The following document serves as a sample Heritage Implementation Plan (HIP) that can be modified by FS units applying the 2021 National Programmatic Agreement for Phasing Section 106 for Large-Scale, Multi-Year Undertakings (Phasing NPA). The blue text is instructions based on the language from the Phasing NPA for convenience. The blue text is meant to be removed from the final HIP or replaced with project specific information. There are sample stipulations provided in black text for most sections that the FS units may either keep or modify, as instructed.

**HERITAGE IMPLEMENTATION PLAN FOR**

 **(Insert Project Name)**PURSUANT TO THE 2021 NATIONAL PROGRAMMATIC AGREEMENT
AMONG THE U. S. DEPARTMENT OF AGRICULTURE FOREST SERVICE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS
FOR PHASING SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
FOR LARGE-SCALE MULTI-YEAR UNDERTAKINGS

This Heritage Implementation Plan (HIP) documents the process and actions the **(insert FS Unit)** will follow to meet NHPA Section 106 responsibilities throughout the span of the **(insert Project name)**, including identification and evaluation of historic properties, assessment of effect, and resolution of adverse effects as needed, pursuant to 36 CFR §§ 800.3 through 800.7.

The (insert FS Unit) developed the following provisions in consultation with **(insert the list of HIP consulting parties)** referenced as HIP consulting parties.

This HIP protects sensitive information to the fullest extent possible in accordance with applicable laws including Section 304 of NHPA (54 U.S.C. 307103); Section 9 of the Archaeological Resources Protection Act (16 U.S.C. 470hh); Section 8106 of the Food, Conservation, and Energy Act of 2008 (25 U.S.C. 3056); and Section 552(b) of the Freedom of Information Act (5 U.S.C. 552).

 **The Forest Service shall ensure the following provisions are met:**

1. **Area of Potential Effects (APE) Overview
*The HIP will describe the Project APE established by the Agency Official and FS Heritage Professional in consultation with the HIP consulting parties, consistent with 36 CFR § 800.4(a)(1), prior to or as part of Project development. Where there is more than one Project alternative, the initial Project APE will be the geographic area where potential effects from all alternatives under consideration may occur. The HIP will document a process whereby the Agency Official will refine the APE, in consultation with HIP consulting parties, consistent with 36 CFR § 800.4(a)(1), as project alternatives, if applicable, are clarified throughout the Project design and implementation. The final APE will be the extent of the potential direct and indirect effects that may occur later in time or farther removed in distance from the Project’s direct effects, as well as cumulative effects of the Project on historic properties. The APE may extend beyond the physical footprint of a Project where there are other effects such as visual or auditory effects. Unless otherwise negotiated by the HIP consulting parties, the APE overview in the HIP will include (1-4) below.*** *(Appendix C Section I. A)*
	* 1. ***Description of Project area (location and introductory information about APE); and***
		2. ***Summary of existing information for the APE (summary of known or documented cultural resource and previous cultural resource surveys in the APE), in accordance with Section XIV; and***
		3. ***Maps of the APE, including locations of proposed project activity, previous survey coverage, and may include an appendix showing the location of known sites and areas of high potential or high sensitivity for historic properties in accordance with confidentiality laws (see Section XIV); and***
		4. ***Statement about the likely presence of historic properties within APE.***

***See below for sample stipulation that must be included, but can be modified.***

* 1. APE Description.
		1. The project APE is XXX acres.
		2. Existing information for the APE includes *(summary of known or documented cultural resource and previous cultural resource surveys in the APE)*
		3. Maps of the APE are attached in (Appendix \*? Attachment \*)*(includes locations of proposed work and may include previous survey coverage and location of known sites and areas of high potential or high sensitivity for historic properties in accordance with confidentiality laws)*
	2. Refining APE post Project decision.
		1. The Agency Official will provide early notice to the Heritage Professional as Project activities are being planned.
		2. The Heritage Professional shall determine the APE for the Project activities considering the potential direct and indirect effects of the activities.
		***AND (optional)***
		3. The Heritage Professional shall notify HIP consulting parties on the APE of Project activities by sending them a hardcopy or electric transmittal of a the refined APE.. Transmission of the refined APE will include *(edit as needed based on consultation with HIP consulting parties)*:
			1. Description of Project activity area (location and introductory information about the Project activity APE); and
			2. Summary of existing information for the APE (summary of known or documented cultural resource and previous cultural resource surveys in the APE), in accordance with Section XIV; and
			3. Maps of the APE, including locations of proposed work, which includes previous survey coverage, and may include an appendix showing the location of known sites and areas of high potential or high sensitivity for historic properties in accordance with confidentiality laws (see Section XIV); and
			4. Statement about the likely presence of historic properties within APE.
1. Process to Complete a Reasonable and Good Faith Identification Effort
	1. *The HIP shall establish the commitment of the Agency Official to complete a reasonable and good faith effort to identify historic properties in the APE (e.g., identification strategies) and consultation before beginning Project activities in an area where historic properties may be affected. (Appendix C II.A****) The following statement or something to its effect must be in every HIP.***The following section commits the Agency Official to complete a reasonable and good faith effort to identify historic properties in the APE (e.g., identification strategies) and consultation before beginning Project activities in an area where historic properties may be affected.
	2. Activities that do not require inventory. ***Optional****- This section can be populated or removed entirely depending on whether HIP consulting parties and FS unit identify project activities that have limited to no adverse effect on historic properties. From the NPA: The HIP may include a list of Project activity types determined by the Heritage Professional in consultation with HIP consulting parties to have limited to no adverse effect on historic properties. The Agency Official may authorize such Project activity types listed in the HIP without further review under Section 106. The Heritage Professional and/or Agency Official will ensure that the consultation among the HIP consulting parties that led to inclusion of categories of activities that do not require further review under Section 106 is documented and included in the Project record.*

*At a minimum, the HIP will require the Agency Official to submit, as part of the annual report, a list of any completed Project activities that have been authorized by the HIP to proceed without further review. (Appendix C II.F****)
See sample stipulation below.***

The Heritage Professional, in consultation with HIP consulting parties, has determined the list of Project activities listed in Appendix A have limited to no adverse effect on historic properties. The Agency Official may authorize such Project activity types listed in the Appendix without further review under Section 106.

* + 1. The Agency Official shall provide HIP consulting parties a list of any completed listed categories of Project activities that have been authorized by the HIP to proceed without further review in the annual report.
	1. Identification strategies. *Identification efforts must be determined by the Agency Official in consultation with the Heritage Professional and HIP consulting parties and will be informed by past studies, the magnitude and nature of the Project and its specific Project activities, hazardous conditions or other barriers to identification, the degree of Federal involvement, the highest potential for historic properties, and where the highest potential for adverse effects to resources may occur (consistent with 36 CFR § 800.4(b)(1)). Identification should also be informed by other variables negotiated among HIP consulting parties. (Appendix C II.B-C)* ***The following sample stipulation lists the generalized options that are listed in the Phasing NPA (Appendix C II.C), and it should be further modified in the HIP in consultation with HIP consulting parties to include one or more of the following types of strategies.***

The Agency Official shall complete the following identification methods where historic properties may be affected before beginning Project activities in those areas.

* + 1. *Remote strategies, such as but not limited to literature and data review, predictive modeling, LiDAR, development of historic contexts, and other ways to identify historic properties remotely. Remote strategies must be designed to meet a good faith effort to identify historic properties. Note: When only remote strategies are chosen for specific implementation areas, the FS Heritage Professional and/or Agency Official will ensure that these decisions are based on the best available information about the types of historic properties that HIP consulting parties expect to find in a given Project activity area. Consultation among the HIP consulting parties that led to this decision must be documented and placed in the Project record. Remote strategies must be designed to meet a good faith effort to identify historic properties (Appendix C II.D).*
		2. *Field-based strategies, such as targeted cultural resource field surveys using methods based on existing Forest protocols.*
		3. *Identification that may be informed by on-site or off-site research such as interviews, oral histories, ethnographic studies, and previous inventories if considered adequate by the Heritage Professional as per guidance provided in FSH 2309.12, Chapter 32, Section 11 and ACHP Guidance, Meeting the “Reasonable and Good Faith” Identification Standard in Section 106 Review.*
		4. *The inclusion of traditional knowledge, a critical component in the identification and evaluation of historic properties of religious and cultural significance to Tribes.*  *The regulations acknowledge that the passage of time, changing perceptions of significance, or incomplete prior evaluations may require the reevaluation of Project areas for the presence of historic properties (36 CFR § 800.4(c)(1)). This is a particularly important consideration in planning for identification, because past identification and evaluation efforts may not have included the traditional knowledge held by Indian Tribes*.
	1. *Areas that do not require survey.* ***Optional*** -***This provision can be removed as appropriate****. When targeted cultural resource field surveys are chosen and/or previous surveys are inadequate, the HIP will document whether the following areas require field survey, based on the best available knowledge of the types of historic properties that the Heritage Professional and the HIP consulting parties expect to be found in a given Project activity area, or will likely result in the identification of additional historic properties (36 CFR § 800.4(c)(1)).*

***See sample stipulation below with the list of conditions identified in the NPA (Appendix C II.E).***
The Agency Official in consultation with HIP consulting parties has determined the following areas do not require field survey

* + - 1. Areas of steep slope (e.g. 30%) where sites are not expected to occur, based on local knowledge of the types of historic properties in a given area and as informed by HIP consulting parties.
			2. Areas where past natural or human-caused ground disturbance has modified the surface so extensively that the likelihood of finding evidence of intact historic properties is negligible and the site area has not been identified as being significant for other reasons that may make it eligible for the National Register, including but not limited to those that may be of religious and cultural significance to one or more Tribes. Determining that a given area has been so extensively disturbed that the likelihood of finding intact historic properties is negligible requires knowledge of local geology (including natural and cultural stratigraphy) as well as knowledge about the types and depths of historic properties expected in the area, and will take into consideration information gained from HIP consulting parties including information about resources of cultural and religious significance to Tribes.
			3. Areas where existing inventory data, consultation information, and predictive models previously reviewed by the HIP consulting parties are sufficient to indicate that further field survey information would not likely result in the identification of additional historic properties.
	1. Determination of Eligibility Process. *The HIP will document when and how cultural resources will be evaluated in consultation with HIP consulting parties for eligibility for inclusion on the National Register as part of the identification process.* *The Agency Official shall acknowledge that Tribes possess special expertise in assessing the eligibility of historic properties that may have religious or cultural significance to them. Where the FS identifies historic properties, the FS will define boundaries of the extent of historic properties and contributing features or, in consideration of confidentiality concerns, the FS may elect to identify an avoidance area that encompasses multiple historic properties in a given geographic area. Additionally, the HIP will include at least one of the following evaluation methods for the Agency Official to complete, as determined in consultation with HIP consulting parties. (Appendix C II.G****). See below for sample stipulation, and specify which of the following methods the Agency Official will use.***
		1. The Agency Official shall acknowledge that Tribes possess special expertise in assessing the eligibility of historic properties that may have religious or cultural significance to them.
		2. If the Heritage Professional finds properties, the Agency Official shall ….
			1. Apply the National Register criteria (36 CFR part 63) to unevaluated properties identified in accordance with 36 CFR § 800.4(c), acknowledging that Tribes possess special expertise in assessing the eligibility of historic properties that may have religious or cultural significance to them. ***(and/or)***
			2. Treat unevaluated properties as eligible in accordance with FSM 2363.22.
	2. Reporting. *After each identification effort is complete, the HIP shall establish a process to submit a report on the results of the identification effort(s) to HIP consulting parties for review and comment. The report must meet agency standards (FSM 2363.16) and include information consistent with 36 CFR § 800.11, unless otherwise negotiated. The HIP shall establish a process to complete identification and consultation before beginning Project activities in an area of the Project where historic properties may be affected. No sample stipulation provided. (Appendix C II.I)*
	3. Disagreement.***This requirement identified in Appendix C II.H must remain in the HIP for clarity.***If the FS and SHPO [or THPO (functioning as SHPO on Tribal lands)] cannot agree on the eligibility of a property, or if the ACHP so requests, e.g. after receiving a disagreement notification from a Tribe that attaches religious and cultural significance to a property off Tribal lands, the FS will obtain a formal determination of eligibility from the Keeper of the National Register, whose decision shall be final (36 CFR § 800.4(c)(2)). No project activities with the potential to affect historic properties may begin in an area of the Project where there are known cultural resources until a determination of eligibility has been made or until the Agency Official elects to avoid cultural resources in that portion of the Project regardless of eligibility determination.
1. Assessment of Effects
	1. Process for assessments of effect. *The HIP will include a process developed among HIP consulting parties to determine whether the Project activities may affect, directly or indirectly, the integrity of any characteristics that qualify the property for inclusion in the National Register. Unevaluated properties may be treated as eligible, in accordance with FSM 2363.22, for the purpose of assessments of effect.*
		1. *When a historic property is identified, the HIP will include a protocol to apply the phased criteria of adverse effects consistent with 36 CFR § 800.5(a)(3).*
		2. *When the likelihood of historic properties is determined through predictive models, probability levels, consultation information, or other similar methods appropriate to property types expected in a given area instead of being identified through field survey, the HIP will include a process to apply the phased criteria of adverse effect, consistent with 36 CFR § 800.5(a)(3), based on the nature of the Project activities and the probability or the nature of the historic properties expected to be in the area of the planned Project activities. The FS Heritage Professional, in consultation with HIP consulting parties, will determine when ground truthing, including but not limited to pedestrian survey, is needed to supplement remote methods to identify historic properties. When there is a disagreement regarding the potential for adverse effect and that disagreement can be resolved through obtaining additional information then the HIP may follow Appendix C Section II.C.2 of the Phasing NPA, as appropriate. (Appendix C III.A)*
	2. No Historic Properties Affected. *Unless otherwise negotiated, when no historic properties are found or when there is low probability of the presence of historic properties (as determined in consultation with HIP consulting parties) the HIP shall direct the Agency Official to propose a finding of No Historic Properties Affected, and provide documentation supporting the finding, consistent with 36 CFR § 800.11 to HIP consulting parties and provide thirty (30) days from receipt for review and comment. The FS will consider comments from HIP consulting parties before making a final finding of effect. (Appendix C III.B)* ***See below for sample stipulation that may be modified as appropriate.***

When the Heritage Professional determines no historic properties are found or when there is low probability of the presence of historic properties, the Agency Official shall propose a finding of No Historic Properties Affected, and provide documentation supporting the finding, consistent with 36 CFR § 800.11 to HIP consulting parties and provide thirty (30) days from receipt for review and comment. The FS will consider comments from HIP consulting parties before making a finding of effect for the Project activities.
***OR***
When the Heritage Professional determines no historic properties are found or when there is low probability of the presence of historic properties, the Agency Official shall propose a finding of No Historic Properties Affected, and provide documentation supporting the finding, consistent with 36 CFR § 800.11 to HIP consulting parties in the HIP annual report.

* 1. No Adverse Effect. *Unless otherwise negotiated, the Agency Official shall notify HIP consulting parties of a finding of No Adverse Effect and provide HIP consulting parties thirty (30) days from receipt to review and comment, consistent with 36 CFR § 800.5(c), on documentation supporting the finding consistent with 36 CFR § 800.11. When historic properties or areas with probability of historic properties will be affected, the HIP shall utilize one or more methods below to reach a finding of No Adverse Effect for specific Project activities. The specificity of such measures should be commensurate with the information available about the historic properties in the APE and the nature and magnitude of proposed activities. Potential methods to reach a finding of no adverse effect that are identified in the NPA are below. (Appendix C III.C)* ***See below for sample language with the list of potential methods identified in the NPA, as well as sample language for consulting on the finding.***When the Heritage Professional determines historic properties or areas with probability of historic properties will be affected, the Agency Official shall use one or more methods below to reach a finding of No Adverse Effect for specific Project activities.
		1. Altering Project activity boundaries or establishing exclusion areas that are marked for avoidance for Project activities where historic properties or unevaluated properties that may be National Register eligible may be affected;
		2. Altering design of Project activities where historic properties may be affected to avoid adverse effects to historic properties and unevaluated properties that may be National Register eligible;
		3. Using methods as otherwise negotiated and documented in the HIP;
		4. Developing a monitoring plan that describes monitoring procedures (both short and long term), and which identifies sensitive cultural resources to be avoided. Unless otherwise negotiated, a monitoring plan must be implemented when needed to avoid adverse effects to historic properties during implementation of Project activities.

When the Agency Official utilizes one of these methods, they shall notify HIP consulting parties of a finding of No Adverse Effect and provide HIP consulting parties thirty (30) days from receipt to review and comment, consistent with 36 CFR § 800.5(c), on documentation supporting the finding consistent with 36 CFR § 800.11.

1. Adverse Effect Findings and Resolution of Adverse Effects

***No sample stipulations have been provided for this section.***

* 1. *When historic properties or areas with probability of historic properties cannot be avoided, the FS Heritage Professional, in consultation with HIP consulting parties, will apply the criteria of adverse effect consistent with 36 CFR § 800.5(a). (Appendix C IV.A)*
	2. *Findings of adverse effect may be made in the development of the HIP or following the finalization of the HIP, as the FS identifies new or additional effects to historic properties. (Appendix C IV.B)*
		1. *When a finding of adverse effect is anticipated at the time of developing the HIP, the HIP will include measures to resolve adverse effects specific to the anticipated effects, unless otherwise negotiated.*
		2. *When a finding of adverse effect is made after the HIP is completed but before Project activities occur, unless otherwise negotiated, the Agency Official shall consult HIP consulting parties on a finding of Adverse Effect and provide thirty (30) days for review and comment. The Agency Official shall consult and seek agreement of HIP consulting parties on measures to resolve adverse effects. The measures and their timing for implementation will be appended to the HIP following the amendment process Section IX.D of this Appendix****.*** *The HIP may be used in lieu of individual memoranda of agreement to resolve adverse effects, or measures to resolve adverse effects may be documented in individual memorandum of agreement, as determined by the Agency Official in coordination with the Heritage Professional.*
	3. *When adverse effects are based on the likelihood of historic properties and not verified through field survey, the HIP will establish generalized measures to resolve adverse effects for the types of properties anticipated to be adversely affected by the Project. The HIP shall require assessments of generalized measures as they apply to Project activity areas to assess their efficacy. If the FS, in consultation with HIP consulting parties, finds that generalized measures are insufficient to resolve adverse effects, FS will work with HIP consulting parties to modify or develop new measures to resolve adverse effects to historic properties, and these new measures will be documented in an amendment to the HIP. (Appendix C IV.C)*
	4. *The HIP shall establish measure(s) to resolve adverse effects, as appropriate and as decided upon in consultation with HIP consulting parties, such as: (Appendix C IV.D)*
		1. *Examples of prior mitigation measures that have been previously approved in other Section 106 agreements or documents such as Forest Historic Preservation Plans. For example, previous documentation or data recovery of historic properties may provide examples of methods to resolve adverse effects on other historic properties.*
		2. *Mitigation measures that treat similar cultural resources or areas in lieu of conducting mitigation directly on adversely affected historic properties, such as historic context studies, etc. It is not appropriate to conduct a lesser level of mitigation off-site than would have been required under standard mitigation.*
		3. *Mitigation measures for traditional cultural properties (TCPs), if effects cannot be avoided, might include efforts such as oral history studies, on-site or off-site interpretation, ethnographic studies, habitat protection or enhancement, and other methods. Mitigation for TCPs must be determined in consultation with the applicable Tribe(s) with traditional cultural connection to affected TCP(s).*
		4. *Mitigation measures for historic properties of religious and cultural significance to Indian Tribes, if effects cannot be avoided, might include efforts such as oral history or place name studies, on-site or off-site interpretation, ethnographic or traditional knowledge studies, habitat protection or enhancement, and other methods. Mitigation for these historic properties must be determined in consultation with the applicable Tribe(s) with traditional cultural connection to the affected historic property.*
	5. *The HIP will include timelines and protocols for when mitigation measures will be implemented throughout the Project and how they will be reported to consulting parties. Project activities that could have an effect on historic properties may not proceed until mitigation measures to resolve adverse effects have been determined in consultation with HIP consulting parties, and the Agency Official has committed to implementing mitigation measures. (Appendix C IV.E)*
	6. *The HIP shall include the required dispute resolution process set forth in IX.B. of this Appendix to resolve disagreement of findings. (Appendix C IV.F)****No sample stipulation provided.***
1. HIP Reporting Process
	1. *The HIP will establish a process for documenting the implementation of the HIP, including CRSOs (if any), whereby the Heritage Professional is responsible for entering information regarding any Project activity initiated under the HIP and NPA into the internal FS Heritage NPA electronic system of record. (Appendix C V.A)* ***See sample stipulation below that should be included in every HIP.***

The Heritage Professional is responsible for entering information regarding any Project activity initiated under the HIP and NPA into the internal FS Heritage NPA electronic system of record.

* 1. *The HIP will establish a process for communicating updates on a regular basis about the HIP implementation to HIP consulting parties. The Agency Official will seek input from HIP consulting parties to determine the appropriate frequency of Project updates (e.g., bi-weekly, monthly, bi-monthly, quarterly, etc.) and the format of these updates. (Appendix C V.B)* ***No sample stipulation provided.***
	2. *At a minimum, the HIP will establish a process for annual reporting of the HIP, whereby the Heritage Professional provides an annual report on the use of the HIP in the previous fiscal year to HIP consulting parties, appropriate Forest Supervisor(s), and Regional Heritage Program Manager(s). The annual report that follows the completion of the Project will be the final annual report. If unforeseen circumstances prevent the FS from delivering the annual report to HIP consulting parties, the Agency Official will send a letter to HIP consulting parties at the time the report is due to inform them of the delay and provide opportunities for updating HIP consulting parties on HIP implementation in another forum such as verbally, in person, or virtually. The alternate opportunity for updating HIP consulting parties does not substitute for the annual report, and the Heritage Professional will provide the annual report at the soonest possible date after the original due date, but not more than six months after the due date. (Appendix C V.C)* ***See sample stipulation below.***In (month) of each year, the Heritage Professional shall provide an annual report on the use of the HIP in the previous fiscal year to HIP consulting parties, appropriate Forest Supervisor(s), and Regional Heritage Program Manager(s). The annual report that follows the completion of the Project will be the final annual report. If unforeseen circumstances prevent the FS from delivering the annual report to HIP consulting parties, the Agency Official will send a letter to HIP consulting parties at the time the report is due to inform them of the delay and provide opportunities for updating HIP consulting parties on HIP implementation in another forum such as verbally, in person, or virtually. The alternate opportunity for updating HIP consulting parties does not substitute for the annual report, and the Heritage Professional will provide the annual report at the soonest possible date after the original due date, but not more than six months after the due date.
	3. *The HIP will outline the contents of the annual report, which will include at a minimum, a list of CRSOs initiated and completed, if applicable, and a list of Project activities and HIP activities completed and initiated in the previous fiscal year. (Appendix C V.D)* ***See sample stipulation below with the minimum requirements that must be included.***The annual report will include a list of CRSOs initiated and completed, if applicable, and a list of Project activities and HIP activities completed and initiated in the previous fiscal year.
	4. *As part of the annual reporting process, the HIP may include an annual meeting between HIP consulting parties to review the implementation of the HIP, discuss the upcoming program of work, and other topics pertaining to the HIP. (Appendix C V.E)* ***See sample stipulation below that may be included.***

Within 30 days after providing the HIP annual report to HIP consulting parties, the Agency Official shall meet annually with HIP consulting parties to review the implementation of the HIP, discuss the upcoming program of work, and other topics pertaining to the HIP.

1. Unanticipated Effects and Post-review Discoveries
	1. *Unless otherwise negotiated, the HIP will include 36 CFR 800.13 to address post-review discoveries. At a minimum, the Agency Official must consult with the SHPOs/THPOs and Tribes in the event of a post-review discovery. (Appendix C VI.A)* ***No sample stipulation provided.***
2. Inadvertent Discovery and Treatment of Human Remains
	1. *If Project activities have a likelihood of encountering Native American human remains or funerary objects, the HIP must establish the development of a Project- specific Plan of Action prior to implementing the HIP (per 43 CFR § 10.3). A Plan of Action must be completed prior to finalizing the HIP. A Plan of Action may be updated after the HIP is finalized by following the amendment process established in the HIP. (Appendix C VII.A)* ***See sample stipulation below that must be included if the Project has a likelihood of encountering Native American human remains of funerary objects.***
	If Project activities have a likelihood of encountering Native American human remains or funerary objects, the Agency Official shall follow the Project-specific Plan of Action (See Appendix). A Plan of Action may be updated after the HIP is finalized by following the amendment process of this HIP.
	2. ***The HIP shall also include the following process*** *(Appendix C VII.B)****:***

If human remains or funerary objects are encountered at any time during the implementation of the Project, work will stop in the area of the discovery, and the agency shall follow the provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), as applicable, and State and local laws as appropriate. These laws are separate from Section 106 of the NHPA, which is the only law applicable to this NPA, and therefore these laws apply to all agency actions and undertakings regardless of whether or not they use this NPA to comply with Section 106 of the NHPA.

1. Emergency Situations

*Unless otherwise negotiated, the FS shall follow the standard emergency procedures at 36 CFR § 800.12 or as specified in any other applicable program alternative. Should an emergency situation occur which represents an imminent threat to public health or safety, or creates a hazardous condition, the FS shall respond to the emergency or hazardous condition and immediately notify the SHPO/THPO, Tribes, and the ACHP of the emergency situation and the measures the FS has taken to respond to the emergency situation. Should the SHPO/THPO, Tribes, or the ACHP desire to provide technical assistance to the FS, they shall submit comments within seven (7) calendar days from notification, if the nature of the emergency or hazardous condition allows for such coordination. (Appendix C VIII.A)* ***See sample stipulations for each of these options below.***

* 1. The FS shall follow the standard emergency procedures at 36 CFR § 800.12. Should an emergency situation occur which represents an imminent threat to public health or safety, or creates a hazardous condition, the FS shall respond to the emergency or hazardous condition and immediately notify the SHPO/THPO, Tribes, and the ACHP of the emergency situation and the measures the FS has taken to respond to the emergency situation. Should the SHPO/THPO, Tribes, or the ACHP desire to provide technical assistance to the FS, they shall submit comments within seven (7) calendar days from notification, if the nature of the emergency or hazardous condition allows for such coordination.
	***OR***
	2. The FS shall *(insert emergency stipulation from applicable program alternative)****OR***
	3. *Insert another process consulted upon*
1. Required Administrative Provisions

*The HIP shall include the following provisions as set forth below. (Appendix C IX.A)* ***No modifications allowed, except for the duration clause, where FS unit specifies the duration of the project.***

* 1. **Dispute Resolution Process**
		1. If HIP consulting parties raise disputes during the implementation of the HIP, the Agency Official will convene a meeting or teleconference between all HIP consulting parties to consider their views and seek agreement regarding matters arising in the implementation of the HIP. If disputes cannot be reconciled between the FS and consulting parties of the HIP, the Agency Official or Heritage Professional will refer the matter to the ACHP for their input. Within thirty (30) days of receipt of all pertinent documentation, the ACHP will either provide the FS recommendations regarding the dispute. The FS shall respond in each instance. The Agency Official shall consider any recommendations provided in reaching a decision and notify ACHP and HIP consulting parties of the final decision.
	2. **Anti-Deficiency Act**
		1. The FS’s responsibilities under the HIP are subject to the availability of funds, and the stipulations of the HIP are subject to the provisions of the Anti-Deficiency Act. The FS shall make reasonable and good faith efforts to secure the necessary funds to implement this HIP in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the FS’s ability to implement the stipulations of the HIP, the FS shall consult in accordance with the amendment procedures found in this HIP. In the meantime, all work on the Project will cease.
	3. **HIP Amendment Process**
		1. If the Project area changes during its implementation or when any consulting party proposes an amendment, the Agency Official will consider amending the HIP in coordination with the Heritage Professional. If the Project area changes, the Agency Official will amend the HIP to include Section 106 activities for those new Project areas.
		2. When the Project area changes or when an amendment is proposed, the Agency Official will notify and consult with HIP consulting parties. Upon receipt of notification, HIP consulting parties will have ten (10) days to comment on whether an amendment to the HIP is necessary.
		3. When an amendment is warranted, the Agency Official will provide the HIP consulting parties fifteen (15) days to review the drafted amendment, upon receipt of the draft. If there is a dispute about an amendment, the Agency Official and HIP consulting parties will follow the dispute resolution process in IX.B.
		4. An amendment of the HIP will go into effect upon signature of the Agency Official, and the FS will provide a copy to HIP consulting parties within thirty (30) days of signing.
	4. **Confidentiality Concerns**
		1. If a HIP consulting party expresses confidentiality concerns in regards to the HIP development, issuance or implementation, the Agency Official and FS Heritage Professional shall use best efforts to protect sensitive information from disclosure as requested by HIP consulting parties to the extent permitted by federal law, including Section 304 of NHPA (54 U.S.C. 307103); Section 9 of the Archaeological Resources Protection Act (16 U.S.C. 470hh); Section 8106 of the Food, Conservation, and Energy Act of 2008 (25 U.S.C. 3056); and Section 552(b) of the Freedom of Information Act (5 U.S.C. 552). These those statutes have different standards according to the type of resource at issue.
	5. **Duration and Termination**
		1. The HIP will remain active for the duration of the Project **(*FS to insert duration of Project in calendar terms, such as years, months, etc*.).** An Agency Official with jurisdiction over the Project may terminate the HIP by providing ninety (90) days’ notice to HIP consulting parties, provided the Agency Official consults with HIP consulting parties in good faith and considers their input prior to termination.
		2. If termination of the HIP or nationwide NPA occurs while individual HIP activities are ongoing for a specific Project area, the HIP consulting parties will continue those individual HIP activities to completion. Prior to continuing work on other Project areas, the Agency Official shall develop and execute a Programmatic Agreement (per 36 CFR 800.14(b)(3)) to incorporate the terms of the HIP. Once the new PA is executed, that PA will govern the Section 106 activities for the Project.
		3. If the Project is cancelled, the HIP will be terminated.
1. Map of the APE as defined in consultation with the HIP consulting parties.

# Cultural resources stewardship opportunities (CRSOs) integrated.*To encourage stewardship outcomes from an early consultation process, the Agency Official must seek to identify any CRSO(s) that recognize, preserve, protect, and enhance cultural resources for the greatest benefit to the public and Tribes that may be integrated into the Project design. (Appendix C XI.A)Examples of CRSOs include but are not limited to enhancement of historic properties and landscapes, development of historic contexts, identifying opportunities for interpretation, traditional cultural property studies, identification and documentation of historic properties of religious and cultural significance, habitat improvements for natural and cultural resources important to Tribes, and other opportunities for cultural resources stewardship that are consistent with Project purpose. (Appendix C XI.B)If the Agency Official received viable proposals for CRSO(s) and approved any CRSO(s) in the Project design, the HIP will briefly summarize where and how the CRSO(s) will be implemented. At a minimum, information about the implementation of CRSOs will be included in the Annual HIP Report (as described in Section V. of this Appendix). (Appendix C XI.C) See below for sample stipulations recommended for this section.*

* 1. To encourage stewardship outcomes from an early consultation process, the Agency Official has sought HIP consulting party input to identify any CRSO(s) that recognize, preserve, protect, and enhance cultural resources for the greatest benefit to the public and Tribes that *may* be integrated into the Project design.
	2. The Agency Official has not incorporated any CRSOs
	***OR***
	3. The Agency Official has incorporated the following CRSOs:
		1. Title of CRSO
			1. Summary of where and how the CRSO will be implemented.