE ALLEGHENY NATIONAL FOREST,
PENNYSLVANIA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE ALLEGHENY NATIONAL FOREST

CONCURRING PARTY:

Maurice A. John Sr.
President
Seneca Nation of Indians

4-14-15
Date

Approved as to Form
SNI Legal Dept.
By _____ Date 4-13-15

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES FOREST SERVICE ALLEGHENY NATIONAL FOREST,
PENNYSLVANIA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE
NATIONAL HISTORIC PRESERVATION ACT FOR MANAGEMENT OF HISTORIC
PROPERTIES BY THE ALLEGHENY NATIONAL FOREST

CONCURRING PARTY:

Scott Abrams
Tribal Historic Preservation Office Director
Seneca Nation of Indians

2/4/15
Date

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES FOREST SERVICE ALLEGHENY NATIONAL FOREST,
PENNYSLVANIA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE
NATIONAL HISTORIC PRESERVATION ACT FOR MANAGEMENT OF HISTORIC
PROPERTIES BY THE ALLEGHENY NATIONAL FOREST

CONCURRING PARTY:

Jay Toth
Tribal Archaeologist
Seneca Nation of Indians

02/04/15
Date

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES FOREST SERVICE ALLEGHENY NATIONAL FOREST,
PENNYSLVANIA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE ALLEGHENY NATIONAL FOREST

CONCURRING PARTY:

Wallace A. Miller
Tribal President
Stockbridge-Munsee Band of Mohican Indians

4-9-15
Date

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES FOREST SERVICE ALLEGHENY NATIONAL FOREST,
PENNYSLVANIA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE ALLEGHENY NATIONAL FOREST

CONCURRING PARTY:

Basil Huffman
Chairman
County of Forest Commissioner's Office

3-18-15
Date

PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES FOREST SERVICE ALLEGHENY NATIONAL FOREST,
PENNYSLVANIA STATE HISTORIC PRESERVATION OFFICER;
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE ALLEGHENY NATIONAL FOREST

CONCURRING PARTY:

Michelle Gray

Michelle Gray
Managing Director
Warren County Historical Society

3/16/15

Date

APPENDIX A: SUMMARY OF HISTORIC PROPERTIES WITHIN THE ALLEGHENY NATIONAL FOREST

Systematic investigations have resulted in the identification of physical evidence for 2,611 historic properties on the Forest. To date, 539 prehistoric, 1,802 historic and 43 are multicomponent sites (containing both historic and prehistoric components) have been identified on the Forest, and an additional 227 sites have been identified with 'unknown' occupation dates.

Of these 2,611 historic properties, the Forest has identified 76 as Priority Heritage Assets (PHAs). Priority Heritage Assets are heritage assets that are, or should be, actively maintained due to their distinct public value. These Assets are also identified in an effort to focus our management actions on cultural resources that are identified locally as the most significant. Management of PHAs is done to meet criteria identified in Forest Service Manual 2360.5. These sites are re-visited every five years or more frequently, and their conditions are monitored and recorded. If site maintenance or protection needs are identified during monitoring, Forest Archaeologists generate reports outlining recommendations to fulfill these needs, while maintaining site integrity, and submit them to the SHPO for concurrence prior to the initiation of work.

The Forest's 76 PHAs are comprised of 45 prehistoric, 20 are historic and 11 multicomponent sites. The prehistoric sites include rockshelters, open sites and earthworks. The historic sites consist of historic aged farmsteads and oil and gas facilities, as well as Civilian Conservation Corps built structures, such as those at the Loleta Recreation area, the William Irvine Estate and the Spring Creek Glass Factory. The multicomponent sites are primarily open sites containing both historic and prehistoric artifacts, while the Buckaloons Heritage Area (also referred to as the Irvine Flats) contains the most extensive number of multicomponent sites on the Forest and includes Native American earthwork features.

Baseline recordation of sites continues during all field projects. The identification of additional sites will allow the Forest to develop historic themes and contexts that will enable a better understanding of land use in the area throughout time, and develop a framework for evaluating and nominating sites to the National Register of Historic Places (NRHP). Development of this framework will also assist the Forest in creating a Heritage Properties Management Plan which is required under the USDA Forest Service's Heritage Program Managed to Standard heritage targets. Nationally, all Forests are required to create Management Plans as well as complete Section 110 projects, monitor eligible historic properties on a regular schedule, complete site evaluations and nominate sites that are eligible for the NRHP. Currently, only 13 percent (296 not eligible, 59 eligible) of the sites identified on the Forest have been evaluated and their eligibility concurred on by the SHPO. One of the Forest's priorities is to evaluate those presently identified as potentially eligible for the NRHP, as well as those identified during future projects.

APPENDIX B: DEFINITIONS

Agency Official: As defined in 36 CFR § 800.2(a), having approval authority for an Undertaking and the ability to commit the Forest Service to take appropriate action for a specific Undertaking as a result of Section 106 compliance.

Appropriately qualified heritage staff: Appropriately qualified staff are archaeologists who meet, at a minimum, the standards set forth in Forest Service Manual 2360, the provisions of the Operating Manual for Qualifications X-118, and/or the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, Professional Qualifications for Archeologists and/or Historians (48 FR 190:44716-44742). The Heritage Program Manager will determine what qualifications (i.e., archaeologist or historic architect) are necessary for the proposed undertaking and ensure that appropriately qualified professional carries out the work.

Condition Assessment: An assessment of the heritage asset to determine 1) overall condition of the resource, and 2) annual maintenance, deferred maintenance, operational, and capital improvement costs needed to manage the resource. A condition assessment is considered current if it is no more than five years old.

Crop Tree Release: is a silvicultural technique that selects individual trees that are to remain in a timber stand until maturity and then removing the trees that are competing with them. It is applied to meet objectives such as wildlife habitat, recreation, timber value and species diversity. It is used to reduce competition around selected trees and provide desired future benefits.

Historic Property: A historic property is an object or location of human activity, occupation, or use identifiable through field survey, historical documentation, or oral evidence. Historic properties are prehistoric, historic, archaeological, or architectural sites, structures, places, or objects and traditional cultural properties. Historic properties include the entire spectrum of resources for which the Heritage Program is responsible, ranging from artifacts to cultural landscapes without regard to eligibility for listing on the National Register of Historic Places (Forest Service Manual 2360– Heritage Program Management, Section 2360.5 – Definitions, page 21). An existing cemetery is a historic property.

Forest Heritage Program Manager (HPM): Is an individual who meets, at a minimum, the standards set forth in Forest Service Manual 2360, the provisions of the Operating Manual for Qualifications X-118, and/or the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, Professional Qualifications for Archeologists and/or Historians (48 FR 190:44716-44742) and the standards established by the SHPO.

Lead Agency: As defined in 36 CFR § 800.2 (a)(2), if more than one Federal agency is involved in an undertaking, the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the agency official who shall act on their behalf, fulfilling their collective responsibilities under Section 106.

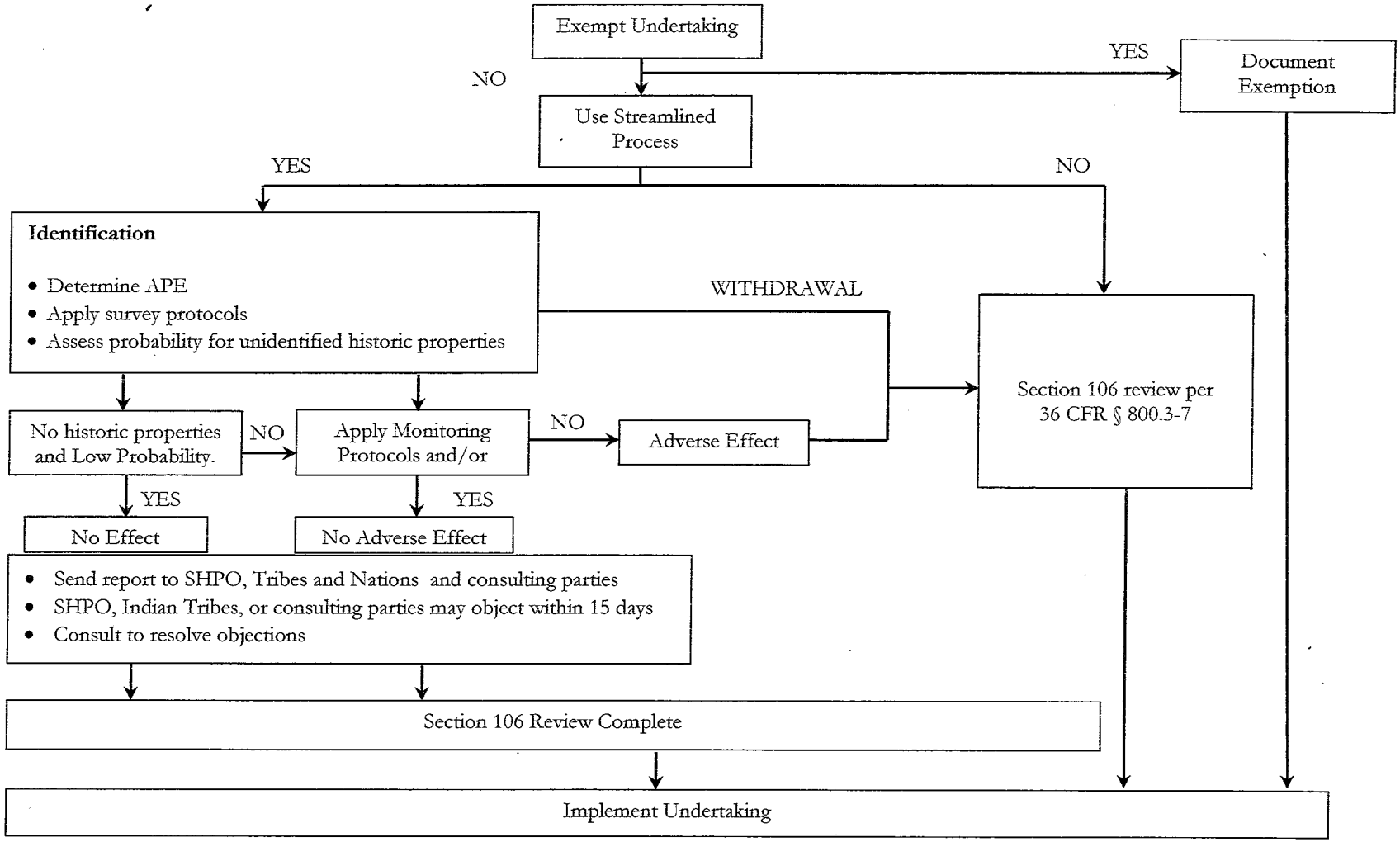
Outsloping: Also referred to as re-contouring. It is the shaping of a road surface to re-establish drainage patterns and restore the contours of the road way. It is done to eliminate the need for ditches and cross drains and it reduces the clearance needed to travel on the road.

Priority Heritage Asset: Heritage Assets of distinct public valet that are or should be actively maintained and that meet one or more of the following criteria:

a) The significance and management priority of the property is recognized through an official designation; such as a listing on the NRHP, State Register, etc.
b) The significance and management priority of the property is recognized through prior investment in preservation, interpretation and use.
c) The significance and management priority of the property is recognized in an agency-approved management plan.
d) The property exhibits critical deferred maintenance needs, and those needs have been document. Critical deferred maintenance is defined as a potential health or safety risk, or imminent threat of loss of significant resource values.

Relinquished: Given up; control or possession is given up to another party, not the Forest Service.

APPENDIX C: STREAMLINED REVIEW PROCESS FLOWCHART



APPENDIX D: EXTERIOR AND INTERIOR ROUTINE REPAIR AND MAINTENANCE ON HISTORIC STRUCTURES PROTECTION MEASURES

A. Exterior routine repair and maintenance projected measures.

1. Repair or replacement of siding, trim, or hardware, shall be done with in-kind to match the existing historic material, design, and, as appropriate, color.

2. Repair of window frames or shutters shall be done by patching, splicing, consolidating, or otherwise reinforcing or replacing in-kind those parts that are either extensively deteriorated or are missing. The configuration of existing window panes, muntins and mullions shall be retained.

3. Replacement of window frames shall match historic material and design. The configuration of existing panes and muntins shall be retained.

4. Replacement of glass, when done in-kind should match historic form and design. Window panes may be double or triple glazed as long as the glazing is clear and replacement does not alter the historic window form. This excludes the use of tinted glass, use of which requires consultation.

5. Maintenance of features, such as frames, hoodmolds, paneled or decorated jambs and moldings, shall be conducted through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems using historic color and texture.

6. Repair or replacement of doors, when done shall be done in-kind to match historic material and form.

7. Repair or replacement of porches, cornices, and stairs when done shall use in-kind or to match historic material and design, and the style, materials, and character of the structure.

8. Repair or replacement of foundations when done shall not change the structure's historic appearance.

9. Repair or replacement of roofs or parts of roofs that are deteriorated, shall be done in-kind or where matching historic material and design. In areas of high fire danger, fire retardant roofing is allowed. If fire retardant materials are used, the materials must match the original roofing color and be as compatible with the design and character of the building as possible. Adequate anchorage for roofing material to guard against wind damage and moisture penetration shall be provided.

10. Painting exterior and interior surfaces, when the new paint matches the existing or historic color. If the existing paint color is not desirable and the historic color is not known, the color shall be in keeping with historic color schemes for similar or nearby structures. Damaged or

deteriorated paint may be removed to the next sound layer by hand-scraping or hand-sanding. Use of abrasive methods, such as sandblasting, is not covered by this treatment.

11. Replacement or installation of caulking and weather-stripping around windows, doors, walls, and roofs.

12. Replacement of lightning rod wiring with new copper wire.

13. Replacement of modern appliances and fixtures (e.g., ranges, refrigerators, and bathroom fixtures). When associated historic cabinetry is intact, and the interior, in general, retains its historic appearance, the cabinetry will be retained.

14. Repair or replacement of floor coverings, when done in-kind to match historic material and design.

15. Rendering inoperable, but not removing, gas lighting fixtures, when another inconspicuous light source is used.

16. Floor, wall, or ceiling refinishing in-kind.

17. Installation of mechanical equipment that does not affect the visual integrity or exterior fabric of the building.

18. Replacement of metal water tanks with ones of fiberglass, when the color and texture of the existing or historic tank are replicated or when landscaping camouflages the replacement tank. Redwood tanks with plastic inserts are also acceptable. Construction of a structure around a tank to control temperature is allowed when landscaping camouflages the change.

19. Replacement of and enlarging liquid propane gas systems, if tanks are screened with landscaping materials.

20. Addition of a completely removable accessibility ramp which blends with the historic materials and style of the structure itself.

21. Repair, replacement, or addition of exterior lighting that blends with the landscaping and style of the building.

22. Installation of new buildings in or near historic properties.

B. Interior Routine Repair and Maintenance Protection Measures

1. Replacement, removal, or upgrading of electrical wiring.

2. Replacement of floor furnaces and floor registers with surface-mounted wall heating systems or hot water appliances. Repairs to the floors will be done with in-kind materials and design.

3. Repair, replacement, removal, or upgrading of water and plumbing systems when historic

features, such as hand pumps, are left in place. Historic plumbing fixtures should be retained and used if possible.

4. Removal of hazardous materials or surfaces such as asbestos and lead paint, and replacing them with non-toxic materials.

5. Installation of dry insulation.

6. Installation of fire or smoke detectors or burglar alarms.

7. Installation of skirting over a structure's crawl space, if constructed painted a color to match or blend with the structure.

8. Installation of security systems or security devices, such as dead bolts, door locks, window latches, and door peep holes.

C. Landscape

1. Ground Disturbing Activities where there are no known conflicts with other historic properties (e.g., prehistoric archaeological deposits) may exist and that the activity is not occurring within an intrinsically historic or that it does not contribute to the significance of an historic property.

2. Excavations for repair or replacement of building footings or foundation work within two (2) feet of existing footings and foundations.

3. Installation of utilities, such as sewer, water, or storm drains, electrical, gas, or leach lines, and septic tanks, where installation is restricted to specific areas previously disturbed by installation of these utilities.

4. Tree planting or removal in areas that have been previously disturbed by these activities, including nursery beds and arboreta, may be done provided historic landscaping is maintained.

5. Replacement of signs in-kind.

6. Ongoing maintenance of immediately surrounding landscaping, including such modifications as removing hazardous vegetation, adding vegetation that blends with the historic landscape, or adding rocks to define paths, where not otherwise prohibited, so long as historic landscape characteristics are maintained.

7. Installations of interpretive sign or exhibit structures which are not attached to historic structures and do not visually intrude on the historic property. Signs shall be constructed of materials and painted with colors that harmonize with the historic property and its setting.

8. Repair or replacement of driveways and walkways done in-kind to match existing or historic materials and design.

9. Repair or replacement of fencing done in kind to match existing or historic material and design.

APPENDIX E: SPECIFIC REQUIREMENT OF ARCHAEOLOGICAL RESOURCE PROTECTION ACT PERMIT APPLICANTS

To ensure that the Forest and SHPO are fully aware of historic properties studies that are initiated by third parties within the boundaries of the Forest, specific stipulations must be fulfilled prior to the issuance of an ARPA permit by the Forest. Archaeological Resource Protection Act permits are issued by the Heritage Program Manager, who is the representative of the Forest Heritage Program.

A. Third party contractors shall write and submit an "Initiation of Consultation" letter to the SHPO, and shall obtain an Environmental Report number (ER #) prior to the issuance of an ARPA permit by the Forest, and prior to the initiation of any additional fieldwork to be conducted under the same ARPA permit.

B. A written certification, signed by the authorized official of the proposed curatorial facility, attesting to the facility's capacity and willingness to accept any collections, records, data, photographs, and other documents generated during the proposed permit term and to assume permanent curatorial responsibility for those materials on behalf of the United States Government pursuant to 36 CFR § 79, and written certification that the contractor will cover the costs associated with the curation. Archaeological and historical artifacts excavated or removed from National Forest System lands and their associated documentation shall remain the property of the United States. Custody of any Native American human remains or cultural items subject to the Native American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. 3001-3013, that are removed from National Forest System lands shall be determined, in accordance with NAGPRA and its implementing regulations at 43 CFR § 10.

C. On the completion of the historic property inventory fieldwork, the permittee shall provide the Forest a draft copy of the associated report for review and comment by the Forest. The draft report will be submitted to the Forest in conjunction with the draft that is required to be sent to the SHPO.

D. A copy of the final report, that has taken Forest and SHPO comments into consideration, along with a copy of all field notes, site forms, and project maps, shall be submitted to the Forest, in conjunction with the final sent to SHPO, for permanent curation.

APPENDIX F: FINDING OF NO EFFECT OR NO ADVERSE EFFECT REPORT STANDARDS

In accordance with Stipulation V.C.3., the HPM shall submit Forest's finding of no effect or no adverse effect made in the streamlined review process to the SHPO or Indian tribe, and any identified consulting party along with a report to substantiate the finding for 30-day review. The HPM shall ensure that the report meets the following standards:

A. The report shall include:

1. A Report Summary Form

2. Title page with title, author, date, and any identifying project numbers.

3. Table of Contents

4. List of Figures

5. Report Abstract

6. Introduction to the Project and APE, a thorough and complete description of all ground disturbing activities proposed in association with the project, size of project area (in acres), definition of APE and its size (in acres), and color illustration of APE on 7.5 minute USGS topographic quadrangle map.

7. A table summary of previous investigations and known historic properties within and adjacent to the APE.

8. A description of the field methods used.

9. A summary of the finding, its basis, a description of standard treatments to avoid adverse effects and/or any necessary monitoring, if warranted.

10. The report is expected to be at least 5 or 6 pages in length.

11. Reports shall be submitted either by mailed hard copy or electronically as requested by recipients. The HPM shall send an email to provide advance notice to hard copy recipients that a report has been mailed. The 30-day review period for a mailed report shall commence upon receipt of the hard copy.

APPENDIX G: TABLE OF EXEMPT UNDERTAKINGS FORMAT FOR ANNUAL REPORT

Project FS #	Project Name	Exemption	Other Exemption		Notes
			Survey and No Resources	Disturbed and No Potential	

APPENDIX H: FOREST CONSULTATION INITIATION FORM

Allegheny National Forest Project Review Form
Request to Initiate SHPO Consultation

FS Project Tracking Number: R

Is this a new submittal? ☐ Yes ☐ No This is additional information for ER #

Project Name
Project Address
City/State/Zip
CountyChoose an item.

Primary Contact
Name: Phone:
District: Email:

Screen Undertaking ☐ Section III.B._____
Non-Streamlined Project ☐

Proposed Work---Attached

Area of Potential Effects Acreage:
Overall Project Area Acreage:

Buildings or Structures Present? No ☐ Yes ☐ Age of structures:

Attached 7.5' USGS Maps ☐
Project Description ☐
Photographs ☐

Mail to:

PHMC
State Historic Preservation Office
400 North Street
Commonwealth Keystone Building, 2nd Floor
Harrisburg, PA 17120-0093

APPENDIX I: REPORT STANDARDS FOR STREAMLINED REPORTS

In accordance with Stipulation V.E.2., the HPM shall submit Forest's reports made in the streamlined review process to the SHPO or Indian tribe, and any identified consulting party along with a report to substantiate the finding for 30-day review. The HPM shall ensure that the report meets the following standards:

A. The report shall include:

1. Report Summary Form

2. Title page with title, author, date, and any identifying project numbers.

3. Table of Contents

4. List of Figures

5. Report Abstract

6. Introduction to the Project and APE including project description, a thorough description of all proposed ground disturbing activities, size of project area (in acres), definition and size of the APE, and color illustration of APE on 7.5 minute USGS topographic quadrangle map within the text.

7. A short introduction paragraph indicating which data sources were used for the back ground literature search (e.g., CRGIS, FS records, etc.), the amount of previous heritage work that has been conducted within one half mile of the APE, the number of previously identified sites and a table for both previous surveys and previously identified sites. The previous survey table will include the Forest INFRA number for each project, the full title of the associated report, the report author(s) and the associated ER number. Surveys that have occurred within the APE will be bolded. The previously identified historic properties table will include the Smithsonian Number, the Forest INFRA number, the site type, its NRHP status, its associated ER number and the Forest INFRA number associated with the project that identified or evaluated the site. Sites located within the project APE will be bolded.

8. A description of the field methods used.

9. A summary of each newly identified historic property as well as the condition of previously identified historic properties that were re-visited during research. This will include the contents of shovel tests located within the site, and an overview photograph of each site.

10. A closing paragraph delineating Forest recommendations, cultural resource concerns, possible mitigation measures and whether additional work is required.

11. Maps indicating the location of previously identified sites within the one-half mile of the APE and newly identified sites found within the APE will be attached to the report as an Appendix that can be removed when site location confidentiality is required.

12. Hybrid Forest-BHP site forms or the National Forest-service site form, when it is instituted by the Washington Office of the Forest Service, will be included for all previously identified and newly identified historic properties located within the APE will be attached to the report as an Appendix that can be removed when site location confidentiality is required.

13. Reports shall be submitted either by mailed hard copy or electronically as requested by recipients. The HPM shall send an email to provide advance notice to hard copy recipients that a report has been mailed. The 30-day review period for a mailed report shall commence upon receipt of the hard copy.

APPENDIX J: CLASSES OF HERITAGE RESOURCES HAVING NO NRHP POTENTIAL

The following are classes of heritage resources, by themselves alone (i.e., they are not contributing elements to historic properties and/or are less than 50 years old as of the project initiation date), have no National Register of Historic Places potential:

A. Forest Service roads constructed after 1945.

B. OGM (oil, gas, minerals) roads.

C. Logging roads and skid trails that are less than 50 years old as of the project initiation date.

D. Properties and dumps less than 50 years old, as of the project initiation date, which do not meet National Register criteria for properties of exceptional significance.

E. Fences.

F. Isolated rock piles resulting from field clearing activities in historic or modern times.

G. United States Geological Survey land survey monuments.

H. Lookout tower sites with no standing architecture remaining.

I. Oil, gas, mineral exploration and/or development equipment, material, features, and loci (such as wells, well pads, tank pads, tanks, boilers, pipes, stone pits, gravel pits, general historic or modern OGM artifact scatters, etc.) that are not part of an historic landscape.

J. Isolated historic artifacts.

K. Natural gas pipelines, pumping stations, and power lines per the Council's "Exemption Regarding Historic Preservation Review Process for Projects Involving Historic Natural Gas Pipelines (FR 16364-16365 and FR 20723-20723).

L. Trails or trail systems built in the past 50 years and maintained by the Forest Service (e.g., hiking trails, snowmobile trails, off road vehicle (ORV) trails, horse trails, interpretive trails, etc.).

M. Disturbed areas which have been bulldozed or altered to the point where archaeological integrity has been compromised.

N. Vegetation management control plots.

O. Fish structures or fish habitat stream improvements.

P. Dispersed recreation loci such as modern campsites, day use areas, and boat launches.

APPENDIX K: STANDARD PROTECTION MEASURES

The following protection measures shall be implemented as appropriate for all subject undertakings managed under this PA. When the protection measures are effective applied the Forest shall have taken into account the effect of these undertakings on historic properties.

A. Preservation in Place

At a minimum, historic properties shall be preserved in place and protected in the planning process by being excluded from areas where activities associated with an undertaking will occur.

B. Avoidance

1. All proposed activities, facilities, improvements, and disturbances shall avoid adversely affecting historic properties. Avoidance means that no activities associated with an undertaking that may adversely affect historic properties shall occur within an historic property's boundaries, including any defined buffer zones. Portions of undertakings may need to be modified, redesigned, or eliminated to properly avoid historic properties.

2. For heritage resources eligible for the NRHP under 36 CFR § 60.4(d), or those that may be important only for the information they contain, the physical demarcation of historic properties, and their exclusion from an undertaking's proposed activity areas is a minimum requirement. In some cases in order not to attract attention to some certain sensitive sites, flagging may not be appropriate. In these cases, buffer zones are still required.

3. Physical demarcation and avoidance during the implementation of an undertaking is also required for other heritage resources eligible for the NRHP under other criteria. But minimum protection requirements shall also include the use of buffer zones to extend the protection area around historic properties where setting is an important attribute, and the proposed activity may have an effect on the setting's quality.

4. Linear sites may be crossed or bounded in areas where their features or characteristics clearly lack historic integrity, that is, where those portions (taking into account any buffer zones related to setting) do not contribute to site eligibility.

5. All historic properties within an APE shall be clearly delineated prior to implementing any associated activities that have the potential to affect historic properties.

6. Historic property boundaries shall be delineated with coded flagging and/or other effective marking. Activities within historic property boundaries will be prohibited with the exception of using developed Forest transportation systems when the HPM or appropriately qualified professional recommends that such use is consistent with the terms and purposes of this agreement.

7. Historic property location and boundary marking information shall be conveyed to

appropriate Forest Service administrators or employees responsible for implementation so pertinent information can be incorporated into planning and implementation documents, and contracts (e.g., clauses or stipulations in permits).

8. Buffer zones may be established to ensure added protection where the HPM or appropriately qualified professional determines that they are necessary. The use of buffer zones in conjunction with other avoidance measures is particularly applicable where setting contributes to the property's eligibility under 36 CFR § 60.4, or where it may be an important attribute of some types of historic properties (e.g., historic buildings or structures; historic or cultural properties important to Tribes). The size of buffer zones needs to be determined by the HPM or appropriately qualified professional on a case-by-case basis. Landscape architects may be consulted to determine appropriate viewsheds for historic properties. Knowledgeable Tribes should be consulted when the use or size of protective buffers for Tribal traditional or cultural properties needs to be determined.

9. When any changes in proposed activities are necessary to avoid adversely affecting historic properties (e.g., project modifications, redesign, or elimination; removing old or confusing project markings or engineering stakes within site boundaries; or revising maps or changing specifications), these changes shall be completed prior to initiating any activities.

B. Monitoring Protective Measures on Site

Monitoring may be used to enhance the effectiveness of protection measures in conjunction with other measures (Stipulation VII). The results of any monitoring inspections shall be included in the Forest's Monitoring Report.

C. Work within the Boundaries of Historic Properties

1. The Forest Supervisor, with the advice of the HPM, may provide approval for the work specified below within the boundaries of historic properties, under carefully controlled conditions. All activities performed under these Standard Resource Protection Measures shall be documented in heritage inventory reports and shall be in keeping with the *Secretary of the Interior's Standards for Historic Preservation Projects.* The following specified activity(s) may be approved under the conditions detailed below:

a. Felling and removal of hazard, wind throw, and salvage trees within historic properties under the following conditions:

b. Felled trees may be removed using only the following techniques:

i. Hand bucking and carrying,

ii. Rubber tired loader or skidder,

iii. Crane/self-loader,

iv. Helicopter; and

v. Horse logging.

c. Equipment operators shall be briefed on the need to reduce ground disturbances (e.g., minimizing turns);

d. Exercise caution (e.g., frozen ground, snow cover, previously disturbed areas, dry conditions, etc.) when skidding or tracked equipment are used within historic property boundaries; and

e. All such activities must be monitored by an appropriately qualified professional at the time of tree removal.

f. Placement of geotextile and fill (e.g., gravel) over an archaeological deposit to prevent surface and subsurface impacts. Such material may be utilized on an archaeological deposit under the following conditions:

i. Placement will be at a depth acceptable professional standards which will be determined based on the level of protection needed based on existing soils, size and weight of vehicles or machinery that will be operating on the site.

ii. The geotextile and fill will ensure that there will be no disturbance to the ground surface or soil compaction.

iii. The geotextile and fill must be easily distinguished from and cannot mix with the underlying archaeological deposit.

iv. The geotextile and fill must be removable should research or other heritage need require access to the archaeological deposit at a later date.

v. Tribe or other public concerns about the use of the geotextile and fill will be addressed prior to use.

g. Any such specified activities within the boundaries of historic properties shall be reviewed during the annual meeting to assess continuation of or need for changes in the protection measure.

APPENDIX L: STEPS TAKEN UPON THE DISCOVERY OF HUMAN REMAINS

Upon the discovery of human remains, the following steps will be taken.

A. The person who makes the discovery shall immediately notify the Forest Supervisor by telephone and provide written confirmation to the Forest Supervisor.

B. If the discovery occurs in connection with an on-going activity, the activity will cease within the area of the inadvertent discovery and the appropriate steps be taken to protect the human remains, the surrounding context, and any associated cultural items from further disturbance.

C. The Forest Supervisor will notify the Forest's law enforcement personnel who will in turn notify the appropriate local or state law enforcement agencies.

D. The law enforcement agency that has jurisdiction in the case, in consultation with the County Coroner, will determine if the human remains are Native American or not. It may be necessary to obtain the expertise of a forensic anthropologist and/or qualified archaeologist to identify potential cultural affiliation.

E. If a qualified professional determines that the human remains are of Native American ancestry, the Forest Supervisory will notify the SHPO and Tribes within three business days that there is a discovery involving human remains. The implementing regulations of NAGPRA will then be initiated.

F. If the human remains are determined to be historic in nature, or cemeteries are encountered, the Forest will follow procedures consistent with Pennsylvania State Law Title 9 P.S. 41-47 and will take into account guidance in the National Register Bulletin 41, *Guidelines for Evaluation and Registering Cemeteries and Burial Places*, and the 1993 Pennsylvania Historical and Museum Commission *Policy for the Treatment of Burials and Human Remains.* No activities that might disturb or damage the remains, graves, or grave-associated artifacts will be conducted until the Forest Supervisor, in consultation with consulting and other appropriate parties, has determined an appropriate treatment.

APPENDIX M: ALLEGHENY NATIONAL FOREST MODEL

The Forest has developed a probability model using its ESRI ArcGIS system and spatial databases to determine locations that have High, Medium or Low probabilities for containing sites. Currently, the Forest has 372 (16 percent of the historic sites) oil and gas sites that are recorded as historic sites. Because of the large number of historic oil wells, and their associated structures (i.e., power house, tanks, pipes), it was determined that their consideration within the model would create a bias towards historic oil and gas sites over other site types. Therefore, only prehistoric sites were considered when developing the model.

Rock shelter sites were also removed from the site inventory when running model statistics. Examination of the initial model determined that high probability areas were being mapped on very steep slopes. As this was counterintuitive to what was expected, additional examination determined that the model was identifying areas that had a high probability to contain rock shelter sites. As areas with a high probability to contain rock shelters are obviously based on field observed topography (and therefore easier to identify) when in the field, the rock shelter sites were removed from the model.

Eleven covariates were accounted for in the model: elevation, slope, aspect cosine, aspect sine, curvature, insolation, available soil moisture to 150 cm in depth, horizontal distance to water, vertical distance to water, stream order and ecological land types.

Curvature refers to the curvature of the valley or the ledge, over a 100 meter distance. Slope, which is tied to curvature, refers to the gradient or steepness of the topography. Insolation is the amount of sunlight a location receives each day, while available soil moisture and the amount of water at depth both of affect the amount and types of vegetation available. Horizontal distance to water is the planar distance to water, whereas vertical distance refers to the elevational distance to water. Stream order takes into account whether sites cluster near 1st, 2nd and 3rd order streams; 3st order being the largest streams (e.g., the Amazon) and 1st order the smallest. Ecological land types are distinct ecological areas that are identified based on their geology, topography, soils, and vegetation, climate, species and water resources.

Observations of the output patterns noted that sites cluster around large order streams (larger streams), that they were found on less acute landform angles (broader land forms as opposed to steep angled topography) with less elevation. It also indicated that areas with higher available soil moisture had a higher probability of being associated with sites. This association, while important, can only be applicable to sites that were occupied during the modern climate and precipitation regime. The observed patterns indicate that higher elevations possess a lower probability of containing prehistoric sites, that sites have a higher probability of being located at lower elevations, along valley bottoms.

While employing the new model the Forest shall use pedestrian survey methods similar to those used by Haney (2003) in her upland research on the Forest. Testing in high probability areas will be conducted in a more subjective manner rather than intense testing in which shovel tests are

excavated every 15 meters. This level of intensity is exceedingly cost prohibitive especially as the Forest routinely initiates projects that are several thousand acres in size. High probability areas will be surveyed in transects no greater than 15 meters apart and shovel tests that are 50 centimeters in diameter will be excavated in locations conducive to human habitation rather than across the entire high probability area. Shovel tests will be excavated 15 meters apart when surveyors are within 100 meters of streams or springs. When on slopes of less than 15 percent shovel tests will be excavated in locations that appear to be inhabitable and/or locations of sediment deposits. In upland locations, areas considered high probability that consist of flat topography or with a slight rise will also be shovel tested using judgmental placement of shovel tests.

Testing strategies in low and moderate/medium probability areas shall remain the same as those currently used and suggested by the BHP. The selection of testing locations shall remain judgmental, with a sample of the area being tested using 15 meter intervals.

All other methods shall remain consistent with the recommended BHP standards: all sediments will be screened through ¼ inch construction cloth, all shovel tests shall be excavated to a depth in which no cultural materials could occur. If cultural material is identified within a shovel test, additional radial shovel tests, spaced no more than two meters from the original positive unit, shall be excavated or the initial shovel test will be expanded to a one meter by one meter test unit.

Updating the Model

As work on historic property inventory studies continue on the Forest, the data will be added to the Arc GIS database and this data will be used to refine the model in an attempt to better identify areas of high, medium and low probability for historic properties. The re-assessment of the model will occur subsequent to the completion of all large acreage projects. If additional covariates are determined to be applicable, they will also be added to the model. Further bootstrapping statistics will also be run to assess the accuracy of the model as it continues to be developed.

With continued statistical endeavors, historic sites will also be used in the probability model.