

USDA Forest Service Alaska Region  
 Heritage Program Desk Guide  
 Section 106 Tribal Consultation

Objective .....	2
*Important Note* .....	2
Definitions.....	2
Consultation .....	2
Section 106 Consultation .....	3
Tribe .....	3
Government-to-Government Consultation .....	3
Government-to-Corporation Consultation .....	3
Consultation with Tribes and Alaska Native Corporations under NEPA.....	3
Findings of Effect.....	4
Historic Property .....	5
Historic Property of Significance to Tribes.....	5
Historic Property of Traditional Religious and Cultural Importance.....	5
Sacred Place .....	5
Sacred Site.....	5
Traditional Cultural Property .....	5
Traditional Use Area .....	6
Tribally Significant Site/Area .....	6
Roles and Responsibilities.....	6
Line Officers .....	6
Heritage Professionals .....	7
Tribal Relations Specialists.....	7
Alaska Region Tribal Consultation Protocol.....	9
Initial Tribal Consultation (General/Not Specific to Section 106).....	9
Section 106 Tribal Consultation – Minimum Requirements.....	10
How Government-to-Government Section 106 Consultation is Different from Government-to-Corporation Section 106 Consultation .....	11
Section 106 Tribal Consultation – Tips for Successful Consultation .....	11
Line Officers Should NOT .....	14
Recommended Training to Improve Section 106 Tribal Consultation.....	15
Appendix A – Forest Service Consultation Policy Excerpts .....	16
FSM 2360 Heritage Program Management .....	16

FSH 2309.12 Heritage Program Management Handbook .....	17
FSM 1563 Tribal Relations .....	19
FSH 1509.13 American Indian and Alaska Native Relations Handbook.....	20
Appendix B – Alaska Region Tribal and Corporation Consultation Record.....	22
Appendix C – Alaska Region Examples of Letters to Tribes and Alaska Native Corporations .....	25

## Objective

This plan is intended to provide guidance to Line Officers, Heritage staff, and Tribal Relations staff regarding how to conduct Section 106 tribal consultation. The intent of this guide is to formalize and improve practices that are consistently applied throughout the Alaska Region.

This guide provides direction and advice in accordance with federal historic preservation laws, regulations, and agency policy. Much of the following is excerpted from Forest Service Heritage and Tribal Relations program directives and National Historic Preservation Act (NHPA) Section 106 implementing regulations (36 CFR 800):

- Forest Service Manual (FSM) 2360 Heritage Program Management
- Forest Service Handbook (FSH) 2309.12 Heritage Program Management Handbook
- FSM 1563 Tribal Relations
- FSH 1509.13 American Indian and Alaska Native Relations Handbook
- 36 CFR 800 Protection of Historic Properties

## \*Important Note\*

“Consultation with Indian Tribes in accordance with NHPA Section 106 is between the Agency Official and the Tribal Official” (FSH 2309.12 Chapter 13.12).

“Government-to-government consultation may only occur between Forest Service Line Officers and tribal leaders who have authority to consult on behalf of their Tribe...Tribal consultation may not be delegated from Line Officers to staff in the field” (FSH 1509.13 Chapter 11.1).

## Definitions

### Consultation

“Consultation is formal communication required in legislation and is between the Forest Service Responsible Official and specific parties indicated in the pertinent legislation. NHPA defines consultation as the process of seeking, discussing, and considering the views of other participants designated in statute or regulation, and where feasible, reaching agreement with them regarding matters affecting cultural resources on National Forest System lands. Notification may also be required in legislation, but unlike consultation, does not necessarily require discussion or agreement” (FSH 2309.12 Chapter 05).

See also government-to-government and government-to-corporation definitions below.

Consultation is meaningful exchange of information between the agency and Tribes and Alaska Native corporations (ANCs) and includes following up afterwards to share how the information they shared was utilized and if not, why not.

Encompasses consultation about how to consult. It is in consultation with Tribes and ANCs that the parties define the process of consultation.

### Section 106 Consultation

“Consultation means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process. The Secretary’s “Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act” provide further guidance on Consultation” [36 CFR 800.16(f)].

### Tribe

“Indian tribe means an Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation or village corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians” [36 CFR 800.16(m)].

### Government-to-Government Consultation

“Also “Tribal Consultation.” The timely, meaningful, and substantive dialogue between Forest Service officials who have delegated authority to consult, and the official leadership of federally recognized Indian Tribes, or their designated representative(s), pertaining to decisions or actions that may have tribal implications” (FSM 1563.05).

### Government-to-Corporation Consultation

“Consultation with Alaska Native Corporations is considered to be on a government-to-corporation basis” (FSM 1563.1).

“In Alaska, the Forest Service is also required to consult with Alaska Native Corporations (ANCs) on a government-to-corporation basis rather than government-to-government. See: Executive Order 13175 as modified by Public Law 108-199, 118 Stat. 3, 447, as further modified by Public Law 108-447, 118 Stat. 2809, 3267” (FSH 1509.13 Chapter 11.1).

Note - The government-to-government and government-to-corporation process is the same with one difference specific to sharing confidential information. Do not share site location or other confidential information with an ANC without written consent from the affected Tribe(s). See “How Government-to-Government Section 106 Consultation is Different from Government-to-Corporation Section 106 Consultation” section below for additional guidance.

### Consultation with Tribes and Alaska Native Corporations under NEPA

“ ...

3. Consultation and Coordination with Indian Tribes on National Forest System Project Planning and Decision Making. The National Environmental Policy Act’s [(NEPA of 1969), 42 U.S.C. 4321 et seq.] Council on Environmental Quality (CEQ) implementing regulations at 40 CFR parts 1500-1509 require Federal agencies to invite Indian tribes to participate in the scoping process for projects and activities that affect Indian tribes and requires NEPA documentation. Section 1501.2 requires that:

**The Federal agency consults early with appropriate State and local agencies and Indian tribes and with interested persons and organizations when its own involvement is reasonably foreseeable.**

Indian tribes may also meet with Line Officers in advance of the formal planning processes as part of ongoing consultation, cooperation, and collaboration relating to planned or potential projects” (FSM 1563.8d).

**“Tribal Government [NEPA] Consultation and Coordination**

<b>Authority</b>	<b>Whom to Contact</b>	<b>Applies to:</b>	<b>Time Frame</b>
NEPA - National Environmental Policy Act of 1969 (42 U.S.C. 4321 et. seq.), as amended, and CEQ regulations at 40 CFR parts 1500-1509.	Tribal Officials. Indian tribes may be participating parties.	Among other purposes, to preserve important historic, cultural and natural aspects of our national heritage. Provide opportunity to participate in land management decisions.	Scoping process, comment period: 30 days on EA, 45 days on EIS”

(FSM 1563.11 Exhibit 1).

Consultation prior to scoping is encouraged to ensure early coordination and collaboration. This would be an ideal time to invite cooperating agency status. For further information see <https://ceq.doe.gov/docs/ceq-regulations-and-guidance/regs/ceqcoop.pdf> Council on Environmental Quality (CEQ) Memorandum For Heads of Federal Agencies: Designation of Non-Federal Agencies to the Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act (1999) and <https://ceq.doe.gov/get-involved/tribes-and-nepa.html> CEQ Guidance and Executive Orders Related to Native Americans.

**Findings of Effect**

No historic properties affected – “If the agency official finds that either there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them as defined in § 800.16(i)” [36 CFR 800.4(d)(1)].

No adverse effect – “when the undertaking's effects do not meet the criteria of paragraph (a)(1) of this section or the undertaking is modified or conditions are imposed...to avoid adverse effects” [36 CFR 800.5(b)].

Adverse effect – “when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative” [36 CFR 800.5(a)(1)].

Effect – “means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register” [36 CFR 800.16(i)].

## Historic Property

“Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes *properties of traditional religious and cultural importance to an Indian tribe* or Native Hawaiian organization and that meet the National Register criteria” [36 CFR 800.16(l)(1)].

## Historic Property of Significance to Tribes

“Consultation on *historic properties of significance to Indian tribes* and Native Hawaiian organizations. Section 101(d)(6)(B) of the act requires the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property. Such Indian tribe or Native Hawaiian organization shall be a consulting party” [36 CFR 800.2(c)(2)(ii)].

## Historic Property of Traditional Religious and Cultural Importance

“The agency official shall ensure that consultation in the section 106 process provides the Indian tribe or Native Hawaiian organization a reasonable opportunity to identify its concerns about *historic properties*, advise on the identification and evaluation of historic properties, including those of *traditional religious and cultural importance*, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects” [36 CFR 800.2(c)(2)(ii)(A)].

## Sacred Place

“Any specific location on National Forest System land, whether site, feature, or landscape, that is identified by an Indian tribe, or the religious societies, groups, clans, or practitioners of an Indian tribe, as having important spiritual and cultural significance to that entity, greater than the surrounding area itself. Sacred places may include but are not limited to geological features, bodies of water, burial places, traditional cultural places, biological communities, stone and earth structures, and cultural landscapes uniquely connecting historically important cultural sites, or features in any manner meaningful to the identifying Tribe” (FSM 1563.05).

## Sacred Site

“As identified in Executive Order 13007, any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the Agency of the existence of such a site” (FSM 1563.05).

## Traditional Cultural Property

“A cultural resource that is eligible for inclusion in the National Register of Historic Places because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. The entity evaluated for eligibility for inclusion in the National Register of Historic Places must be a tangible property; that is, a district, site, building, structure, or object as defined in 36 CFR 64.4” (FSM 1563.05).

## Traditional Use Area

An area of use or practice identified by a Tribe, or an individual determined to be an appropriately authoritative representative of a Tribe, as traditional or cultural because of its long established significance to that Tribe in exercising their pre-existing traditional sovereign rights and interests [FSM 1563 Tribal Relations and *Tribal Cultural and Heritage Cooperation Authority Technical Guide, A Companion to the Forest Service Directives, For implementing the Cultural and Heritage Cooperation Authority 25 U.S. Code Chapter 32A* (CHCA Technical Guide)].

## Tribally Significant Site/Area

Any specific, discrete, narrowly delineated location on Federal land that is identified by a Tribe, or individual determined to be an appropriately authoritative representative of that Tribe, as significant; provided that the Tribe or appropriately authoritative representative of the Tribe has informed the agency of the existence of such a site/area (FSM 1563 Tribal Relations and CHCA Technical Guide).

## Roles and Responsibilities

Applicable Directives:

- FSM 2360 Heritage Program Management
- FSH 2309.12 Heritage Program Management Handbook
- FSM 1563 Tribal Relations
- FSH 1509.13 American Indian and Alaska Native Relations Handbook

Note – The Consulting Official is responsible for all aspects of consultation documentation: “The Forest Service Consulting Official is responsible for making and maintaining a record of consultation” [FSH 1509.13 Chapter 11.42.8(a) pg. 11].

## Line Officers

### FSM 2360.46 – Regional Foresters, Station Directors, and Area Director

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3. Conduct government-to-government consultation with American Indian and Alaska Native tribes as related to regional Heritage Program policies and issues.
4. Coordinate with the Tribal Government Relations Program to ensure that government-to-government consultation related to cultural resources is consistent with direction provided in FSM 1563.

### FSM 2360.47 – Forest and Grassland Supervisors

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3. Consult on forest and grassland plans and projects with State Historic Preservation Officers, Tribal, State, and local governments.

### FSM 1563.04j - Forest, Grassland, and Prairie Supervisors

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3. Serve as the Consultation Official on the Unit. This requires being personally engaged in the consultation process with Tribes.

#### FSM 1563.04k - District Rangers

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2. Serve as the consultation official on the Unit when delegated that authority by the Forest Supervisor. This requires being personally engaged in the consultation process with Tribes.

#### Heritage Professionals

##### FSH 2309.12 04.12 – Regional Heritage Program Leader

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7. Represent the Regional Forester in Regional or State programmatic consultation with the Advisory Council, State Historic Preservation Officers (SHPOs), and where appropriate with Tribes and Tribal Historic Preservation Officers (THPOs), and other appropriate historic preservation organizations to establish Regional program efficiencies and identify opportunities for collaboration.

##### FSH 2309.12 04.13 – Forest or Grassland Heritage Program Leader

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5. Assist the Forest/Grassland Supervisor to act as the primary contact with the SHPO, THPO, Indian Tribes, and the Regional Office in regards to cultural resource management.
6. Represent the Forest Supervisor under delegated authority in programmatic consultation with the Advisory Council, SHPOs, and (where appropriate) with Tribes and THPOs, and other interested historic preservation organizations to establish Forest/Grassland program efficiencies and identify opportunities for collaboration.

#### Tribal Relations Specialists

##### FSM 1563.04i - Regional Tribal Relations Program Managers

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1. Ensure that tribal interests and rights are considered and integrated across program areas and that government-to-government relations between Tribes and Forest Service Administrative Units are conducted in compliance with applicable laws, Executive Orders, and Agency policy.
2. Collaborate with other Federal agencies, Tribes, and American Indian advocacy organizations to implement programs and projects and seek mutually beneficial opportunities.
3. Serve as the Region's primary source of advice and assistance on matters involving tribal relations; including advising line and staff on responses to tribal requests for use of National Forest System lands and resources.
4. Brief and coach Line Officers, Forest, Grassland, and Prairie Tribal Liaisons, key staff, and appropriate specialists on effective communication and cultural knowledge and skills required for effective government-to-government relationships between the Forest Service and Tribes and tribal organizations.
5. Monitor Forest Service programs to ensure that tribal governments are consulted when land and resource management plans and/or other actions could affect tribal rights and interests.

FSM 1563.04I - Forest, Grassland, and Prairie Tribal Liaisons

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1. Support their Unit and especially their Line Officer's efforts regarding tribal consultation, coordination, and collaboration.
2. Serve as the Unit primary staff point of contact for developing and maintaining relationships with Tribes.

FSM 2360 12.1 – Exhibit 01

**Heritage & Tribal Government Relations Programs: Leads & Responsibilities**

<b>Heritage Lead <u>FSM 2360 &amp; FSH 2309.12</u></b>	<b>Mutual Responsibilities</b>	<b>Tribal Government [Relations Lead] <u>FSM 1563 &amp; FSH 1509.13</u></b>
NHPA	Government to government relationships	NEPA
NEPA – NHPA compliance	Information & technology sharing	NEPA – consultation & coordination
		Traditional ecological knowledge

# Alaska Region Tribal Consultation Protocol

## Initial Tribal Consultation (General/Not Specific to Section 106)

The following is the responsibility of the Line Officer - A new project is proposed on your unit. Does it have the potential to affect Tribes or ANCs? How do you determine if it has the potential to affect them?

- Ask your Tribal Relations staff
- Ask your Heritage staff
- Ask your program managers
- Ask the Tribes and ANCs - establish the types of activities and areas of interest up front with each entity and document in an MOU
- Does the project area include one or more of the following (see “Definitions” section above):
  - A sacred site or area, area of religious importance, or tribally significant site or area?
    - Note - Tribal Relations staff is primarily responsible for taking the lead on reburial projects and sacred sites protection, often in collaboration with the Heritage program.
  - A known historic property (including burials) that may be of interest to Tribes and ANCs?
  - A traditional use area?
  - Areas that have not been previously inventoried?
- Is the proposed activity ground disturbing and/or does it have the potential to affect a known site?
- Is the proposed activity located within a geographic area important to Tribes and ANCs (even if the proposed activity is not ground disturbing)?

***If feedback from any of the above is yes, invite tribal consultation.***

How to invite tribal consultation:

Discuss the project with a Tribal Relations specialist. Determine which Tribe(s) or ANC(s) would be potentially affected by the proposed activity.

- Call/email/send letters to potentially affected Tribal and Corporation Leaders.
  - If an MOU describing consultation protocols is in place with a Tribe or ANC, follow the established protocols in the MOU.
  - Invite the Tribe and ANC Leaders to consult on the project.
  - Example included in Appendix B – Invite Tribal Consultation letter (not specific to Section 106)
- If you send a letter or an email, follow the written correspondence up with a phone call.
  - Remember – letters are considered notification, not consultation.
- If the Tribe or ANC requests to consult on the project, schedule a consultation meeting at the leadership level requested (District, Forest, Region).

During the consultation meeting:

- Determine consultation protocols (see FSH 1509.13 Chapter 11.4 Tribal Consultation Steps for further guidance).
- Ask if the following are topics of interest:
  - Areas of religious and cultural significance (Section 106)
  - Any other possible topic of interest to Tribes and ANCs

Implement agreed upon protocols. If areas of religious and cultural significance (Section 106) is a topic of interest, Heritage Professional will provide support as you proceed through Section 106 consultation.

### Section 106 Tribal Consultation – Minimum Requirements

1. Line Officer, with Tribal Relations and Heritage staff support, will provide the following:
  - a. Project description and map showing area of potential effect (APE). Describe how the APE was defined. Note – The APE may be redefined pending tribal consultation.
  - b. Narrative describing records review results and plan for field inventory (if warranted).
  - c. The current plan to follow standard or streamlined Section 106 procedures (in the Alaska Region Heritage program management programmatic agreement). If the undertaking is an authorized undertaking in Appendix B of the programmatic agreement, list and justify which one.
  - d. Ask if there are any tribally significant areas of concern within the current APE.
  - e. Example included in Appendix B – Section 106 Initiation letter (specific to Section 106)
  - f. Heritage staff may or may not draft the letter but Tribal Relations staff should review all letters. Other reviewers may be warranted such as law enforcement, etc.
  - g. All of the above will be documented to a level appropriate to the proposed undertaking. See “Tips for Successful Consultation” section for what to include in project documentation. Written documentation includes:
    - i. Phone logs
    - ii. Email correspondence
    - iii. Meeting notes
    - iv. Formal correspondence
    - v. Alaska Region Tribal and Corporation Consultation Record (Appendix C)
2. If a formal (Section 106 Initiation) letter is sent, Line Officer, with Tribal Relations and Heritage staff support, will follow up the letter with a phone call to ensure the letter was received by the right person, and to answer any questions.
  - a. Ask if the Tribe or ANC would like to schedule a consultation meeting to discuss further.
3. If a field inventory is warranted, Line Officer, with Tribal Relations and Heritage staff support, will provide documented communications to Tribes and ANCs that includes the following:
  - a. Results of field inventory (i.e. archaeological sites, historic structures, cultural landscapes, etc.).
    - i. Site information is restricted. Consultation protocol should include who in the Tribe or ANC is privy to confidential site information, ideally codified in a consultation protocol memo/MOU or through official correspondence.
  - b. Recommended determinations of eligibility (DOE) for review including explanation of why that determination was made. Consider including the Section 106 Primer located in Appendix D.
  - c. Recommended finding of effect (FOE) for review. See “Definitions” section above.
    - i. “no historic properties affected” – If historic properties are absent or will be avoided by project activities.
    - ii. “no adverse effect” – If there is a potential to affect historic properties or tribally significant cultural resources or areas of concern, include proposed conditions to avoid adverse effects to historic properties.
    - iii. “adverse effect” – If historic properties cannot be avoided and/or conditions cannot be applied to avoid adversely affecting them, then invite the Tribe or ANC to participate as a consulting party in the development of a memorandum of agreement (MOA) or programmatic agreement to resolve adverse effect.

- d. Address tribally significant cultural resources and areas of concern – how will they be protected during project implementation?
    - i. If there is a request for a tribal monitor, Line Officer with Tribal Relations and Heritage staff support will discuss how to proceed.
  - e. Give a review deadline (see consultation protocol established during initial consultation meeting).
  - f. Example included in Appendix B – Section 106 Findings and Recommendations letter
4. Line Officer, with Tribal Relations and Heritage staff support, will follow up the (Section 106 Findings and Recommendations) letter with a phone call to ensure the letter was received by the right person and to answer any questions.
  5. Incorporate Tribe and ANC input.
  6. Line Officer, with Tribal Relations and Heritage staff support, will document consultation by:
    - a. including a copy of all Section 106 consultation correspondence, phone records, emails, meeting notes, etc. in the consultation project file; and
    - b. uploading consultation documentation to the SharePoint site for USDA Tribal Consultation and Collaboration  
<https://usdagcc.sharepoint.com/sites/osec/OTR/SitePages/Home.aspx>.
 

Note - Be sure to follow agreed upon protocol for dealing with sensitive information. Heritage staff maintains restricted site information.
  7. Line Officer, with Tribal Relations and Heritage staff support, will complete consultation by sending a (Conclude Tribal Consultation) letter to the Tribe or ANC that concludes Section 106 tribal consultation. Include the following:
    - a. Summary of Section 106 review provided by Heritage staff;
    - b. Explain how information that was shared by the Tribe or ANC during consultation was taken into consideration.
    - c. Example included in Appendix B – Conclude Tribal Consultation letter (not specific to Section 106 but includes conclusion of Section 106)

### How Government-to-Government Section 106 Consultation is Different from Government-to-Corporation Section 106 Consultation

The process is the same with one difference specific to sharing confidential information. Do not share site location or other confidential information with an ANC without written consent from the affected Tribe(s). All inventory or other reports or correspondence containing confidential or culturally sensitive information that are provided for review during the Section 106 process must be redacted unless affected Tribe(s) have formally approved such disclosure. Approvals may come in the form of tribal council resolutions, language in MOUs, or written correspondence. It is imperative that these approvals are in writing.

If an ANC asks for culturally sensitive information and tribal approval(s) is not on file, refer them to the affected Tribe(s).

### Section 106 Tribal Consultation – Tips for Successful Consultation

- Line Officer, with Tribal Relations and Heritage staff support will draft official correspondence. Tribal Relations staff should review all draft correspondence.
- Remember – consultation is fluid. One way of consulting that works well with one Tribe or ANC may not work with another. Establishing consultation protocols up front with each Tribe and ANC is critical. See FSH 1509.13 Chapter 11.4 Tribal Consultation Steps for further guidance.
- Include NHPA Section 106 language in all NEPA correspondence – start the NEPA and NHPA processes at the same time. Any time you can send one letter instead of two is appreciated.

- See Appendix B – Notice of Intent letter (not specific to Section 106 but serves to initiate Section 106)
  - Invite consultation under both NEPA and NHPA
- Remember – tribal consultation and input is different and separate from public comment
- Starting early is critical i.e. when the project is being conceived
- Line Officer, with Tribal Relations and other staff support (as warranted):
  - Attend Council or other Tribe or ANC meetings when invited or as outlined in established MOU – share information about ongoing and upcoming projects, bring maps, photographs, or other visual aids as warranted
  - Schedule regular meetings with Tribes and ANCs – share information about ongoing and upcoming projects, bring supporting documentation
- Be sure to build relationships with all Tribes AND ANCs with an interest in your district, not just local Tribes.
- Interaction with non-federally recognized tribes is not government-to-government. In the Section 106 process non-federally recognized tribes are interested parties rather than consulting parties. Consider developing communication MOUs with non-federally recognized tribes as appropriate.
- Identify a note taker when attending/hosting consultation meetings. **“The Forest Service Consulting Official is responsible for making and maintaining a record of consultation”** [FSH 1509.13 Chapter 11.42.8(a) pg. 11]. Remember, if the consultation is not documented, it did not occur. Consider using the Tribal and Corporation Consultation Record (Appendix C). Document the following:
  - Topic, date, attendees
  - What was discussed
  - Decisions
  - Action Items
  - What needs follow-up, and why
  - Note – Be cognizant of sensitive and confidential information shared by Tribes and ANCs. Information may need to be redacted when notes become official records.
  - Be sure to share notes relevant to Section 106 reviews with Heritage staff.
- Document phone calls. Capture the same information listed above. Consider using the Tribal and Corporation Consultation Record (Appendix C).
- Include all correspondence, including emails, in the consultation record.
- Staff-to-staff communications may be warranted during the Section 106 process
  - Information sharing only, no decisions are made
  - Phone, email, and in-person are good staff-to-staff ways to communicate.
  - Do not communicate staff-to-staff using formal correspondence.
- Include the following in the Section 106 project record (maintained by Heritage program) and the tribal consultation project record (maintained by Line Officer with Tribal Relations staff support)
  - Phone records
  - Emails
  - Letters
  - Meeting notes
  - Note – Be cognizant of sensitive and confidential information shared by Tribes and ANCs. Information may need to be redacted when notes become official records.
- Share meeting notes with Heritage staff if cultural resources or areas of religious or traditional importance are discussed during a consultation meeting.
- Involve Heritage and Tribal Relations staff in early project planning – both NEPA and non-NEPA projects. Early involvement by Heritage and Tribal Relations staff is essential to any type of plan including informing the development of alternatives in the NEPA process.

- Heritage and Tribal Relations staff must be invited members of project inter-disciplinary team (IDT) meetings and be involved as appropriate in development of alternatives.
  - If at all possible - avoid known historic properties and exclude areas of known religious importance and traditional use areas from proposed project activities.
  - Involving Heritage and Tribal Relations staff at the beginning of project planning saves time and money.
- Involve Tribes and ANCs early in project planning (NEPA). Give them the opportunity to help formulate alternatives. If Tribes and ANCs are engaged at the beginning, the benefits include:
  - Tribes and ANCs are given a voice
  - May result in innovative and culturally sensitive ideas
  - Cost and time savings
  - Builds trust that we will share relevant information and incorporate feedback in a timely and respectful manner
- Be sure Heritage staff are focused primarily on NHPA Section 106 tribal consultation. It is not generally appropriate to ask Heritage staff to advise on government-to-government consultation not related to a Section 106 undertaking.
- If you ask Heritage staff to do the following, recognize that these are other duties as assigned and take time away from other priority work:
  - Set up meetings with Tribes and ANCs
  - Be notetaker at regular meetings with Tribes and ANCs that are not specific to Section 106
- Tribal Relations staff is primarily responsible for taking the lead on reburial projects and sacred sites protection, in collaboration with the Heritage program.
- It is not appropriate to ask Tribal Relations staff to perform Heritage staff duties such as:
  - Any Heritage related duties such as fieldwork, analysis, and determination of eligibility
  - Conducting field inventories independent of Forest Heritage staff
  - Lead field visits for tribal members/council/elders without Heritage staff
  - Writing nominations to formally place historic properties on the National Register
  - Consulting with tribal council/elders regarding possible Traditional Cultural Properties (TCPs) and other areas of cultural concern without Heritage staff involvement
  - Determining whether or not an undertaking will have an adverse effect on historic properties
  - Identifying minimization and/or mitigation measures for a historic property that will be adversely affected by a proposed undertaking
- Good relationships result in meaningful dialogue. It is worth taking the time to build and nurture relationships with Tribe and ANC staff.
  - Participate in Tribe and ANC events in your community. Be a good neighbor.
  - Partner with Tribes and ANCs on:
    - Offering tribal participation in FS meetings and IDT work, invite tribal perspectives and concerns
    - Mutually beneficial projects
    - Developing interpretative products
  - Consider tribal welcoming or opening at FLT meetings or other FS meetings
  - Invite Tribes and ANCs to the field
    - Before, during, and after project implementation
    - To participate in monitoring trips
    - To visit sites or areas important to Tribes and ANCs
    - Be sure to address safety issues proactively. Consider inviting Tribe and ANC staff to district safety trainings.

- Utilize volunteer agreements, day use authorization
  - Learn the cultural norms of different Tribes, work to understand the cultural differences; differences in government structure, social structure, protocols for interacting, etc.
  - Avoid the appearance of being distracted by electronic devices
  - Ask questions and engage
- Consider sending a copy of the Alaska Region Heritage program management programmatic agreement annual summary of activities to Tribes and ANCs each FY in the spirit of information sharing.
- Recognize that some districts represent the ancestral territory of a small number of Tribes and ANCs while another district includes the ancestral territory of more than a dozen tribal entities. Tribal Relations staff support is critical.
- Heritage staff – use the ‘Program Consultation’ task type in Heritage Web to track when Section 106 tribal consultation has occurred.
- Invite Section 106 tribal consultation on authorized undertakings when warranted. See ‘Tribal Consultation – Not Specific to Section 106’ section above.
- When reaching out to and scheduling calls and meetings, be cognizant of seasonal harvest rounds, times of cultural celebration events, memorial and funerary events, as well as unusual circumstances such as national and global emergencies.
- Be sure to communicate commitments and agreements made with each Tribe and ANC to appropriate District, Forest, and Regional staff, while maintaining confidentiality.
- Always use the most current tribal contact list located on the R10 Tribal Government Relations SharePoint site <https://usdagcc.sharepoint.com/sites/fs-r10-tcdb/SitePages/Home.aspx> Do not rely on copies.
- **All consultation must be documented in the SharePoint site for USDA Tribal Consultation and Collaboration** <https://usdagcc.sharepoint.com/sites/osec/OTR/SitePages/Home.aspx> established by the Office of Tribal Relations to help USDA agencies maintain an accountable process to ensure regular and meaningful consultation with tribal officials in the development of policies that may have tribal implications [FSH 1509.13 Chapter 11.42.8(b) pg. 11].
  - **It is the Line Officer responsibility to ensure notes are taken and all consultation documentation is uploaded to the USDA Tribal Consultation and Collaboration SharePoint site. This is not optional.**
- Use caution when relying on ancestral territory maps. Best practice is to talk to your Tribal Relations and Heritage staff. Cast a wide net and let Tribes and ANCs decide which projects, sites, and areas they’re interested in.
- Transparency and open communication and information sharing lead to meaningful consultation.
- If you didn’t document it, it didn’t happen.

### Line Officers Should NOT

- Send Heritage or Tribal Relations staff to tribal consultation meetings as the agency representative.
  - “Government-to-government consultation may only occur between Forest Service Line Officers and tribal leaders who have authority to consult on behalf of their Tribe...Tribal consultation may not be delegated from Line Officers to staff in the field” (FSH 1509.13 Chapter 11.1).
- Be distracted by electronic devices.
- Assume a meeting will start or end on time or follow an agenda.
- Assume that someone is taking notes. See FSH 1509.13 Chapter 11.42.8(a-c) pg. 11.
- Classify staff-to-staff information sharing/collaboration as government-to-government consultation.

## Recommended Training to Improve Section 106 Tribal Consultation

- In House – Alaska Region Heritage program management programmatic agreement Implementation Training
  - Required for Line Officers and Heritage staff within 6 months of on-boarding
  - Offered by Heritage staff
- In House – Tribal Relations Training
  - Offered by Tribal Relations staff
- AgLearn
  - [Historical Overview of The Federal-Tribal Relationship](#)
  - [Federal Trust Responsibility](#)
  - [Tribal Sovereignty](#)
  - [Tribal Consultation, Coordination, And Collaboration](#)

## Appendix A – Forest Service Consultation Policy Excerpts\*

### FSM 2360 Heritage Program Management

#### 2361.2 – NHPA Section 106 Consultation

When agency or agency-authorized undertakings have the potential to affect cultural resources, the focus of identification and evaluation of historic properties narrows to the area of potential effect. In such cases, NHPA Section 106 guides consultation.

36 CFR 800.2(c)(1-5) identifies consulting parties in the NHPA Section 106 process as:

5. The SHPO.
6. Indian tribes and Native Hawaiian organizations (including THPOs designated per NHPA Section 101(d)(2)).
7. Representatives of local governments.
8. Applicants for Federal assistance.
9. Additional consulting parties.

The Advisory Council oversees the operation of the NHPA Section 106 process and consults directly with agencies in certain situations.

#### 2361.22 – Consultation with Indian Tribes

36 CFR 800.2(c)(2) states that “consultation with Indian tribes should be conducted in a sensitive manner respectful of tribal sovereignty (...) and must recognize the government-to-government relationship between the Federal Government and Indian tribes. (...) When Indian tribes and Native Hawaiian organizations attach religious and cultural significance to historic properties off tribal lands, Federal agencies must consult with such Indian tribes and Native Hawaiian organizations in the NHPA Section 106 process.” The term “Indian tribe” includes Alaska native corporations (see definitions at 2360.5). The appropriate Tribal contact for consultation may include:

1. Officials of federally recognized Tribal governments and Native Hawaiian organizations.
2. Tribal Historic Preservation Officers designated under NHPA Section 101(d)(2).
3. Staff members of Indian tribes and Native Hawaiian organizations such as resource specialists, cultural program managers, cultural committees, or other Tribal representatives designated by the appropriate Tribal authority as contacts for NHPA Section 106 purposes.
4. Traditional cultural or religious leaders and practitioners identified by officials of Tribal governments and Native Hawaiian organizations.

In some cases, it may also be appropriate to consult with individuals not currently affiliated with federally recognized Tribal governments. Individuals or groups with historic ties to the lands in question including those who are no longer locally resident, often have knowledge of traditional and cultural properties on NFS lands.

For Forest Service or Forest Service authorized undertakings occurring on or affecting historic properties on Tribal lands, the agency official shall consult with:

1. THPOs designated under NHPA Section 101(d)(2) in lieu of the SHPO, or
2. A representative designated by an Indian tribe (in the case the tribe has not assumed SHPO functions under NHPA Section 101(d)(2)). In this case, the consultation will be in addition to the SHPO.

\*Highlighting is intentional and represents passages especially relevant to the topic of this desk guide.

## FSH 2309.12 Heritage Program Management Handbook

### 13.1 – NHPA Section 106 Consultation

For related direction see FSM 2361.2

See FSM 2364.1 and chapter 42 of this Handbook for NHPA Section 106 compliance procedures. See chapter 20, section 22.4 of this Handbook for information concerning the timing and interaction between NHPA Section 106 and NEPA compliance.

NHPA Section 106 and its implementing regulations at Section 800.2 of Title 36, Code of Federal Regulations, Part 800 – Protection of Historic Properties, identify consulting parties as the SHPO, Indian Tribes and Native Hawaiian organizations (including THPOs designated per NHPA Section 101[d][2]), representatives of local governments, applicants for Federal assistance, and additional consulting parties including the public and other interested parties.

The level of consultation with Indian Tribes, local governments, applicants for Federal assistance, and other interested parties should reflect the nature and complexity of each undertaking, its potential effects on historic properties, and the likely interest of the consulting parties.

As soon as possible during annual work planning, provide a program of work and project list to SHPOs, Indian Tribes, and other consulting parties to facilitate scheduling of consultation and coordination meetings.

The following exhibit shows which consulting parties are involved in the steps identified in 36 CFR 800. The Advisory Council on Historic Preservation and the Keeper of the National Register are not generally involved in NHPA Section 106 consultation for routine Forest Service undertakings. They are included in the table to illustrate specific situations in which they may be a consulting party.

#### 13.1 - Exhibit 01

##### **Consulting Parties under NHPA Section 106**

<b>Forest Service Undertaking</b>	<b>SHPO</b>	<b>Indian Tribes</b>	<b>Other*</b>	<b>Advisory Council</b>	<b>Keeper</b>
NHPA project compliance	A	C	C	C	
NHPA alternative procedures	A	C	C	A	
National Register evaluation & nomination	A	C	C		
Forest Service and SHPO failure to agree on eligibility					A
Determination of Effect	A	C	C	C	
Forest Service and SHPO failure to agree on effect	A			A	
Adverse effect to Historic Property	A	C	C	A	
Mitigation Measures	A	C	C	C	

A = Always; C = Contingent on specific undertaking or affected cultural resource(s)

\*Other = representatives of local governments, applicants for Federal assistance, and additional consulting parties including the public and other interested parties (36 CFR 800.2)

### 13.12 – NHPA Section 106 Consultation with Indian Tribes

Consultation with Indian Tribes in accordance with NHPA Section 106 is between the Agency Official and the Tribal Official. The Tribal Official may designate a representative for NHPA Section 106 consultation. If an Indian Tribe has a THPO designated under NHPA Section 101(d)(2), the Tribal Official sometimes designates that individual as the appropriate contact for purposes of NHPA Section 106. For purposes of this discussion, the term Indian Tribe implicitly includes the representative designated by the appropriate Tribal authority to be the point of contact for NHPA Section 106.

Identify Indian Tribes with potential concerns or interests in proposed undertakings. Include Indian Tribes who may no longer reside in the area, but who have ancestral ties to it.

Conduct regular meetings with Indian Tribes to describe annual agency work plans, including Heritage Program activities affecting cultural resources such as subsurface testing and ruin stabilization. Involve the Agency Official and project planners as necessary to fully explain projects.

Conduct meetings in places that meet accessibility standards for that type of facility, especially if Tribal elders are involved. Incorporate field visits as necessary. Always involve an Agency Official during field reviews and consultation meetings. Follow culturally-sensitive protocol and document consultation efforts.

In accordance with 36 CFR 800.2(c)(2)(ii), provide Indian Tribes the opportunity to:

1. Identify concerns about historic properties.
2. Advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance.
3. Articulate views on the undertaking's effects on historic properties.
4. Participate in the resolution of adverse effects.

Initiate consultation in a formal letter signed by the appropriate Agency Official that describes the undertaking, defines the Area of Potential Effect using maps and photographs as applicable, and provides as much known cultural resource information for the project as possible.

As warranted, meet with the Tribal officials to discuss the undertaking and seek their help in identifying TCPs or other areas important to the Tribe for religious or cultural purposes. Include the following minimum elements in a written record of consultation with Indian Tribes (from the USDA Policy on Tribal Consultation, Coordination, and Collaboration):

1. The subject of the consultation.
2. Materials provided to and received from the Indian Tribe relevant to the consultation topic.
3. Name, title, and contact information of the consulting officials for both the Agency and the Indian Tribe.
4. Name and title of other individuals or staff from the Agency and the Indian Tribe that were involved in the consultation process.
5. How the consultation was conducted (by phone, meeting, field trip, or other means).
6. The consultation schedule (dates, times, locations).
7. The outcome(s) of the consultation, including follow-up commitments, and agreements, or points of disagreement.

8. How the results of the consultation were considered in any decision-making process by the agency and whether they were incorporated or rejected in the final decision(s).
9. Additional steps, as necessary.

## FSM 1563 Tribal Relations

### 1563.01c - Consultation with Indian Tribes and Alaska Native Corporations

...

6. National Historic Preservation Act of 1966 (NHPA) (54 U.S.C. 300101 et seq.), as amended in 1992. Requires Federal agency officials to consult with Indian tribes concerning the effects of undertakings on historic properties of traditional and cultural importance to Indian tribes.

### 1563.1 - Consultation with Indian Tribes and Alaska Native Corporations

The Forest Service, like other Federal agencies, has a duty to consult and coordinate with Indian tribes on a government-to-government basis, as directed in Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. In addition, agencies must consult with Alaska Native Corporations in accordance with the Consolidated Appropriations Act of 2004 as amended (P.L. 108-447, 118 Stat. 2809, 3267). Consultation with Alaska Native Corporations is considered to be on a government-to-corporation basis. Because Tribes and Alaska Native Corporations are affected by Forest Service land and resource management policies, as well as research, development, and other programs and actions, the Forest Service must consult with them on matters that could affect their rights and interests. Work with Tribal Relations Program specialists to identify which Tribes or Alaska Native Corporations (ANCs) may be affected. Factors to consider include:

1. When there is a “substantial direct effect” to one of more Tribes or ANCs from the proposed decision or action, consultation must be initiated.
2. When there are possible effects, consider the geographical extent of those effects. For instance, if an action or activity is confined to National Forest System lands, evaluate which Tribes or ANCs have connections to, or benefit from, those lands. Or, if a decision or action has a State-wide effect, but primarily on forested lands typically within the jurisdiction of State and Private Forestry, evaluate which Tribes or ANCs have cultural or historic connections to those lands.
3. When determining which Tribes or ANCs to consult with, check with intertribal organizations or other agencies which may have conducted consultation on similar actions or activities in the past. The National Park Service NAGPRA database may give an indication of which Tribes have an interest in a specific location.

In all cases, err on the side of more rather than less consultation and document the rationale for your decision. Never assume that a Tribe or ANC has no interest in the decision or action simply because they did not respond to a notification letter.

The Forest Service consultation policy was developed to comply with the requirements of Executive Order 13175 and to assist Forest Service Line Officers in consulting with tribal governments under a number of Federal laws.

Additional guidance regarding consultation may be found in FSH 1509.13.

**Tribal Government Consultation and Coordination**

Authority	Whom to Contact	Applies to:	Time Frame
NHPA - National Historic Preservation Act of 1996, as amended (54 U.S.C. 300101 et seq.).	Tribal Officials, Parties with a demonstrated interest (can include Religious Practitioners). Indian tribes may be concurring parties.	Provide opportunity to consult if Federal undertaking may affect properties of historic value to an Indian tribe on tribal or non-tribal lands. Invite Tribes to participate as concurring parties when requested.	Early, before an undertaking is initiated. See regulations re specific points 36 C.F.R. 800. Can be incorporated into NEPA process.

FSH 1509.13 American Indian and Alaska Native Relations Handbook

11 - CONSULTATION WITH INDIAN TRIBES

11.1 - Who May Consult

Government-to-government consultation may only occur between Forest Service Line Officers and tribal leaders who have authority to consult on behalf of their Tribe. In accordance with Forest Service Manual (FSM) 1230.6, the line of delegation passes from the Chief to the Deputy Chiefs and through Line Officers to the field. Tribal consultation may not be delegated from Line Officers to staff in the field. Line Officers should engage personally with tribal leaders. The Chief retains the right to delegate to any Forest Service employee, in writing and for specific, individual cases, the authority to consult directly with Indian tribes as a “Chief’s Representative” during government-to-government tribal consultation. This authority is reserved to the Chief only, and does not allow for other Forest Service Line Officers to delegate their tribal consultation responsibilities to staff other than Line Officers.

This direction is not intended to minimize the importance of staff-to-staff communication and collaboration. On the contrary, staff interactions are essential to set the stage for effective consultation and should be maintained and enhanced. Staff provide needed subject matter expertise, and sometimes provide the extensive relationships with tribal staff or leaders. Staff certainly can and should participate in consultation as well as in staff-to-staff and staff-to-leader discussions where it makes sense locally.

In Alaska, the Forest Service is also required to consult with Alaska Native Corporations (ANCs) on a government-to-corporation basis rather than government-to-government. See: Executive Order 13175 as modified by Public Law 108-199, 118 Stat. 3, 447, as further modified by Public Law 108-447, 118 Stat. 2809, 3267. However, as in the government-to-government consultations, the Forest Service representatives shall have delegated authority to consult. The Indian tribe or ANC has the sole authority to designate/authorize tribal representatives for the government-to-government consultation with the Forest Service. Consultations must be accountable. That is, leadership in the Forest Service, the USDA, and

the Office of Management and Budget must be able to find out characteristics of the consultation as delineated in FSM 1563.03.4.

Consultation under the National Historic Preservation Act (NHPA) (54 U.S.C. 300101 et seq.) often occurs between Forest Service staff, such as Forest level Heritage Program personnel, and tribal staff, such as tribal Historic Preservation Officers. This consultation is considered government-to-government consultation only when the Forest Service is represented by a Line Officer and the tribal representative(s) have delegated authority to consult on a government-to-government basis with the Forest Service.

See also FSM 1563.01c and FSM 1563.1.

#### 11.42 – Tribal Consultation Procedures

...

8. Document the process and actions taken to consult with Tribes and ANCs, the results of those actions, and how the Forest Service's final decision was communicated to affected Tribes and ANCs.
  - a. The Forest Service Consulting Official is responsible for making and maintaining a record of consultation.
  - b. For reporting and oversight purposes, the Consulting Official is responsible for ensuring the select components of the consultation record are entered into the Agency's recordkeeping system and the USDA Tribal Consultation Database to be created and maintained by the U.S. Department of Agriculture's Office of Tribal Relations (OTR-OSEC) (DR 1350-002). The entry of reporting data into the Database does not affect the Agency's obligation to maintain the full consultation record in accordance with this policy and any other applicable statutory or regulatory requirements, such as the Federal Records Act.
  - c. All records associated with Tribes must be maintained in perpetuity. See FSM 6230 and FSH 6209.11 for more information on records retention.

#### 12 – COMPENSATION

...

1. Various authorities enable the Forest Service to enter into grants, contracts, or cooperative agreements with Tribes for extraordinary consultation and specialized expertise, such as traditional knowledge that could be incorporated into restoration efforts (FSM 1563.01 and FSH 1509.11). The implementing regulations of NHPA also authorize Federal agencies to expend funds for historic preservation activities, which could include working with Tribes (16 U.S.C. 470h-2(g)). While the Agency is not required to compensate a Tribe, the Agency can take a number of actions to assist with tribal participation.

## Appendix B – Alaska Region Tribal and Corporation Consultation Record

(see next page)

# Tribal and Corporation Consultation Record

Tribal/ANC Entity: \_\_\_\_\_ Tribal /ANC Participant Name(s): \_\_\_\_\_

Project/Issue/Topic: \_\_\_\_\_

Meeting Location: \_\_\_\_\_ Date/Time: \_\_\_\_\_

Tribe  Corporation  Other: \_\_\_\_\_

Type of Contact: \_\_\_\_\_ Title: \_\_\_\_\_

Meeting Phone Number: \_\_\_\_\_

Phone Call Email Address: \_\_\_\_\_

Other: \_\_\_\_\_

There are no character limitations; please continue on a separate sheet if necessary.

Comments:

Action Items:

If a follow-up meeting/visit is scheduled, document the purpose, with whom, the date, the time, and the location:

Other parties present (consider using a sign-in sheet to capture the names, titles & contact information for attendees):

Name of Line/Staff/  
Responsible Official: \_\_\_\_\_

Person entering  
into database: \_\_\_\_\_

Title: \_\_\_\_\_

Unit: \_\_\_\_\_

Date: \_\_\_\_\_

**X** \_\_\_\_\_

Line/Staff/Responsible Official

<b>Purpose of Consultation:</b> <input type="checkbox"/> Government-to-Government (EO 13175) <input type="checkbox"/> Information Sharing <input type="checkbox"/> NHPA (PL 102-575) <input type="checkbox"/> NAGPRA (PL 101-601) <input type="checkbox"/> Alaska Native Corporation (PL 108-447) <input type="checkbox"/> NEPA (PL 91-190) <input type="checkbox"/> Title VIII, ANILCA (PL 96-487) <input type="checkbox"/> Government-to-Corporation, ANCSA <input type="checkbox"/> 14(h)(1) Historic Site(s) Reburial ARPA
---



## Appendix C – Alaska Region Examples of Letters to Tribes and Alaska Native Corporations

- Not Specific to Section 106
  - Notice of Intent that includes initiation of Section 106 (if coordinating NEPA and NHPA)
    - Timber Sales
    - Road Access
  - Invite Tribal Consultation
    - Unassociated Funerary Object
    - SOPA
  - Continue Tribal Consultation
    - Landscape Level Analysis Outyear Planning
- Specific to Section 106
  - Section 106 Findings and Recommendations
    - CERCLA Recommendations of Eligibility and Finding of Effect
    - Midden Historic Context and Recommendations of Eligibility
    - Shore Ties Finding of Effect
    - Trail Recommendations of Eligibility and Finding of Effect

**Not Specific to Section 106**

Notice of Intent that includes initiation of Section 106 (if coordinating NEPA and NHPA)

**File Code:** 1950; 2360  
**Date:** August 17, 2021



Dear Mr. [REDACTED]:

The Forest Service would like to consult with you regarding the development of two young-growth timber sale proposals on the Petersburg Ranger District that will help meet local demand for timber and support the transition from a predominately old-growth based timber industry to one that is predominately young growth.

The Upper Falls Creek Young Growth project area is approximately 14 miles southeast of Petersburg in the Falls Creek area of Mitkof Island. The Tongass National Forest proposes to supply approximately 1 million board feet (MMBF) of young-growth timber and construct one-quarter mile of temporary roads. For more information, see the project webpage <https://www.fs.usda.gov/project/?project=60641>.

The Thomas Bay Young Growth Timber Sale project area is on the mainland, approximately 18 miles northeast of Petersburg by boat, or 16 miles by plane. The Tongass National Forest proposes to supply approximately 22 million board feet (MMBF) of young-growth timber, reconstruct temporary roads, and maintain National Forest System (NFS) roads at Thomas Bay. For more information, see the project webpage <https://www.fs.usda.gov/project/?project=60639>.

The Responsible Official for these projects is Petersburg District Ranger, Ted Sandhofer ([theodore.sandhofer@usda.gov](mailto:theodore.sandhofer@usda.gov)).

You will receive a scoping letter for each project with more detail when the 30-day public comment period opens, expected later this week. The scoping letter will also be posted on the project webpages listed above. Please read through the letters once you receive them and provide us your comments. We are committed to an open, transparent and inclusive process as we conduct the analysis for these projects.

To meet stipulations outlined in the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), the Forest Service is considering the effects of this proposal on a variety of resources and significant cultural resources. Section 106 of the NHPA requires that federal agencies consider the effects of their actions on historic properties to inform the NEPA process. Section 106 also requires consultation with tribes, Alaska Native Claims Settlement Act (ANCSA) Corporations, the State Historic Preservation Officer (SHPO), and in some instances, the Advisory Council on Historic Preservation to ensure historic properties are



not adversely affected by federal undertakings, and if they are that appropriate mitigation is completed.

As harvest unit boundaries are finalized, Forest Service archaeologists will determine whether any historic properties have the potential to be affected by the proposed activity. If so, they will be evaluated for their significance and eligibility to the National Register of Historic Places and avoided or protected prior to ground disturbing activities. If unanticipated discoveries are found during our investigations, such as archaeology sites or human remains, we will consult with you as soon as possible to determine the appropriate action. If you have specific information regarding cultural resources in an activity area, please reach out to Jane Smith ([jane.smith2@usda.gov](mailto:jane.smith2@usda.gov)). She is interested in gathering traditional knowledge about the project area.

If you have questions about this or any other project on the Petersburg Ranger District, please contact me or Jane Smith. We are happy to meet with you and provide details about any projects.

Your input is valued and important to a successful outcome.

Sincerely,

A handwritten signature in blue ink that reads "Ted Sandhofer". The signature is written in a cursive, slightly slanted style.

THEODORE SANDHOFER  
District Ranger

cc: Carey Case, Jane Smith, Melinda Hernandez burke



**File Code:** 2360; 1950  
**Date:** July 21, 2021

CERTIFIED MAIL RECEIPT  
7019-2280-0001-4214-2717

Dear President [REDACTED]:

I am writing to begin the Government-to-Government consultation or Government-to-Corporation consultation process with you regarding the Thorne Bay Ranger District proposal to approve two Standard Form 299 Applications for Transportation and Utility Systems and Facilities on Federal Land. The approvals are part of the POW 2021 Road Access Project. The purpose of this proposal is to provide the State of Alaska access to their property as provided for by applicable laws. This action is needed because the State does not currently have economic access to State land adjacent to National Forest System (NFS) land, and desires to implement timber sales on State land. See the attached Scoping Document for more details and map.

To meet stipulations outlined in the National Environmental Policy Act (NEPA) and the National Historic Preservation Act (NHPA), the Forest Service is considering the effects of this project on a variety of resources and significant cultural resources. Section 106 of the NHPA, requires that federal agencies consider the effects of their actions on historic properties to inform the NEPA process. Section 106 also requires consultation with tribes, Alaska Native Claims Settlement Act (ANCSA) Corporations, the State Historic Preservation Officer (SHPO), and in some instances, the Advisory Council on Historic Preservation to ensure historic properties are not adversely affected by federal undertakings, and if they are that appropriate mitigation is completed. At this time, Forest Service archaeologists have reviewed all project components. No cultural resources have been identified within the project area. As such, the Forest Service is recommending a finding of No Historic Properties Affected for this project.

We are seeking your input with identification of issues that may be associated with the project that we should consider as we move forward through the NEPA process. We would welcome your input on any aspect of this planning process. Alaska Native Tribes and Alaska Native Corporations may provide specific written comments during any Federal-Tribal consultation that may occur outside of any public comment opportunities which would give them the eligibility to object during an objection period.

Specific written comments should be within the scope of the proposed actions, have a direct relationship to the proposed actions, and must include supporting reasons for the responsible official to consider. Specific written comments may be submitted electronically via the website



(only during an open public comment period) <https://cara.ecosystem-management.org/Public/CommentInput?Project=58424>, by fax to (907) 828-3309. Comments may also be mailed or hand-delivered to the following address:

USDA Forest Service, Thorne Bay Ranger District  
ATTN: Erica Goad/POW 2021 Road Access Project  
P.O. Box 19001  
1312 Federal Way  
Thorne Bay, AK 99919

We would be happy to meet with you either in-person or virtually. I can be reached by phone at (907) 828-3210; or by email at [delilah.brigham@usda.gov](mailto:delilah.brigham@usda.gov). Questions on project details may be directed to our IDT Leader, Erica Goad, at [erica.goad@usda.gov](mailto:erica.goad@usda.gov), or 907-748-2086. Your input is valued and important to a successful outcome.

Thank you, and I look forward to discussing the POW 2021 Road Access Project with you and your council.

Sincerely,



DELILAH BRIGHAM  
District Ranger (Acting)

Enclosed: Scoping Document

## **POW 2021 Road Access Project**

### **Proposed Action**

The Forest Service is proposing to authorize up to two Standard Form 299 Applications for Transportation and Utility Systems and Facilities on Federal Land for National Forest System (NFS) road access, construction, and/or reconstruction on Prince of Wales and Heceta Islands. Two SF-299 Applications for Transportation and Utility Systems and Facilities on Federal Land submitted by the State of Alaska are being considered:

The Forest Service proposes to grant access to the State of Alaska Department of Natural Resources, Division of Forestry, to use 3,956 feet of NFS 3018050 and authorization to construct approximately 960 feet of new 16-foot wide temporary road and an 86 foot landing extension on NFS land on Prince of Wales Island for a year-round commercial timber haul for up to five years beginning approximately in January 2022.

The Forest Service proposes to authorize the State of Alaska Department of Natural Resources, Division of Forestry to construct about 450 feet of new 16-foot wide temporary road on NFS land to access State land on the east side of Camp Cove, Heceta Island, Alaska for commercial timber haul for up to five years beginning approximately in January 2022.

Authorization will occur through issuing separate special use permits. Both road projects will be decommissioned following the conclusion of commercial hauls, entailing the complete removal of all drainage structures, installing additional water bars as needed, and blocking motor vehicle access.

### **Purpose and Need**

The purpose of this proposal is to provide the State of Alaska access to their property as provided for by applicable laws. This action is needed because the State does not currently have economic access to State land adjacent to NFS land, and desires to implement timber sales on State land.

### **Location**

The proposed POW 2021 Road Access Project is located on Prince of Wales and Heceta Islands (Figure 1). The first SF-299 Application includes temporary use access to State land using 3,956 feet of NFS Road 3018050, construction of approximately 960 feet of new 16-foot wide temporary road and the construction of an 86 foot landing extension in the Thorne Bay Watch Subdivision, Thorne Bay, Alaska, on Prince of Wales Island for commercial haul (Figure 2). The second SF-299 Application includes building approximately 450 feet of new 16-foot wide temporary road on NFS land previously harvested in 2015, to access State land on the east side of Camp Cove, Heceta Island, Alaska for commercial haul (Figure 3).

The 2016 Tongass National Forest Land and Resource Management Plan (Forest Plan) includes land use designation (LUD) specific management direction (Chapter 3) and forest-wide direction (Chapters 2, 4, and 5) to manage special uses. The Thorne Bay proposed road location is near the community of Thorne Bay within a Modified Landscape LUD adjacent to State land. The Heceta Island East proposed road is located within a Timber Production LUD on NFS land. Both the Modified Landscape LUD and the Timber Production LUD support development activities including roadbuilding.

The public will not have access to these roads during the life of the timber harvest. The roads will not be part of the Motor Vehicle Use Map (MVUM), and no gates will be required. The road access granted through special permits is temporary and the State will be responsible for all maintenance through the life of the commercial hauls and decommissioning the roads once complete.

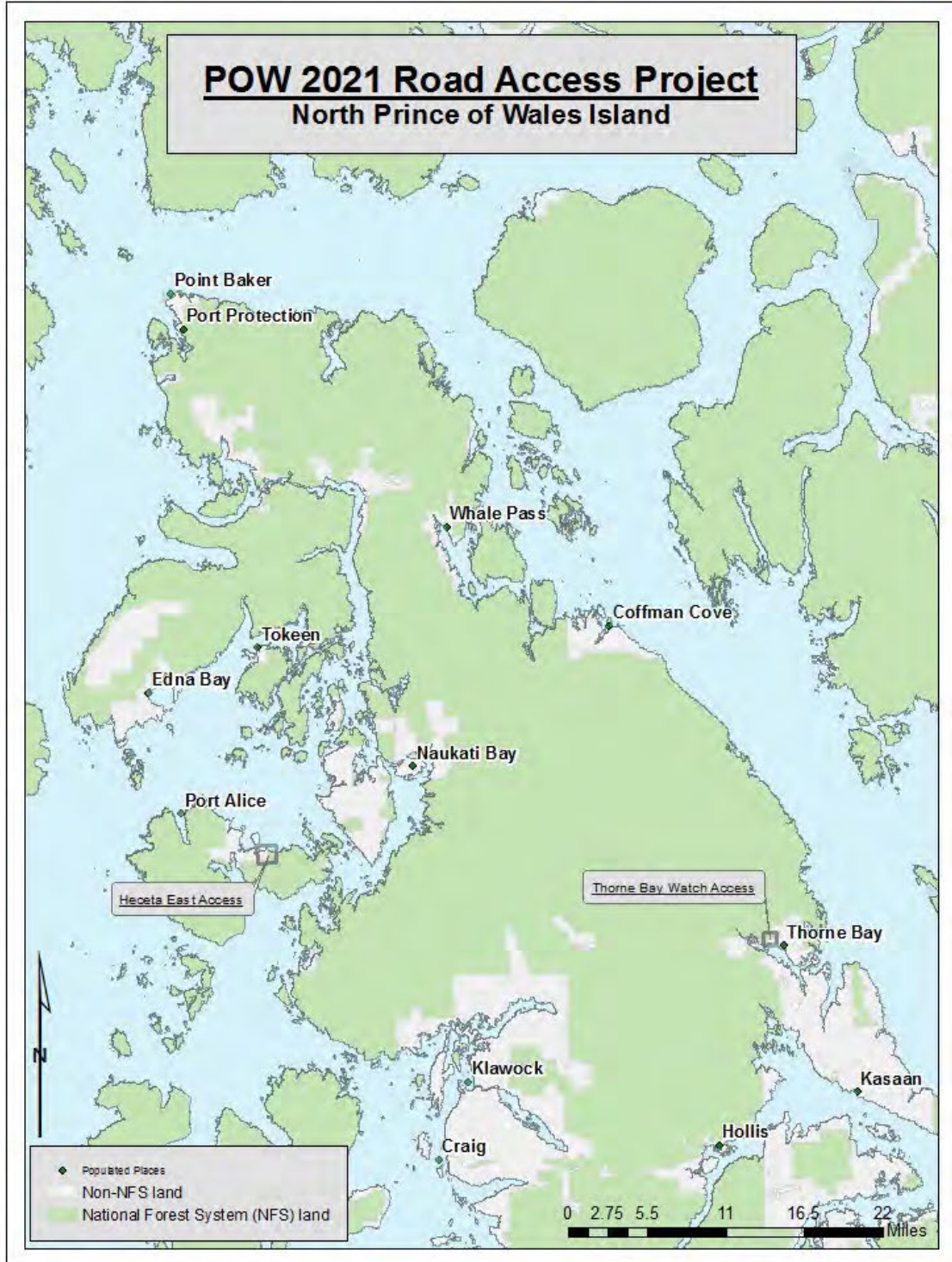
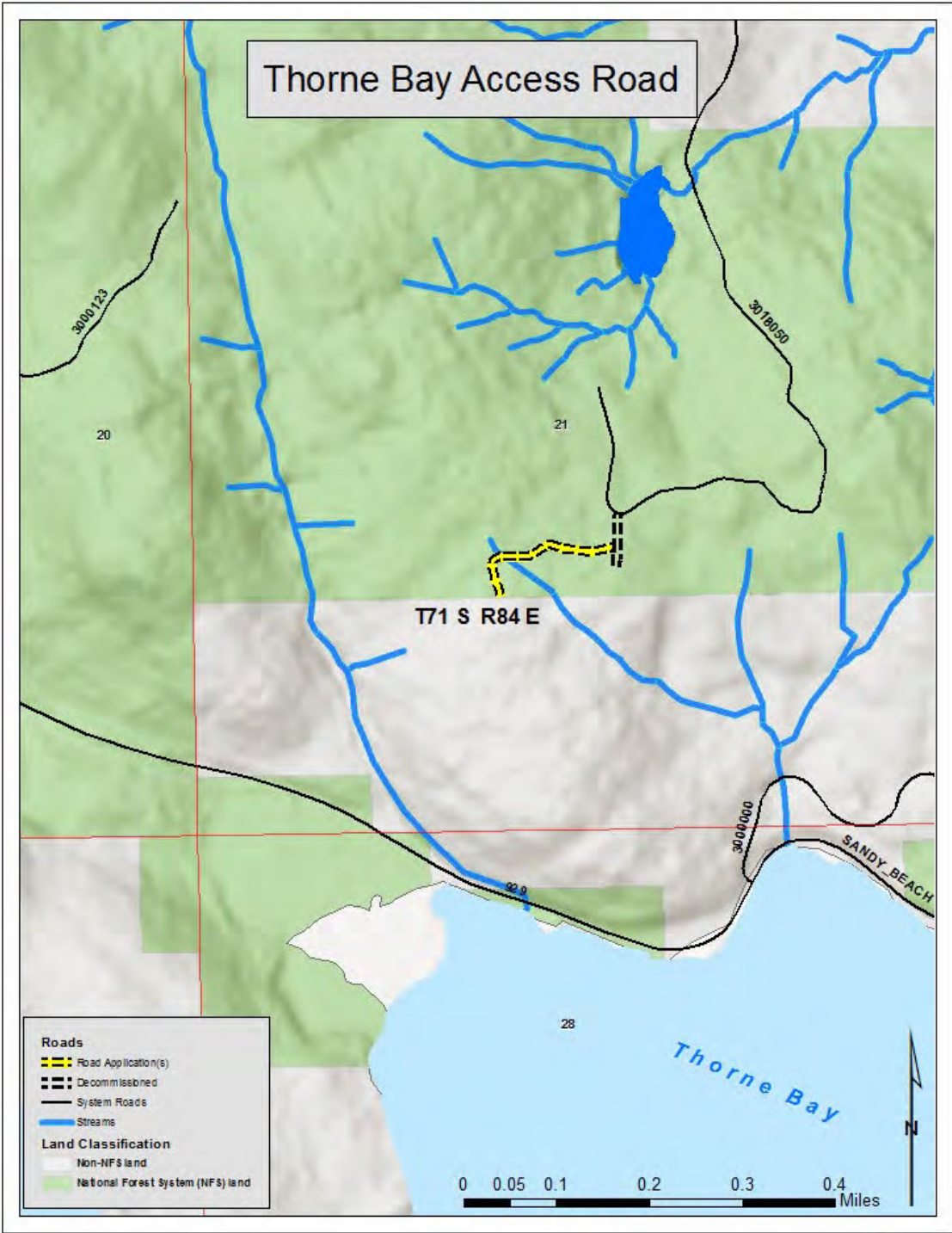


Figure 1. General Location Map.



SKM 15 June 2020

Figure 2. Thorne Bay Detail Map.

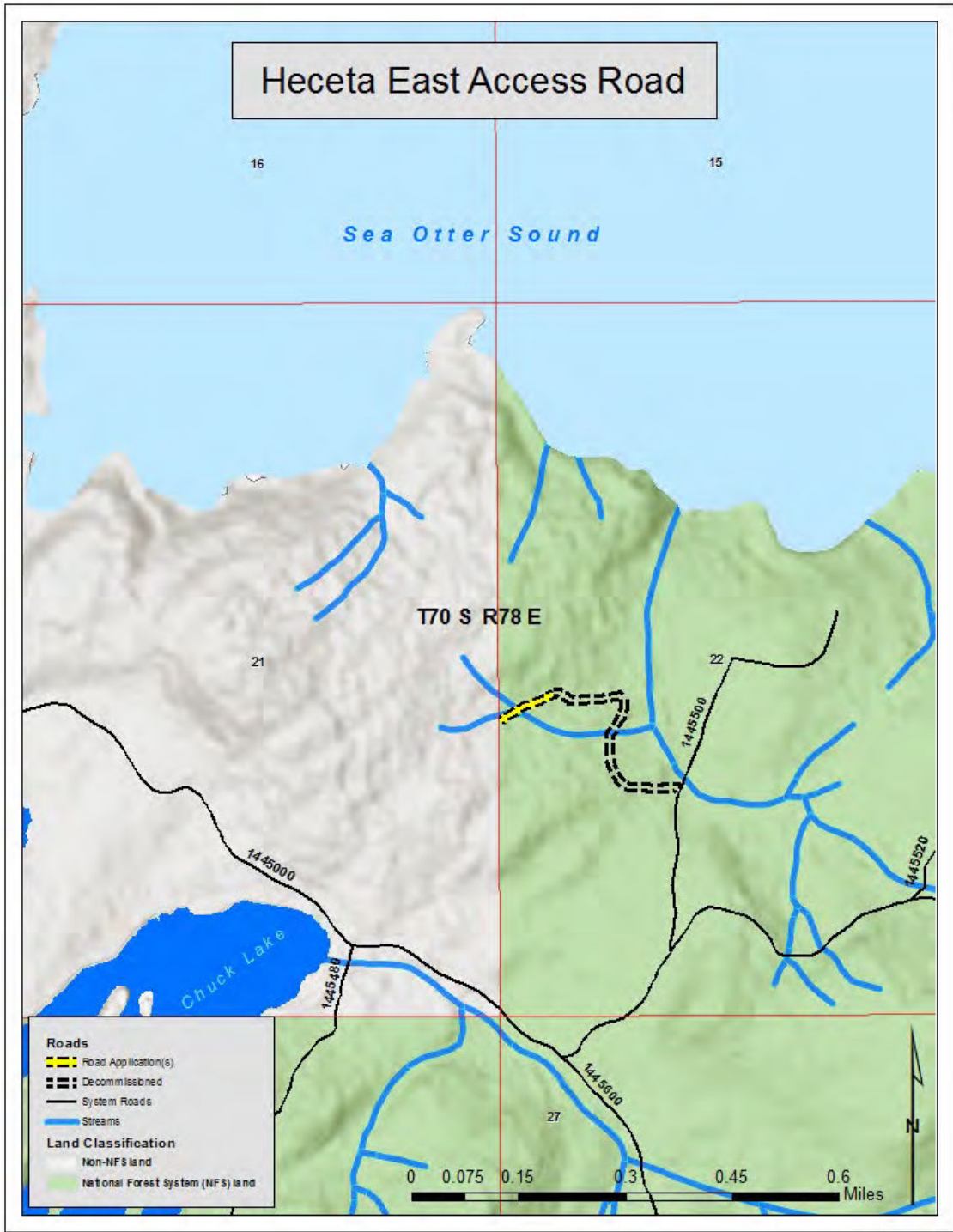


Figure 3. Heceta East Detail Map.

Invite Tribal Consultation



File Code: 2360

Date: November 2, 2018

[REDACTED]  
President, [REDACTED]  
[REDACTED]

Dear Mr. [REDACTED],

As you are aware, the FS has recently learned that a [REDACTED] of unassociated funerary objects was collected from federal land, presumably in the late 1800s. The [REDACTED] is thought to have belonged to a Shaman whose grave was disturbed by unknown individuals. It is made of [REDACTED]  
[REDACTED]

The gravesite was in [REDACTED] bay on [REDACTED] Island in the traditional territory of the [REDACTED] lands associated with the [REDACTED] and the [REDACTED]. According to Goldschmidt and Haas (1946), the [REDACTED] traditionally lived/used the bay. [REDACTED] people come from the [REDACTED] traditional territories.

The [REDACTED] is currently at the [REDACTED] in Petersburg but is considered federal property subject to repatriation as per the Native Americans Graves Protection and Repatriation Act. In light of this discovery, we would like to start government to government consultation.

Some of you may know I will be leaving my post shortly and the Forest Supervisor, Earl Stewart, will work with you on this important repatriation. He will be in touch to arrange additional consultations.

Sincerely,

DAVID ZIMMERMAN  
District Ranger  
estewart@fs.fed.us, rdalrymple@fs.fed.us





United States  
Department of  
Agriculture

Forest  
Service

Tongass National Forest  
Alaska Region

Petersburg Ranger District  
P.O. Box 1328  
Petersburg, AK 99833-1328  
907-772-3871

File Code: 1950; 2360  
Date: October 7, 2021

[REDACTED]  
President  
[REDACTED]

Dear Ms. [REDACTED]:

The Petersburg Ranger District would like to take this opportunity to share our Schedule of Proposed Actions (SOPA) regarding local Forest Service activities. The project list provided in the SOPA identifies and briefly summarizes upcoming work and includes contact information if you are interested in additional information. You can also access the most up to date SOPA online at <http://data.ecosystem-management.org/nepaweb/current-sopa.php?forest=111005>.

We, as a federal agency, consider the effect of our projects on cultural resources and the environment in part to meet stipulations outlined in the National Historic Preservation Act and the National Environmental Policy Act. More specifically, Forest Service archaeologists conduct cultural resource surveys to identify archaeology sites or places of traditional use that might be impacted by our proposed activities. If sites are present, they are evaluated for their significance and eligibility to the National Register of Historic Places. Avoidance and other protective measures for sites are considered prior to ground disturbing activities. If human remains are found during our investigations, we will consult with you and other leaders of nearby tribes as soon as possible after the discovery to determine the appropriate action. Other resource specialists also analyze the effects these projects may have on their resource.

I will be contacting you soon to discuss a time for us to meet via teleconference for Government-to-Government consultation. In the meantime, please contact me at [theodore.sandhofer@usda.gov](mailto:theodore.sandhofer@usda.gov) or call 907-772-5900 if you have any concerns or questions. Our heritage staff and I look forward to talking with you soon.

Sincerely,

THEODORE SANDHOFER  
District Ranger

Enclosure: October 2021 Tongass National Forest Schedule of Proposed Actions (SOPA)

cc: Carey Case, Jane Smith, Gina Esposito, Melinda Hernandez Burke



Continue Tribal Consultation

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**File Code:** 2360; 1950  
**Date:**

Dear

I am writing to continue the Government-to-Government Consultation or Government-to-Corporation consultation process with you regarding the proposed activities included in the Out-year Plan for the Prince of Wales Landscape Level Analysis (POW LLA) project.

The Tongass National Forest is seeking public comment on the POW LLA Out-year Plan, Fall 2021, through a 30-day comment period which begins on November 19, 2021. The Forest is specifically looking for comments on activity design components, locations, methods, mitigation measures, and integration opportunities for items listed as "draft" in the Out-year Plan. The Plan includes consideration of the input received from the public before and during the public workshop that was held on November 13, 2021. Proposed project activities include recreation, watershed restoration, fish crossing/aquatic organism passage, and botany/invasive plant management activities. Additional materials are available at the project website at <http://www.fs.usda.gov/goto/tongass/powlla>.

We are seeking your input with identification of issues that may be associated with the activities that we are considering as we move forward through the implementation process. We would welcome your input on any aspect of this process. Specific written comments should be within the scope of the proposed actions, have a direct relationship to the proposed actions, and must include supporting reasons for the responsible official to consider. There are several ways to submit written input:

- Upload comments during the comment period at <https://cara.ecosystem-management.org/Public/CommentInput?Project=50337>
- Mail or hand carry comments to: Thorne Bay Ranger District, Attn: POW LLA Outyear Plan, P.O. Box 19001, Thorne, AK, 99919-001.
- Email comments to [Lucy.Aragon@usda.gov](mailto:Lucy.Aragon@usda.gov)

Alaska Native Tribes and Alaska Native Corporations may provide specific written comments during any Federal-Tribal consultation that may occur outside of any public comment opportunities which would give them the eligibility to object during an objection period.

We would be happy to meet with you either in-person or virtually. I can be reached by phone at (907) 828-3210; or by email at [delilah.brigham@usda.gov](mailto:delilah.brigham@usda.gov). Your input is valued and important to a successful outcome.

Thank you, and I look forward to discussing the POW LLA Out-year Plan with you and your council.



Sincerely,

Conclude Tribal Consultation that includes conclusion of Section 106

**Specific to Section 106**

Initiate Section 106

## Section 106 Findings and Recommendations

File Code: 2360

Date: August 31, 2021

[REDACTED]  
[REDACTED] President  
[REDACTED]

Dear President [REDACTED]:

I would like to update your council on the Section 106 Heritage review process of the Ross-Adams Mine (Bokan Mountain) cleanup project and continue Government-to-Government and Government-to-Corporation consultation. In a letter sent to your office on April 28, 2021, I related that the Dawn Mining Company, LLC (Dawn) and Newmont USA Limited (Newmont) would be conducting pre-design investigations at the Ross-Adams Mine during the summer of 2021, in preparation for the final Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) removal action (Removal Action) tentatively set to begin in 2023. Forest Service archaeologists had conducted a cultural resource survey in the Removal Action's area of potential effect during November 2016. A report entitled *Archaeological Investigation of Proposed CERCLA Actions At the Ross-Adams Mine (DIX-0069), Prince of Wales Island, Alaska* was submitted to the Alaska State Historic Preservation Officer (SHPO) in May 2018 (Pierce & Carlson, 2018), and to the tribes on April 13, 2020, that detailed the project's finding of effect. Dawn and Newmont's newly proposed pre-design investigations at the Ross-Adams Mine were not considered as part of the 2018 finding of effect. The Forest Service has found that additional considerations are necessary for an effects determination for the newly proposed pre-design investigative actions. The Forest Service has also found that the 2010 eligibility determination of the Ross-Adams Mine needs to be reassessed. Some mine features that date post-1957, considered non-contributing in 2010, need to be reconsidered. Furthermore, a separate eligibility determination needs to be done for the I & L Locality (DIX-00079), near the Ross-Adams Mine. An addendum entitled *Archaeological Investigation of Proposed CERCLA Actions At the Ross-Adams Mine (DIX-00069), Prince of Wales Island, Alaska Addendum* (Donnelley, 2021) details the pre-design plans, the finding of effect to cultural resources in the project area, and assesses the eligibility of post-1957 features at the Ross-Adams Mine and the I & L Locality.

Pre-design investigations for the Removal Action assessed in this addendum include a *Mine Rock Investigation* (WME, 2021a), *Borrow Source Investigation* (WME, 2021b), *Mine Portal Investigation* (WME, 2021c), *Surface Hydrology Investigation* (WME, 2021d), *Haul Road and Mine Road Investigation* (WME, 2021e), and a *Site Inspection and Miscellaneous Waste Inventory Investigation* (WME, 2021f). The purpose of the pre-design investigations is to inform the Removal Action, which consolidates hazardous materials at the Ross-Adams Mine site.

The six investigative, pre-design actions are located within the Removal Action's APE, as is detailed in the 2018 Heritage investigative report (Pierce & Carlson, 2018). The project APE has not changed. The Forest Service has determined that proposed Mine Rock Investigation activities



will largely impact mine-affected zones and several historically significant mine features associated with the 1955-1957 and 1961-1971 periods of significance. These features include: OSA, 900-Level Haul Road, 318-foot Level Haul Road Extension (Feature U), and Drill Core Remains (Feature Z).

There is a chance Mine Rock Investigation actions may need to extend slightly outside mine-affected zones into areas that may be previously undisturbed to fully capture the extent of radioactive materials. Though these investigative activities may stray slightly from mine-affected zones, past Heritage surveys sufficiently cover the project APE and no further surveys are required for the proposed investigations. The Forest Service is confident that no previously unrecorded archaeological sites exist within or immediately adjacent to mine-affected areas.

The proposed Borrow Source Investigation area was altered to avoid the prehistoric [REDACTED] near the [REDACTED] Creek intertidal [REDACTED] area, and there will be no adverse effect to the site. The Forest Service conducted a pedestrian survey of the [REDACTED] Creek intertidal [REDACTED] area in 2016 under the 2018 Heritage investigative report (Pierce & Carlson, 2018) in preparation for the [REDACTED] investigation. No other cultural resources have been identified near the [REDACTED] area.

The Ross-Adams Mine (DIX-00069) will be adversely affected by the proposed Mine Rock Investigation. There is no way to avoid or minimize proposed disturbances from testing. The proposed Mine Rock Investigation consist of excavating trenches and bore drillings in the 300-Level mine rock pile, the OSA, and segments of the 900-Level Haul Road and 318-Level Haul Road Extension. The OSA and Haul Road are contributing features to the mine's 1955-1957 period of significance, while the 318-foot Level Haul Road Extension is a contributing feature to the mine's 1961-1971 period of significance. The integrity of all three contributing features will be adversely affected by the proposed Mine Rock Investigation and ultimately, to a larger degree by the overall Removal Action. The proposed Mine Rock Investigation will have minor impacts to the historic Ross-Adams Mine compared to the overall Removal Action.

The proposed Mine Portal, Surface Hydrology, Haul Road and Mine Road, and Miscellaneous Waste and Debris Inventory investigations are non-ground disturbing and investigative actions will not affect historically significant mine features. All six proposed investigative actions are minor compared to the Removal Action proposed under the 2018 Heritage investigative report (Pierce & Carlson, 2018).

The Forest Service has determined that the overarching Removal Action will adversely affect several historically significant mine features associated with the newly proposed 1961-1971 period of significance. The following features will be adversely affected: 900-foot Level Adit to 700-foot Level (Feature AI), 900-foot Level Northern Ore Pile (Feature B), 900-foot Level East Ore Pile (Feature C), 700-foot Level Ventilation Shaft (Feature K), 700-foot Level Portal and Crosscut (Feature L), 700-foot Level Ore Pile (Feature M), 700-foot Level Haul Road Extension (Feature N), 318-foot Level Haul Road Extension (Feature U), 318-foot Level Haulage Adit (Feature V), Drill Core Remains (Feature Z), and Dotson Cabin (Feature AI). The original 2018 finding of effect still applies to the Removal Action (Pierce & Carlson, 2018).

Apart of the cleanup project's pre-design investigations, the eligibility determination of the Ross-Adams Mine (DIX-00069) was reassessed, particularly the post-1957 mine features that were considered non-contributing in 2010. Furthermore, a separate eligibility determination was completed for the I & L Locality (DIX-00079), near the Ross-Adams Mine site.

For post-1957 Ross-Adams Mine features, Forest Service archaeologists identified a second period of significance (1961-1971) to be added to the National Register of Historic Places (NRHP)-eligible Ross-Adams Mine under Criterion A. Thirteen mine features are recommended as contributing features based on retention of integrity and association with the period of significance. The newly proposed contributing features under the Ross-Adams Mine's 1961-1971 period of significance would not change how the Forest Service proposes to resolve adverse effects to the historic Ross-Adams Mine as a result of the pre-design testing and Removal Action. The Forest Service still plans to address the entire history of the Ross-Adams Mine and mitigation for the Removal Action in an upcoming Memorandum of Agreement (MOA) that will include information on both contributing and non-contributing mine features. The Ross-Adams Mine's original 1955-1957 period of significance still applies to the site.

Forest Service archaeologists also evaluated the I & L Locality (DIX-00079) for its eligibility to the NRHP. Though actions and features at the I & L Locality are generally contemporaneous with those of the nearby Ross-Adams Mine (DIX-00069) which is eligible to the NRHP under Criterion A, the I & L Locality was never mined, nor was it explored beyond the 1970s. Additionally, the I & L Locality is not associated with the nearby Ross-Adams Mine site, nor was it ever worked as part of the Ross-Adams Mine development. Despite this, the I & L Locality is associated with the general and ongoing exploration of rare earth minerals that occurred across Alaska and Prince of Wales Island from the late 1800s to present day. Because of its association with rare earth mineral exploration across the region, the I & L Locality may be eligible to the NRHP under Criterion A. However, historic mine structures left at the site have collapsed and are in poor condition. The Forest Service does not feel that the I & L Locality is able to convey its historic identity through retention of essential physical features. There are better examples of mineral exploration and mine production found at the Ross-Adams Mine (DIX-00069), Rush and Brown Mine (CRG-00388), and Salt Chuck Mine (CRG-00019). Due to the general poor condition of the I & L Locality, the site is unable to adequately convey why and when it was significant. The Forest Service does not recommend the I & L Locality as eligible to the NRHP.

I have determined that a finding of Adverse Effect to Historic Properties is appropriate for pre-design investigations taking place within the site boundaries of the historic Ross-Adams Mine. Given the pre-design investigations are connected actions to the Removal Action, I recommend moving forward with finalizing the MOA that is being developed for the Removal Action. Please contact me if you have any questions about this latest Section 106 Heritage project update.

Your input is valued and important to a successful outcome and I offer thanks for the previous discussions and meetings held about this topic and articulating the importance of this cleanup for the health of the people and resources of Prince of Wales Island and surrounding areas. Copies of the Pre-design Investigation plans and 2021 Heritage addendum can be made available to your council upon request. If you have any questions please contact me by phone at (907) 826-3210,

or by email, [delilah.brigham@usda.gov](mailto:delilah.brigham@usda.gov).

Sincerely,

A handwritten signature in blue ink that reads "Delilah Brigham". The signature is written in a cursive style with a long, sweeping flourish extending to the right.

DELILAH BRIGHAM  
Deputy District Ranger



**File Code:** 2360  
**Date:** July 26, 2021

[REDACTED]  
President  
[REDACTED]

Dear Mr. [REDACTED],

The Forest Service requests your opinion regarding our evaluation of twelve pre-contact archaeology sites and our recommendation that they are eligible to the National Register of Historic Places. We prepared a report to assist in evaluating sites that have shell midden features. Shell middens are found buried beneath the forest floor and represent the cultural remnants of early Alaska Native use and habitation across southeast Alaska. We gathered information from various sources, realizing that consultation and Alaska Native perspective is integral to our evaluation and recommendation process.

Please review the enclosed draft report entitled *Pre-contact Shell Midden Context and a Determination of Eligibility to the National Register of Historic Places for Twelve Sites on the Petersburg and Wrangell Ranger Districts*. It is in confidence we share the report as some of the information contained within is not for public disclosure.

Comments or corrections can be sent to me at [theodore.sandhofer@usda.gov](mailto:theodore.sandhofer@usda.gov) or Wrangell District Ranger Clint Kolarich at [clint.kolarich@usda.gov](mailto:clint.kolarich@usda.gov) or our Zone Archaeologist Jane Smith at [jane.smith2@usda.gov](mailto:jane.smith2@usda.gov).

Thank you for taking the time from your busy schedule.

Sincerely,

THEODORE SANDHOFER  
District Ranger

Enclosure

cc: Clint Kolarich, Melinda Hernandez Burke





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**File Code:** 2360  
**Date:** October 26, 2021

Certified, Return Receipt Requested  
7015 0640 0007 3256 9892

Dear President [REDACTED]

I would like to thank you again for the July 26, 2021 letter you sent in response to the proposed Ucore surface exploration activities near Bokan Mountain in Kendrick Bay, Prince of Wales Island. At the time of the Forest Service's August 27, 2021 response to your office the Forest Service, Tongass National Forest had just received an amendment to Ucore's 2021 Plan of Operations to include shore ties for mooring a vessel to accommodate crew housing. At this time, I would like to update you on the Forest Service, Tongass National Forest's Section 106 cultural resource review of the proposed amendment.

Ucore proposes to anchor the crew housing vessel in southern West Arm Kendrick Bay near the Ucore Bokan Mine surface exploration project area (see enclosed map for proposed shore tie area). Shore ties such as trees in the beach fringe, will be used to anchor the vessel. The vessel will remain anchored in approximately 30 feet of water and will not rest on the intertidal zone. There are no proposed activities ashore in these areas other than to place and remove shore ties at the start and end of the project.

Forest Service archaeologists have been unable to conduct Section 106 Heritage surveys in the proposed West Arm of Kendrick Bay due to continued poor weather conditions and COVID travel restrictions. Due to the nature of this project's timeline, the Forest Service, Tongass National Forest needs to proceed with analyzing Ucore's shore tie request. As it stands, Forest Service archaeologists have conducted literature reviews for Ucore's proposed anchorage and shore tie action per rules and regulations of the National Historic Preservation Act (NHPA). Other vessels have anchored and used shore ties in the proposed anchorage area before and the placement of shore ties is not expected to cause adverse effects to cultural resources or other natural resources in the area.

Given NHPA Heritage surveys have not been completed, the Forest Service, Tongass National Forest has created project stipulations for the placement of shore ties. The stipulations state that shore ties can only be placed on trees and that those trees cannot be culturally modified. Furthermore, shore tie cables cannot be placed on top of any cultural features within the intertidal zone or forest. In this way, adverse effects to cultural resources shall be avoided by the undertaking. To better help Ucore avoid placing shore ties on cultural resources Ucore personnel (specifically those placing shore ties) will be required to attend a virtual cultural resource awareness training hosted by the Craig and Thorne Bay Ranger Districts archaeologist prior to any activities. The cultural resource awareness training will serve to make Ucore crew members



aware of the cultural significance of Kendrick Bay and how to apply the shore tie stipulations. The training will also show examples of cultural resources to watch for while placing shore ties, including, but not limited to culturally modified trees, wood fish weir stakes, stone fish traps, petroglyphs, and shell middens. No culturally sensitive information will be provided to Ucore personnel during the training.

By providing Ucore with stipulations for setting shore ties and cultural resource awareness training, I believe that the Forest Service, Tongass National Forest will have minimized and, or avoided adverse effects to cultural resources that may be in the area and have yet to be identified. As such, I stand by the original project finding of No Adverse Effect to Historic Properties. Forest Service archaeologists will conduct post-implementation (i.e., shore tie placement) monitoring at the next available opportunity to ensure cultural resources have been avoided.

Both myself and the Tongass National Forest value your input on all aspects of this planning process. If you have any additional comments or concerns, please contact Mark Pentecost at (907) 826-1600, or by email at [brian.pentecost@usda.gov](mailto:brian.pentecost@usda.gov).

Sincerely,

  
BRIAN PENTECOST  
District Ranger

**Enclosure 1:** Ucore Bokan Shore Tie Location and Site Proximity

cc: Shona Donnelley, William Dryer, Delilah Brigham



File Code: 2360

Date: February 4, 2020



**HARD COPY ENCLOSED**

Dear Ms. [REDACTED]

Enclosed please find one Heritage resource report titled, "*Heritage Investigation of the Canoe Point Trail Maintenance and Reconditioning Project, Prince of Wales Island, Alaska*," authored by Shona Pierce of the USDA Forest Service, Craig and Thorne Bay Ranger Districts, Alaska. The Craig and Thorne Bay Ranger District of the Tongass National Forest is proposing to maintain and recondition the Canoe Point Trail from its start along the shoreline of Trocadero Bay to its terminus at Canoe Point Falls. Proposed maintenance and reconditioning activities would stay within the present trail footprint and would involve placement of aggregates and maintenance/repair of boardwalk and step-runs. Wooden steps and a metal stairway would be installed in areas with excessive slopes and exposed roots to mitigate trail wear and erosion concerns.

Two archaeological sites are located within the project's area of potential effect (APE). These sites include the [REDACTED]

[REDACTED] The Canoe Point Trail bisects site CRG-[REDACTED] and passes outside the southern edge of site CRG-[REDACTED]. Both sites were evaluated for their eligibility to the National Register of Historic Places (NRHP) in this report and were found to be eligible under Criterion D.

The portion of trail that traverses over archaeological site CRG-[REDACTED] is approximately 184.25 meters long, or 92.13 square meters, and takes up 0.004% of space on top of the site. Therefore, only 0.004% of the site may potentially be affected by proposed maintenance and reconditioning actions. The maintenance and reconditioning plans were developed to minimally impact CRG-[REDACTED] but total avoidance is impossible. More specifically, proposed installation of wooden step-run stairs along the hillside on the western boundary of CRG-[REDACTED] will impact several meters of trail where charcoal has been discovered eroding from the top of the hillside. The Heritage Professional recommends that archaeological monitoring take place during the installation of the wooden steps leading up the hillside along the western boundary of CRG-[REDACTED]. The Heritage Professional also recommends that an archaeological monitor be present for the installation of the geotextile fabric and placement of aggregate materials where charcoal is exposed at the surface alongside the trail.

The Forest Service, Tongass National Forest has determined that a conditional finding of No Adverse Effect to Historic Properties is appropriate for the proposed undertaking. Though the disturbance to the [REDACTED] constitutes an adverse effect to a historic property, the presence of an archaeological monitor during ground disturbing activities within 0.004% of the CRG-[REDACTED] site boundary will help minimize and mitigate the adverse effect. By avoiding the remaining 99.996% of CRG-[REDACTED] and minimizing effects, the proposed activity



will not diminish the integrity of the site or its eligibility status to the National Register of Historic Places.

The Forest Service, Craig and Thorne Bay Ranger District would like to invite you and your council to participate in Government-to-Government or Government-to-Corporation consultation. If you would like to arrange a meeting, obtain further information, or express concerns, please contact District Ranger Scot Shuler by phone at: 907-826-1600 or by email at: [scot.shuler@usda.gov](mailto:scot.shuler@usda.gov).

Sincerely,

 2/4/2020

SCOT SHULER  
District Ranger

**Enclosed:** *Heritage Investigation of the Canoe Point Trail Maintenance and Reconditioning Project, Prince of Wales Island, Alaska Report*