

PROGRAMMATIC AGREEMENT

AMONG

**THE USDA FOREST SERVICE, ALASKA REGION,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE ALASKA STATE HISTORIC PRESERVATION OFFICER**

REGARDING

HERITAGE PROGRAM MANAGEMENT

ON NATIONAL FORESTS

IN THE STATE OF ALASKA

2017

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Preamble

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

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

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

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

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

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

¹ Formerly 16 USC 470 et seq.

provisions of 36 CFR 800 that demonstrates that many undertakings can be implemented using more cost-effective, expedited steps and procedures than those outlined in 36 CFR 800; and

WHEREAS, the Signatory Parties share a common desire to develop a flexible programmatic approach for expeditiously implementing projects subject to Section 106 of the NHPA that will satisfactorily take into account the effects of Forest Service undertakings on historic properties, provide for tribal consultation and public participation, minimize redundant documentation, and reduce the need for case-by-case review of routine activities when historic properties will not be affected or when standard protocols and treatments can be applied; and

WHEREAS, execution of this Agreement by the Forest Service obligates each participating Forest and Forest Supervisor to comply with the stipulations contained herein; and

WHEREAS, the Forest Service recognizes its government-to-government and government-to-corporation relationships with federally recognized Indian tribes [as defined at 36 CFR 800.16(m)], hereinafter referred to as Alaska Native Tribes and Alaska Native Corporations [as defined in Forest Service Manual (FSM) 1563.05]; and

WHEREAS, the Forest Service recognizes that some historic properties may be culturally significant to Alaska Native Tribes and Alaska Native Corporations as well as non-federally recognized tribes; and

WHEREAS, the Forest Service has invited the following Alaska Native Tribes and Alaska Native Corporations to consult on the development of this Agreement (See Appendix E: Alaska Native Tribes, Alaska Native Corporations, and Other Interested Parties Invited to Consult); and

WHEREAS, Chugach Alaska Corporation provided comments and Douglas Indian Association and Organized Village of Kake acknowledged their review of the Agreement without providing additional comments; and

WHEREAS, the Forest Service has invited the following local governments and other interested parties to consult (See Appendix E: Alaska Native Tribes, Alaska Native Corporations, and Other Interested Parties Invited to Consult), including Certified Local Governments; and

WHEREAS, Sitka Historic Preservation Commission provided comments and Seward Historic Preservation Commission reviewed the Agreement without providing additional comments; and

WHEREAS, determining that an undertaking has the potential to affect a historic property requires subject matter expertise; only a qualified Heritage Professional may recommend to the agency official whether a particular activity is an undertaking for the purposes of NHPA and whether the terms of this Agreement may be applied or whether standard Section 106 procedures per 36 CFR 800 and FSM 2364.11 shall be followed;

NOW, THEREFORE, the Signatory Parties agree that undertakings by the Forest Service Alaska Region shall be implemented in accordance with the following stipulations in order to take into account their effects on historic properties; and, when so administered, the procedures specified in this Agreement for identification, documentation, evaluation, review, consultation, and public notification and participation will be followed, and these procedures satisfy the Forest Service's Section 106 responsibilities for all subject undertakings.

Forest Service Alaska Region shall ensure the following measures are carried out:

I. Stipulations

a. Professional Qualifications

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

- i. Forest Service Heritage Professionals shall meet professional qualifications standards established by the Office of Personnel Management [§ 306131² (a)(1)(B)] and found at FSM 2360.5, FSM 2360.91.1, and Forest Service Handbook (FSH) 2309.12 Chapter Zero Code 04.1.
- ii. The Forest Service may use the services of paraprofessionals provided they have been trained in historic preservation in a training program developed in consultation with the SHPO, have acquired a paraprofessional certification per FSH 2309.12 Chapter Zero Code 06.6, and are supervised by Forest Service Heritage Professionals who meet the above professional qualifications.
 1. Paraprofessionals may document the presence/absence of cultural resources, monitor cultural resources, and prepare condition assessments of cultural resources if baseline documentation exists.
 2. Paraprofessionals may not evaluate cultural resources against National Register criteria or make recommendations related to cultural resource management.
- iii. All non-government personnel shall meet the professional qualifications standards found in the *Secretary of the Interior's Professional Qualifications Standards and Guidelines for Archeology and Historic Preservation* per FSM 2360.92.

² Formerly Section 112

b. Professional Standards

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

c. Tribal Consultation and Participation

The Forest Service shall consult with Alaska Native Tribes and Alaska Native Corporations about properties of interest to them that may be affected by Forest Service undertakings pursuant to 36 CFR 800.2(c)(2), and identification of historic properties pursuant to 36 CFR 800.4(a)(4). This consultation will be conducted in a manner that reflects the nature and complexity of each undertaking and its potential effects on historic properties during planning and implementation, regardless of whether the Agreement applies or not. Property types may include, but are not limited to: sacred sites as defined in Executive Order 13007 and FSM 1563.05; sacred places as defined in FSM 1563.05; traditional use areas that may relate to the practice of traditional religions as described in American Indian Religious Freedom Act (42 USC 1996); Native American graves under Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC 3001 et seq.); Traditional Cultural Properties (TCPs) in accordance with 36 CFR 800 and FSM 2363.17, or other precontact or historic cultural resources.

d. Other Interested Parties, Including Non-federally Recognized Tribes

- i. The Forest Service shall seek and consider the views of stakeholders, including Certified Local Governments and Historic Preservation Commissions, in a manner that reflects the nature and complexity of each undertaking and its potential effects on historic properties and the likely interest of the public in the effects on historic properties pursuant to 36 CFR 800.2(5)(d).
- ii. The Forest Service may choose to exclude undertakings from the provisions of this Agreement and to follow standard Section 106 procedures at 36 CFR 800 if stakeholder input demonstrates it is in the best interest of the resources or the Agency (Section III. Standard Section 106 Procedures).

e. Streamlined Section 106 Procedures

If the Heritage Professional has determined that all of the criteria below have been satisfied, streamlined procedures under this Agreement may be used and no further consultation with SHPO is necessary unless circumstances warrant otherwise. If one or

more criteria are not met, the undertaking shall be subject to standard Section 106 procedures at 36 CFR 800 (Section III. Standard Section 106 Procedures).

- i. **The Area of Potential Effects (APE) has been identified.** The APE is identified by the Heritage Professional per FSM 2364.11.2.2 who will consider the direct, indirect, and cumulative effects of the undertaking, including effects that might compromise the visual integrity of surrounding historic properties, historic districts, or National Historic Landmarks (NHL). The APE is not the same (although it can be) as the “project boundaries” as defined in the National Environmental Policy Act (NEPA) (42 USC 4321-4346). The APE can be smaller, or larger, and multiple APEs may be included within the project boundaries.
 1. When the APE falls within the boundary of a NHL, see Section VIII. Interagency Collaboration.
- ii. **Appropriate identification and evaluation research has been carried out** to the degree required to make decisions regarding the historic properties that may be affected by this undertaking (Section II.b. Identification, and Appendix D: Inventory Strategy).
- iii. **Known cultural resources identified within the APE have been evaluated for the National Register or have not been evaluated but are to be treated as eligible per FSM 2363.22** and the provisions at Section II.c. Evaluation of Historic Properties. The Heritage Professional may determine a reevaluation is necessary if, for example, new information about the property becomes available.
- iv. **Preliminary planning indicates a Finding of “no historic properties affected” [36 CFR 800.4(d)(1)] or “no adverse effect” [36 CFR 800.5(d)(1)]** for the undertaking on all known historic properties within the APE.
- v. **The undertaking falls into one of the categories included in Appendix B: Authorized Undertakings or is determined by the Heritage Professional to be a Finding of “no historic properties affected” pursuant to stipulation II.d.i.**
 1. If the undertaking involves a historic building or structure, Appendix B: Authorized Undertakings can only be used if a baseline recordation exists and the existing condition is documented.

II. General Procedures

a. Integrating with NEPA

- i. The Forest Service may follow 36 CFR 800.8 in coordination procedures with NEPA for Environmental Assessments (EA) or Environmental Impact Statements (EIS) and use guidance provided in *NEPA and NHPA: A Handbook for Integrating*

NEPA and Section 106 by the Council on Environmental Quality, Executive Office of the President and the ACHP (2013) for any agency activities requiring the development of an EA/Finding of No Significant Impact (FONSI) or EIS/Record of Decision (ROD).

- ii. When not following streamlined procedures under the terms of this Agreement, Forest Service may follow 36 CFR 800.8(c) to use NEPA to substitute for standard Section 106 procedures for any agency activities requiring the development of an EA/FONSI or EIS/ROD.
- iii. Actions reviewed under NEPA that qualify for a Categorical Exclusion (CE) still require compliance with Section 106 of the NHPA and may follow standard Section 106 procedures or, if applicable, the streamlined procedures described in this Agreement.
- iv. Procedures at 36 CFR 800.4(b)(2) for Phased Identification and Evaluation may be followed when the APE covers a large area or the exact location of proposed activities is to be determined; an example would be a large scale/long term vegetation management project. These procedures allow for phasing the identification of cultural resources and the assessment of effects in order to issue a NEPA decision document prior to concluding the Section 106 process. It will be clearly indicated in the NEPA decision document that 36 CFR 800.4(b)(2) is being followed and that Section 106 procedures are not concluded.

b. Identification

- i. The Heritage Professional shall use the best available methods for identifying historic properties in the APEs for undertakings. In addition to standard literature and archival research, the Forest Service may use current predictive models developed for locating historic properties on National Forest System lands. In all cases, the Heritage Professional will use current professional standards in carrying out identification activities:
 - 1. Heritage Professionals will follow the guidelines set forth in FSM 2363 and FSH 2309.12 Chapter 30 to identify, evaluate, and allocate cultural resources to a management category. The direction contained within FSH 2309.12 Chapter 30 applies to these activities regardless of whether they are conducted under Section 106 or Section 110 (§ 306101-306107 and 306109-306114) of the NHPA, or Archaeological Resources Protection Act (ARPA) (16 USC 470aa et seq.) or other authorities.
 - 2. Heritage Professionals will consult with Alaska Native Tribes and Alaska Native Corporations and other traditional users pursuant to 36 CFR 800.4(a)(3) and 36 CFR 800.4(a)(4).

3. Heritage Professionals, in keeping with the *Secretary of the Interior's Standards for Identification*, will use their best professional judgement in creating an appropriate cultural resource identification strategy "undertaken to the degree required to make decisions".
4. Predictive modeling is based on current research relating to isostatic rebound and landscape level changes, including ancient shorelines, fossil beaches, refugia, and submerged cultural resources (Appendix D: Inventory Strategy). Current statistical models have identified "probability zones" of "high" or "low" which are predictors of potential cultural resource density. The models will be tested and updated on a continuing basis.
5. "Probability zones" will be reviewed annually and revised as needed when summarizing activities (Section VII. Documentation and Reporting).
6. Heritage Professionals shall ensure that any previous identification efforts in the APE meet current standards as defined in Appendix D: Inventory Strategy, and if not, shall follow Appendix D to ensure that current standards are met.

c. Evaluation of Historic Properties

- i. Properties will be evaluated for eligibility using criteria at 36 CFR 60.4 as determined appropriate by a Heritage Professional.
 1. Historic properties that have been formally evaluated and have received SHPO concurrence shall be covered under the terms of this Agreement.
 2. Cultural resources which have been identified, but have not been formally evaluated for eligibility to the National Register shall be treated as eligible historic properties per FSM 2363.22 under the terms of this Agreement.
 3. The Heritage Professional shall determine whether a property's circumstances have changed and an eligibility evaluation requires updating prior to an undertaking.

d. Assessment of Effects (Findings)

- i. A Finding of "no historic properties affected" [36 CFR 800.4(d)(1)] shall be applied to undertakings for which the Heritage Professional has determined there will be no effects to historic properties. The Heritage Professional shall review these undertakings following procedures under stipulation I.e.
- ii. A Finding of "no adverse effect" [36 CFR 800.5(d)(1)] shall be applied to undertakings for which the Heritage Professional has determined there will be no adverse effects to historic properties. The Heritage Professional shall review these undertakings following procedures under stipulation I.e.

- iii. Cumulative effects must be included in the assessment of effects and if there is a reasonable foreseeable potential for an “adverse effect,” a conditional Finding of “no adverse effect” may be applied if conditions are imposed to avoid them per 36 CFR 800.5(b). Conditions are project specific. Examples include:
 - 1. Requiring Leave No Trace principals be practiced for activities such as camping, hiking, and picnicking in areas near or on historic properties, and requiring that areas where activities occur are not subject to large volumes of visitor traffic that may cause adverse effects through overuse.
 - 2. Requiring “avoidance” of historic properties as a matter of Forest Service policy such as rerouting trails, road realignments, changes in designs, or limiting visitor numbers to reduce impacts.
- iv. When the Heritage Professional determines that an undertaking will result in an “adverse effect” [36 CFR 800.5(d)(2)], then the undertaking shall be subject to standard Section 106 procedures at 36 CFR 800 (Section III. Standard Section 106 Procedures).

e. Monitoring Activities

- i. To ensure compliance with this Agreement, Heritage Professionals shall monitor activities during or post-implementation of undertakings.
 - 1. If a conditional Finding of "no adverse effect" is applied, the undertaking may proceed, but requires monitoring on a schedule that the Heritage Professional deems appropriate for the activity and the resource to confirm that the Finding remains “no adverse effect.”
 - 2. Should monitoring reveal that historic properties are being adversely affected, the SHPO and any appropriate Alaska Native Tribe(s) or Alaska Native Corporation(s) shall be notified. Forest Service will either revert to standard Section 106 procedures (Section III. Standard Section 106 Procedures) or, if necessary, implement post-review discoveries protocols per 36 CFR 800.13.

III. Standard Section 106 Procedures

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

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

- b. When switching from the modified procedures allowed by this Agreement to the standard Section 106 procedures, the Signatory Parties shall consult about where to best enter the standard Section 106 process.
- c. Discoveries and Unanticipated Effects
 - i. The SHPO and any appropriate Alaska Native Tribe(s) or Alaska Native Corporation(s) shall be notified by the Forest Service as soon as practicable (within a maximum of 48 hours) upon confirmation of the discovery that a known historic property or previously unidentified cultural resource has been affected by an undertaking in accordance with the provisions of 36 CFR 800.13(a)(1) and at that point the Forest Service shall revert to standard Section 106 procedures for determination of eligibility and assessment of effects.
 - ii. All activities in the vicinity of the discovery shall cease and reasonable efforts shall be taken to avoid or minimize harm to the resource.

IV. Human Remains

a. Inadvertent Discoveries

In the event that any human remains are encountered, work in the immediate vicinity of the discovery shall cease. Forest Service shall, as appropriate, comply with the most current State protocols for reporting discovery of human remains, which is available through the Office of History and Archaeology (OHA)/SHPO. If, after State protocols have been carried out, the potential for Alaska Native human remains is identified, the Forest Service shall follow NAGPRA procedures as outlined at 43 CFR 10, and ARPA procedures as outlined at 43 CFR 7.

b. Intentional Excavation

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

V. Emergency Undertakings

- a. In the event of a declared emergency per 36 CFR 800.12 or in the case of an immediate threat to life or property as determined by the Forest Service, the Forest Service and its mutual aid partners will implement, to the extent prudent and feasible, any measures that could avoid or minimize harm to historic properties. The Forest Service may assume the eligibility of a cultural resource or group of resources for inclusion in the National

Register without consultation with the SHPO and shall carry out preservation of damaged properties in a manner that will not adversely affect them.

- b. The SHPO, the ACHP, Alaska Native Tribe(s), and Alaska Native Corporation(s) will be notified of the emergency. If circumstances allow, those notified shall have seven days to comment [36 CFR 800.12(b)].

VI. Collections

- a. The Forest Service Alaska Region has a limited collection policy. When conducting surveys, only diagnostic artifacts (by time, function, etc.) are collected, along with appropriate material samples for analysis (Carbon-14, pollen, etc.). When conducting a controlled excavation, whether in-house or by contract, the Principal Investigator, following a prepared research design, identifies the appropriate materials for collection and retention in the permanent record. Materials may include artifacts, regardless of whether they are diagnostic, using current techniques, as well as material samples that include rocks, minerals, soils, flora (including charcoal and pollens), and fauna. All collected materials are curated in perpetuity with the exception of those samples which are subject to destructive analysis. This is standard professional practice in order to ensure that samples are retained for analysis using future techniques.
- b. Collections are managed according to FSM 2366 and FSH 2309.12 Chapter 60 and will be housed in a facility meeting standards in 36 CFR 79.
- c. When conducting investigations on State land, Forest Service personnel and personnel working on behalf of the Forest Service will follow the State collection policy.
- d. When conducting investigations on lands governed by other laws, Forest Service will follow collection policies outlined in the applicable law or negotiated with the landowner.

VII. Documentation and Reporting

a. Annual Summary of Activities

- i. A summary of activities shall be prepared annually using existing and readily available information within the Forest Service established recordkeeping procedures, and will be shared with Signatory Parties and any other interested parties upon request.
- ii. The content of the summary will include:
 - 1. The Secretary of the Interior's Annual Report to Congress for the most recently completed fiscal year.

- a. Noteworthy project(s) carried out on each District are included in the narrative section of the Secretary of the Interior's Annual Report to Congress.
2. Cultural resource inventory reports that were completed under the terms of this Agreement, including a project map showing the area surveyed and cultural resources identified.
3. A spreadsheet containing the following summary data which identifies:
 - a. Undertakings that followed standard procedures.
 - b. Undertakings that followed streamlined procedures.
 - c. Undertakings that resulted in new inventory.
 - d. New cultural resources identified.
 - e. Known cultural resources revisited and/or monitored.
 - f. Unanticipated discoveries.
 - g. Existing MOAs and their status on meeting stipulations.
 - h. Previous or current undertakings that resulted in a conditional Finding of "no adverse effect," to include the date the APE and/or relevant cultural resources were last monitored, and their noted conditions.
 - i. Training accomplished by Heritage staff and Line Officers per Section X. Training.
4. A short narrative assessment of how the Agreement procedures are working, with recommendations for future changes.
5. Proposed changes to the appendices, if any.

b. Documentation Required for Emergency Undertakings

- i. Emergencies per 36 CFR 800.12. The Forest Service shall document properties discovered or affected by an emergency undertaking, including post-emergency preservation efforts, and shall submit a final report to the SHPO and affected Alaska Native Tribe(s) and/or Alaska Native Corporation(s) within six months of the conclusion of the emergency response action and any associated preservation efforts.

c. Cultural Resource Recording

- i. If new cultural resources are discovered during the Identification and Evaluation phase, a Forest Service Cultural Resource Record (CRR) shall be completed and submitted to the Alaska Heritage Resources Survey (AHRs) Manager for entry into the AHRs database and the cultural resource information will be updated in the Forest Service database.
- ii. If previously known cultural resources are monitored and conditions have changed, an updated Forest Service CRR shall be completed and submitted to the AHRs Manager for entry into the AHRs database and the cultural resource information will be updated in the Forest Service database.

d. Formatting

- i. All reports will be formatted using PDF and shall be submitted electronically. Paper copies of reports may be provided to appropriate parties upon request.

VIII. Interagency Collaboration

- a. In order to foster cooperative relations, the Forest Service will invite Signatory Parties and any other interested parties to a review meeting every two years (biennial).
 - i. Meetings may be conducted in any mutually agreeable location and/or format, including in-person, video conferencing, or teleconferencing.
 - ii. At a minimum, participants from the Forest Service will include the Regional Forester, Forest Supervisors, and Regional and Forest level Heritage and Tribal Relations program managers.
 - iii. At a minimum, invitees will include SHPO, ACHP, Alaska Native Tribes, Alaska Native Corporations, and any other interested parties.
 - iv. Topics for discussion shall include:
 - 1. A review of the summary of activities accomplished during the past two fiscal years (Section VII.a. Annual Summary of Activities).
 - 2. Upcoming program of work.
 - 3. Ongoing dialogue about how the Agreement is working and whether any changes need to be made.

- b. SHPO staff will participate in the Forest Service Alaska Region monthly Heritage program calls.
- c. The SHPO agrees to use the Forest Service CRR to populate the AHRS database for new and updated cultural resource information from the Forest Service. Forest Service Heritage staff will use the Forest Service CRR.
- d. The Forest Service and SHPO will be mutually responsible for accuracy of their respective records systems.
- e. The Forest Service and the SHPO mutually agree to share current information regarding any cultural resources reported on National Forest System lands.
- f. Heritage Professionals may conduct field surveys for cultural resources on State intertidal lands, and they may conduct field surveys on other State lands on a case-by-case basis in consultation with the SHPO.
 - i. Field surveys conducted on State intertidal lands, defined as those lands below mean high tide, will not require Forest Service Heritage Professionals to obtain Alaska State Cultural Resource Investigation Permits.
 - ii. Work conducted on other State lands may require a permit, which shall be determined in consultation with the State Archaeologist.
 - iii. The Forest Service shall collect the minimum amount of data needed to make a determination of eligibility. Any collections remain the property of the State of Alaska and shall be curated in an OHA-approved repository in accordance with State collection policies.
 - iv. All such work is conducted in a collaborative sense of shared stewardship responsibilities.
- g. Given the requirements of 36 CFR 800.10, when the APE falls within the boundary of a NHL, the Forest Service will consult with the National Park Service's Alaska Regional Office NHL Coordinator to ensure that our findings are in agreement. If there is the potential for an adverse effect, standard Section 106 procedures shall be followed (Section III. Standard Section 106 Procedures).

IX. Coordination with Other Federal Reviews

- a. A Federal agency that is not a Signatory Party may use this Agreement to satisfy its Section 106 responsibilities for an undertaking on National Forest System lands by notifying the Signatory Parties in writing that it agrees to the terms of the Agreement.

- b. Any Federal agency using this Agreement to satisfy its Section 106 responsibilities for an undertaking on National Forest System lands agrees that the Forest Service shall be the primary point of contact on the use of the Agreement and shall provide the Forest Service the opportunity to comment on eligibility recommendations and findings of effect prior to submission to the SHPO.

X. Training

- a. Forest Service Heritage staff, including temporary or seasonal staff, shall receive baseline training in the procedural requirements for complying with the NHPA, to include Section 106 and Section 110. Training venues include but are not limited to in-house, National Preservation Institute, ACHP, and SHPO; both classroom and online courses are available.
- b. Forest Service Heritage staff shall receive refresher training in standard Section 106 procedures every three years while this Agreement is in effect.
- c. Within six months of the signing of this Agreement, SHPO and the Forest Service shall prepare draft implementation guidelines for Heritage staff and Line Officers describing how to use this Agreement. The goals of the implementation guidelines are to 1) acquaint Heritage staff and Line Officers with the various approaches for complying with Section 106, 2) provide guidance for deciding which approach to use, and 3) provide case examples and best practices for applying each approach. Within twelve months of the signing of this Agreement the implementation guidelines will be finalized.
- d. Forest Service Heritage staff and Line Officers shall receive training in the use and implementation of this Agreement as an alternative to standard Section 106 procedures within six months of completing the implementation guidelines described above. This training will be open to all interested Forest Service staff.
- e. New Forest Service Heritage staff and Line Officers shall receive training in the use and implementation of this Agreement as an alternative to standard Section 106 procedures within the first six months of their hiring.
- f. Any Forest or District that is suspended from use of this Agreement per Section XIII. Suspension, for any period of time, must ensure that the Line Officer and District staff complete training in standard Section 106 procedures as soon as practicable upon suspension.

XI. Dispute Resolution

- a. Should SHPO object within 30 calendar days after receipt of any documents provided for review pursuant to this Agreement, or object to the manner in which this Agreement is being implemented, the Forest Service shall consult with SHPO to resolve the objection.

If the Forest Service determines that such objection cannot be resolved, the Forest Service will:

- i. Forward all documentation relevant to the dispute, including the Forest Service's proposed resolution, to the ACHP. The ACHP shall provide the Forest Service with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Forest Service shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the Signatory Parties, and provide them with a copy of such written response. The Forest Service will then proceed according to its final decision.
 - ii. If the ACHP does not provide its advice regarding the dispute within the 30 day time period, the Forest Service may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Forest Service shall prepare a written response that takes into account any timely comments regarding the dispute from the Signatory Parties to the Agreement, and provide them with a copy of such written response.
 - iii. The Forest Service's responsibility to carry out all other actions subject to the terms of this Agreement that are not the subject of the dispute remain unchanged.
- b. At any time during implementation of the measures stipulated in this Agreement, should an objection to any measure be raised by an Alaska Native Tribe, Alaska Native Corporation, or other interested party, the Forest Service shall take the objection into account and consult as needed with the objecting party, the SHPO, others as needed, and the ACHP if necessary to resolve the objection.

XII. Amendments

- a. Appendices. Upon written agreement of the Signatory Parties, to be documented in formal correspondence, any appendix to this Agreement may be modified without formal amendment to this Agreement. Modifications shall be distributed to the Signatory Parties and concurring parties and appended to this Agreement.
- b. Body of Agreement. This Agreement may be amended when such an amendment is agreed to in writing by all Signatory Parties. The amendment will be effective on the date a copy signed by all of the Signatory Parties is filed with the ACHP.

XIII. Suspension

- a. Each Forest and District is responsible for following the terms of this Agreement and may be individually suspended, as described below, without affecting participation of the others.
- b. Failure of a Forest to have a qualified Heritage Professional officially carrying out the responsibilities of the Forest Archaeologist/Heritage Program Manager for more than 60 days will result in the Forest and all its Districts being suspended from participation in this Agreement.
- c. The decision to add or suspend a Forest or District's participation in this Agreement shall ultimately be made by the Regional Forester, following consultation with the Signatory Parties and the appropriate Line Officer.
 - i. The Regional Forester shall monitor compliance with the terms of this Agreement and may independently suspend a Forest or District from participation in this Agreement.
 - ii. Before a Forest or District is suspended from use of this Agreement, representatives of the Regional Forester and the SHPO will meet with the appropriate Line Officer to develop remedial steps to resolve any concerns that led to the suspension proposal. A remediation plan will be developed, signed by the Line Officer and SHPO, and submitted to the Regional Forester for review. Remediation plans will include, at a minimum, completion of training in standard Section 106 procedures by the Line Officer and District staff and demonstrated program improvement to be determined by the Signatory Parties.
 - iii. Failure by the Forest or District to carry out the remediation plan within the agreed upon timeframe will result in suspension of the Forest or District from the Agreement. A Forest or District suspended from this Agreement must follow the standard Section 106 procedures described in 36 CFR 800 with regard to *all* undertakings.
 - iv. Suspension may be lifted by the Regional Forester after the Forest or District has carried out the remediation plan to the satisfaction of the Regional Forester and the SHPO.
 - v. A Forest or District that has been suspended from this Agreement may be placed on a probation period after suspension is lifted. During a probation period, the Forest or District may be required to provide additional documentation, negotiated with the SHPO and Regional Forester, regarding compliance activities.

- vi. The length of the probation period will be established by the Regional Forester and SHPO and will be based on the severity of the infraction that led to the suspension.

XIV. Termination

- a. Any Signatory Party to this Agreement may terminate it by providing 60 calendar days written notice by certified mail to the other Signatory Parties provided:
 - i. All parties seek to avoid termination by consulting on the Agreement, on amendments or other actions that have caused a Signatory Party to seek termination.
 - ii. This time frame may be extended for a specified period of time upon agreement of all Signatory Parties to this Agreement. Termination of this Agreement, or failure to abide by its terms shall require the Forest Service to comply with standard Section 106 procedures with respect to undertakings that otherwise would be reviewed under this Agreement.

XV. Implementation and Duration

This Agreement becomes effective on the date of the last signature written below and will remain in effect for a period of five years unless amended per Section XII. Amendments or terminated per Section XIV. Termination. The Signatory Parties will conduct a review of operating satisfaction and document their findings in a supplement to the 5th year annual summary of activities. If no critical problems are identified, the Agreement will remain in effect an additional five years, for a total of ten years, at which point it may be renewed, revised, or terminated.

Execution of this Agreement and implementation of its terms evidences that the Forest Service has taken into account the effects of individual undertakings on historic properties from its on-going management of Alaska National Forests, pursuant to the terms of this Agreement, and has afforded the ACHP an opportunity to comment.

Signatures

Signatory Parties:

Rebecca S. Nourse

6/20/2017

REBECCA S. NOURSE

Date

Acting Regional Forester, Alaska Region

USDA Forest Service

Joan M. Atkinson

28 June 2017

JUDITH E. BITTNER

Date

Deputy Alaska State Historic Preservation Officer
Office of History and Archaeology

Janice Haynes

7-10-2017

for

JOHN M. FOWLER

Date

Executive Director

Advisory Council on Historic Preservation

Concurring Parties:

Terry Marceron

6/19/2017

TERRI MARCERON

Date

Forest Supervisor

Chugach National Forest

M. Earl Stewart

20 June 2017

M. EARL STEWART

Date

Forest Supervisor

Tongass National Forest

APPENDIX A: Glossary, Acronyms, and Abbreviations

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

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

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

ACHP Advisory Council on Historic Preservation

Agreement This Programmatic Agreement

AHRS Alaska Heritage Resources Survey

Alaska Native Corporations and Government-to-Corporation Consultation

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

APE Area of Potential Effects

ARPA Archaeological Resources Protection Act

CFR Code of Federal Regulations

Character Defining Features

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

Consolidant	Consolidants and adhesives are used in materials conservation to impregnate and strengthen materials or to repair pieces that are broken. Polyvinyl Acetate (PVA) is one chemical formulation that can be used to glue objects, but also, when diluted, can be used to impregnate materials to strengthen them. Elmer's Glue is one example of a PVA.
CRR	Cultural Resource Record
Cultural Resources	"An object or definite location of human activity, occupation, or use identifiable through field survey, historical documentation, or oral evidence. Cultural resources are prehistoric, historic, archeological, or architectural sites, structures, places, or objects and traditional cultural properties....cultural resources include the entire spectrum of resources for which the Heritage Program is responsible from artifacts to cultural landscapes without regard to eligibility for listing on the National Register of Historic Places" (FSM 2360.5). Note that this is also the accepted NEPA definition of "cultural resources".
District	Ranger District on the Chugach or Tongass National Forest
EA	Environmental Assessment
EIS	Environmental Impact Statement
Federally Recognized Tribe	"An American Indian or Alaska Native tribal entity that is recognized as having a government-to-government relationship with the United States, with the responsibilities, powers, limitations, and obligations attached to that designation, and is eligible for funding and services from the Bureau of Indian Affairs. Furthermore, federally recognized tribes are recognized as possessing certain inherent rights of self-government (i.e., tribal sovereignty) and are entitled to receive certain federal benefits, services, and protections because of their special relationship with the United States" from Bureau of Indian Affairs Frequently Asked Questions .
FONSI	Finding of No Significant Impact. A FONSI is the final decision document signed as part of an Environmental Assessment under NEPA.
Forest	Chugach or Tongass National Forest
Forest Service	USDA Forest Service

Fossil Ice Patch	The former location of an ice patch that has melted completely away ³ .
FSH	Forest Service Handbook
FSH 1509.13	Forest Service Handbook, American Indian and Alaska Native Relations
FSH 2309.12	Forest Service Handbook, Heritage Program Management
FSM	Forest Service Manual
FSM 1563	Forest Service Manual, Tribal Relations
FSM 2360	Forest Service Manual, Heritage Program Management
Government-to-Corporation Consultation	See Alaska Native Corporations and Government-to-Corporation Consultation
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 Alaska Native Tribe(s) or Alaska Native Corporation(s), or their designated representative(s), pertaining to decisions or actions that may have tribal implications” (FSM 1563.05).
Heritage Professional	Heritage Professionals are employed at the Region, Forest or District level as the Regional Heritage Program Leader, Forest Heritage Program Manager/Leader (Forest Archaeologist), and District or Zone Archaeologist. “A Forest Service staff or advisory position with education and expertise in archaeology, history, cultural resources management, or related disciplines. Heritage Professionals are in the GS-170-History, GS-190-General Anthropology, and GS-193-Archaeology job series. They provide professional recommendations and services to help land managers meet their Heritage Program responsibilities” (FSM 2360.5)...“including cultural resource identification (inventory), evaluation, allocation, protection, stewardship, curation, and reporting. Only Heritage Professionals may make management recommendations and review and recommend approval of heritage work done by

³ Vanderhoek, Richard, Brian Wygal, Randolph M. Tedor and Charles E. Holmes
2007 Survey and Monitoring Ice Patches in the Denali Highway Region, Central Alaska, 2003-2005. *Alaska Journal of Anthropology* 5(2):67-86.

	archaeological technicians, paraprofessionals, contractors, cooperators, and volunteers” (FSM 2360.91.1.).
Historic property	“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)].
HVAC	Heating, Ventilation, and Air Conditioning
Indian tribe	“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 USC 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)]. For this Agreement the more commonly used “Alaska Native Tribe(s)” and “Alaska Native Corporation(s)” is the preferred terminology when referring to “Indian tribe(s)”.
Leave No Trace	An established program “built on seven core principles that...were developed to help educate and guide recreationists in sustainable minimum impact practices that mitigate or avoid recreation-related impacts”. The seven principles are: • Plan Ahead and Prepare • Travel and Camp on Durable Surfaces • Dispose of Waste Properly • Leave What You Find • Minimize Campfire Impacts • Respect Wildlife • Be Considerate of Other Visitors (from Leave No Trace Seven Principles Overview).
Line Officer	Management personnel within the Forest Service organization consisting of: Secretary of Agriculture, Chief of Forest Service, Regional Foresters, Forest Supervisors, and District Rangers. Refers to the line of authority and responsibility. “Within the constraints of applicable law, regulation,

and policy and the limits of their assignments, Line Officers in the Forest Service are delegated authority and assigned responsibility to:

1. Plan, establish, and evaluate overall policies and programs.
2. Advise superior officers on matters of policy and program administration.
3. Supervise the formulation of, approve, and issue necessary directives, goals, policy, procedure, and standards.
4. Direct and supervise employees under their jurisdiction.
5. Estimate workload and staffing needs of their organizations, allocate personnel and other resources, and expend funds within the limits and authorities established at higher levels.
6. Sign and execute documents within authorities granted by higher levels” (FSM 1230.41 Delegations of Authority and Responsibility).

Management Category

The Forest Service assigns a Management Category to cultural resources. These include Preservation, Enhancement, Scientific Investigation, or Release from Management under NHPA (see FSM 2363.3) which describe how a particular resource will be managed in the future.

MHW Mean High Water

MLLW Mean Lower Low Water

MOA Memorandum or Memoranda of Agreement

NAGPRA Native American Graves Protection and Repatriation Act

National Register National Register of Historic Places (NRHP)

NEPA National Environmental Policy Act

NHL National Historic Landmark

NHPA National Historic Preservation Act

Non-federally Recognized Tribe

Any Indian tribe that does not meet the definition of federally recognized tribe (above).

OHA Office of History and Archaeology

Preservation Standard

Under the *Secretary of the Interior’s Standards for the Treatment of Historic Properties* there are four levels of intervention. The Preservation

standard requires the retention of the greatest amount of historic fabric, along with the building's historic form, features and detailing as they have evolved over time. This standard has the least amount of flexibility and discourages addition of new materials and features to historic buildings and structures.

Region USDA Forest Service Alaska Region

Replacement in Kind

Under the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, 'replacement in kind' refers to matching the old feature in composition, design, color, and texture. The use of this Agreement requires following the Preservation standard for replacement in kind meaning wood is replaced with wood, and alternative, synthetic materials, are not used. If alternatives are proposed, then standard Section 106 procedures will be followed.

ROD Record of Decision. A ROD is the final decision document signed as a part of an Environmental Impact Statement under NEPA.

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).

SHPO Alaska State Historic Preservation Officer

Signatory Party	People/organizations who have signed this Agreement as a signatory. Signatory Parties have review or other responsibilities identified in the Agreement.
TCP	Traditional Cultural Property
USC	United States Code
USDA	United States Department of Agriculture

APPENDIX B: Authorized Undertakings

Qualified Heritage Professionals shall use “General Guidelines” for each heading to evaluate whether or not the undertaking is covered under this Agreement. Examples of allowable activities within the General Guidelines are provided to help the Heritage Professional evaluate whether a particular undertaking is authorized under this Agreement. If an appropriate activity is available, then the Heritage Professional shall document the reference for using this appendix to the file and enter it into the Forest Service database. If a specific activity is not described, but the undertaking otherwise meets the General Guidelines, the appropriate reference is the General Guideline.

If the undertaking does not meet a guideline, then standard Section 106 procedures apply (Section III. Standard Section 106 Procedures).

Undertakings are authorized under the terms of this Agreement with no further consultation if all criteria listed in the body of the Agreement under Section I.e. Streamlined Section 106 Procedures, are met:

I. Administrative Actions – General Guidelines

Any administrative action that has no potential to cause effects to historic properties [per 36 CFR 800.3(a)(1)]. This includes the acquisition of land or interest in land. If land is expected to be conveyed out of federal ownership standard Section 106 procedures apply.

a. Activities Related to Acquisition of Land or Interests in Land – General Guidelines

- i. Surveying and posting landline boundaries.
- ii. Issuance of special use authorizations that simply transfer the authorization, without modification, from one owner to another when private improvements under the authorization are sold or transferred and no other actions are directly authorized.
- iii. Lands withdrawn from Mineral Entry so that they are closed to mining and mineral exploration.

b. Activities Carried Out Under an Authorization – General Guidelines

The following activities governed by authorizations are allowed if less than one square meter of cumulative ground disturbance across or over the authorized area will occur; or the activities are authorized to occur in already disturbed areas, such as within the existing footprint of roads, trails or other constructed campsites; Leave No Trace principles are followed, activities are dispersed and overall number of visitors are low;

or are in areas that have been previously surveyed to current standards (as defined in Appendix D: Inventory Strategy) and no historic properties have been documented.

- i. Activities that occur under the authority of a special use authorization with minimal ground disturbance, such as most commercial filming, apiary permits, or research.
- ii. Activities carried out under authorizations that allow use of an area for dispersed activities involving a party size of 12 or fewer people. Examples include special use authorizations for outfitter/guide hiking, picnicking, camping, or bear-viewing visitation, or permits for Christmas tree cutting or special forest products gathering.
- iii. Winter Activities that occur on or near historic properties where historic properties are subsurface and are protected by an adequate surface covering of snow deep enough to ensure protection of the resource, as determined by the Line Officer in consultation with the Heritage Professional, taking into consideration the types of historic properties in the area, the types of activities to occur, and temperature. Activities of this nature include snow machining, downhill or cross country skiing, or other winter related activities.
- iv. Activities that utilize existing roads, trails, or constructed campsites, and no increase in the footprint of existing improvements is expected. Activities of this nature include commercial hauling over existing roads.
- v. Activities that include tree cutting or small scale vegetation management that have minimal potential to affect historic properties.
- vi. Re-issuing, renewing, or transferring authorizations that do not change the terms of the authorizations [in accordance with 36 CFR 220.6(e)(15)], provided that monitoring continues to demonstrate that no historic properties are affected or adversely affected per previous application of a Programmatic Agreement or per an existing MOA.
- vii. Approval of previously approved Mining Plans of Operations that would add another user, or the sale or transfer of an approved operation to other individuals that would not change the terms of the Plan of Operations or affect historic properties.

II. Ground Disturbing Activities

a. Previously Disturbed Grounds - General Guidelines

Previously disturbed grounds are defined as those where natural or human disturbance has modified the landscape so extensively that the likelihood of finding a historic property is negligible in the opinion of a Heritage Professional.

- i. Excavation work within two feet of existing footings and foundations.
- ii. Ongoing routine maintenance of immediately surrounding landscaping (such as mowing and lawn repair), including such modifications as removal of non-native vegetation, adding single plants or shrubs that blend with the existing landscape, or adding rocks to define paths, where not otherwise prohibited, so long as existing landscape characteristics are maintained and the method of removal and installation does not disturb previously undisturbed ground or historic properties.
- iii. Tree planting or removal in areas that have been previously disturbed by these activities, including nursery beds and arboreta, provided existing landscaping is maintained.
- iv. Installation of utilities, such as sewer, water, or storm drains, electrical, gas, or leach lines, and septic tanks, where installation is restricted to specific areas previously disturbed by installation of utilities and the method of installation does not encroach on previously undisturbed ground or historic properties.
- v. Inventory, data and information collection (including collection of samples) as long as less than one square meter of cumulative ground disturbance is involved, including archaeological testing, land use and land cover, geological, mineralogical, chemical, and resource evaluation activities, cadastral surveys, or geophysical surveys.
- vi. Expansion of vertical quarries, excavation of previously buried utility lines, and any activities within the demonstrated vertical and horizontal limits of previous disturbance or construction.
- vii. Any undertaking that proposes less than one square meter of cumulative ground disturbance. This includes activities relating to special use authorizations, installation of signs, mechanical and electrical devices used for weather observations, research purposes, etc.
- viii. Placement or replacement of recreational, special designation, informational, or directional signs, bulletin boards, barrier posts, and portable sanitation devices

in developed sites, trailheads, roads, or resort complexes, keeping in mind the potential for indirect (e.g. visual) impacts to surrounding historic properties, including National Register historic districts and NHLs.

- ix. Any activities taking place in a previously approved Mining Plan of Operation that is carried out within the original APE and for which no historic properties were discovered or would be adversely affected, including any operations such as suction dredging that take place entirely within the wetted perimeter of a stream.

b. Previously Undisturbed Grounds - General Guidelines

Previously undisturbed grounds are defined as those where no human disturbance has significantly modified the landscape.

- i. Limited reburials of human remains and other cultural items subject to NAGPRA on National Forest System lands at the request of, and in consultation with the lineal descendants or culturally affiliated tribes following NAGPRA procedures and in accordance with the 2008 Farm Bill.
- ii. Invasive plant management activities that use hand-tools and/or otherwise use minimally invasive procedures for plant management, including application of herbicides provided that the Forest Service has determined that such actions will not affect traditional gathering areas, plants that are part of a historic landscape, or plants that might indicate the presence of cultural resources, including burials.

III. Routine Maintenance

a. Transportation – General Guidelines

Routine maintenance related to transportation where there is little or no potential to affect historic properties, or where maintenance is limited to previously disturbed areas, and provided the road, trail, or other constructed feature(s) are not themselves historic.

- i. Routine maintenance is limited to road maintenance, including activities such as resurfacing, grading, and snow removal as long as activities are limited to the existing road prism which includes the road and the right of way. This includes parking lots, spurs, airstrips and heliports, as well as stockpiling of road materials and temporary speed control devices.
- ii. Culvert replacement is limited to replacing existing culverts in the same location, within the existing road prism as long as the culvert is the same size or smaller. Larger culverts requiring additional ground disturbance may be allowed if the

area has been surveyed to current standards as defined in Appendix D: Inventory Strategy and no historic properties were documented.

- iii. Recurrent brushing activities to control vegetation within existing clearing limits of roads, parking lots, airstrips, or heliports.
- iv. Existing bridges, trails, walks, paths, and sidewalks can be maintained if the area has been surveyed to current standards as defined in Appendix D: Inventory Strategy and no historic properties were documented. Additionally, the maintenance activities must fall within the existing prism and the structure/feature itself is not historic.

b. Timber Management – General Guidelines

Small scale timber management activities, not including timber harvest or any activity that has the potential to cause new ground disturbance, may be carried out under the terms of this Agreement.

- i. Pre-commercial tree thinning.
- ii. Firewood collection.
- iii. Removal of dead and down trees along road and trail corridors, or related to fire management activities near structures.
- iv. Removal of hazard trees.

c. Historic Buildings and Structures – General Guidelines

This section can only be used if a baseline recordation of the building or structure exists and the existing condition is documented.

Four treatment options are available under the *Secretary of the Interior's Standards for the Treatment of Historic Properties: Preservation, Rehabilitation, Restoration, or Reconstruction*.

Only undertakings involving *Preservation* are allowed under this Agreement.

Any undertakings involving *Rehabilitation, Restoration, or Reconstruction* are subject to standard Section 106 procedures.

All undertakings that involve historic buildings or structures shall use the *Secretary of the Interior's Standards for the Treatment of Historic Properties* as the primary guidance for treatment, and more specifically only the *Standards for Preservation and*

***Guidelines for Preserving Historic Buildings* shall be used and allowed to apply this appendix.**

Routine maintenance generally has little or no potential to adversely affect historic properties provided that it is carried out in such a manner that allows key character defining features of the historic property, which contribute to its eligibility to the National Register, to be retained.

Additionally, replacement of entire architectural feature(s) such as a door or window, regardless of whether the replacement is in kind, does not fall under the *Preservation* treatment standard and is thus subject to standard Section 106 procedures.

The Heritage Professional makes the determination of whether a feature is historic and/or character defining and recommends to the Line Officer whether this appendix can be applied.

To use this section: Each subsection is ordered by degree of intervention: protection and repair followed by limited replacement.

i. Preservation - General Guidelines

Evaluate the existing condition of historic features and determine the least level of intervention needed, keeping in mind that preservation strives to retain existing materials and features while employing as little new material as possible. If the severity of deterioration requires repair or limited replacement of a portion of a distinctive feature, the new material will match the old in composition, design, color, and texture (limited replacement in kind). Only limited replacements are allowed under the Preservation standard and only when there are surviving prototypes. The following examples are routine maintenance activities that may be applied:

7. Building Exterior Features (including roofs, foundations, porches, trim, and siding)

- a. Protecting by retaining coatings such as paint that help protect the wood from moisture and ultraviolet light. Paint removal should be considered only where there is paint surface deterioration and as part of an overall maintenance program which involves repainting or applying other appropriate protective coatings. Damaged or deteriorated paint should be removed to the next sound layer using the gentlest method possible including hand-scraping and hand-sanding (never use open flame, sand-blasting, or water-blasting), then repainting with colors that are appropriate to the historic building.

- b. Protecting and maintaining a roof by replacing deteriorated flashing.
- c. Repairing, stabilizing, and conserving exterior features using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable only upon close inspection.
- d. Repairing exterior features by patching, piecing-in, or otherwise reinforcing using recognized preservation methods.
- e. Replacing in kind extensively deteriorated or missing parts of exterior features is approved when there are surviving prototypes such as brackets, moldings or sections of siding or roofing, and the replacement matches the old in material, design, color, and texture.

2. Windows and Doors (including frames, sash, trim, molding, and hardware)

- a. Protecting and maintaining through appropriate surface treatments such as rust removal, limited paint removal, and reapplication of protective coating systems (see guidelines under the Building Exterior Features section above).
- b. Making weather tight by re-caulking and replacing weatherstripping.
- c. Repairing by patching, piecing-in, consolidating or otherwise reinforcing using recognized preservation methods.
- d. Replacing in kind extensively deteriorated or missing parts of windows or doors (such as frames, sash, sills, hardware, and trim) is approved when there are surviving prototypes of the deteriorated or missing parts and the replacement matches the old in material, design, color, and texture.

3. Structural Systems

- a. Repairing exposed or unexposed elements of the structural system by augmenting or upgrading individual parts or features using recognized preservation methods. For example, weakened structural members such as floor framing can be paired with a new member, braced, or otherwise supplemented and reinforced.
- b. Replacing in kind those visible portions or features of the structural system that are either extensively deteriorated or missing is approved when there are surviving prototypes and the replacement matches the old in material, design, color, and texture.

- c. Using substitute materials may only be considered for unexposed structural elements, such as roof rafters or trusses.
- 4. **Building Interior Features** (including floors, ceilings, and staircases)
 - a. Repairing or refinishing of historic floor covering or other features such as ceilings and staircases, including reapplication of protective coating systems and provided the replacement matches the old in material, design, color, and texture.
 - b. Replacing in kind only those portions of historic flooring or interior features such as ceilings and staircases that are extensively deteriorated or missing parts and provided the replacement matches the old in material, design, color, and texture.
 - c. Replacement of modern floor coverings, with historically compatible materials, design, and color as determined to be appropriate by the Heritage Professional.
- 5. **Mechanical Systems** (including radiators, plumbing, HVAC, and electrical). Historic plumbing fixtures, lighting fixtures, and heating features should be retained and used if possible; when not possible, the following are allowed:
 - a. Repairing mechanical systems by augmenting or upgrading system parts, such as installing new pipes and ducts, rewiring, or adding new compressors or boilers, provided that new system parts are not visible to the public or are in keeping with the period of significance for the building or structure in which they are housed.
 - b. Replacing in kind those visible features of mechanical systems that are extensively deteriorated such as ceiling fans, switchplates, radiators, grilles, light fixtures, or plumbing fixtures as long as they match the historic features or are in keeping with the period of significance for the building or structure in which they are housed.
- 6. **Historic Property Site Features** (including driveways, walkways, vegetation, signs, and fencing that are considered contributing elements to the historic property)
 - a. Protecting and maintaining site and plant features through appropriate treatment methods including rust removal, limited paint removal, and reapplication of protective coating systems on fencing; and pruning and vegetation management.

- b. Repairing features of the site using recognized preservation methods. The new work should match historic materials, design, workmanship, and colors so that the historic appearance remains unaltered.
- c. Replacing in kind extensively deteriorated or missing parts of site features where there are surviving prototypes such as fence balustrades or paving materials. The new work should match historic materials, design, workmanship, and colors so that the historic appearance remains unaltered.

7. **Structures** (including bridges, roads, trails, culverts, and other structures)

Where existing materials clearly are not the original and are not in-character with the original, non-historic and out-of-character materials may be removed and replaced with materials that match or are more compatible with original fabric, design, color, etc. of historic structures provided a period of significance for the historic structure has been established, and the changes are in keeping with that period of significance.

ii. **Rendering Inoperable - General Guidelines**

Features within historic properties may be rendered inoperable in order that they continue to be a contributing feature to a historic property.

- 1. Rendering inoperable, but not removing, historic fixtures (such as gas lights, plumbing fixtures, cannons, etc.).

iii. **Application of Architectural Barriers Act (ABA) – General Guidelines**

If during the course of routine maintenance activities, elements of the ABA can be met without causing adverse effects to a historic property then this Agreement may be used. Any significant alterations resulting in a *Rehabilitation, Restoration, or Reconstruction* of a historic building or structure will require following standard Section 106 procedures.

iv. **New Materials- General Guidelines**

When required for modernization of utility systems (e.g. plumbing, electrical, fuel, and communications), new materials may be used; key historic features such as hand pumps and historic light fixtures, are retained; and modern elements are screened or otherwise rendered 'invisible' so as to protect the visual integrity of the building or structure. Introduction of large antenna, satellite/communication dishes and similar features are disallowed. Default

building code is the International Existing Building Code, Chapter 12 – Historic Buildings. Examples include:

1. Installation of dry insulation installed in a manner that does not damage the property's historic fabric.
2. Replacement of metal water tanks with ones of fiberglass, when the color and texture of the existing or historic tank are replicated or when landscaping camouflages the replacement tank. Construction of a structure around a tank to control temperature is allowed when landscaping camouflages the change.
3. Replacement of lightning rod wiring with new copper wire.
4. Installation of fire or smoke detectors, burglar alarms or other security systems or security devices, such as dead bolts, door locks, window latches, and door peep holes if they are installed in a manner that does not damage any of the property's historic fabric and are sited in an unobtrusive manner.
5. Installations that are temporary for the purposes of security or safety of the site (such as temporary doors and window covers to protect the building or structure and visitors, temporary signage, etc.) provided their installation does not damage historic materials.
6. Installation of interpretive signs or exhibit structures which are not attached to historic buildings or structures and do not visually intrude on the historic property. Signs should be constructed of materials and painted colors that harmonize with the historic property and its setting.

IV. Removal - General Guidelines

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

- a. Removing toxic building materials (such as radon, asbestos containing materials, and buried oil tanks) only after thorough testing has been conducted and only after less invasive abatement methods have been shown to be inadequate and when such removal will not damage the character defining features of the property.
- b. Lead paint abatement when it is done through limited scraping and encapsulation.

- c. Removal of graffiti using historic preservation methods that will not damage the character defining features of the property.
- d. Activities, such as removal of logjams and debris that are carried out entirely within an active streambed, even if the streambed is directly adjacent to a historic property.

V. Fire Management – General Guidelines

Fire and Heritage program staff shall work collaboratively during wildland fire incidents. Procedures in approved fire management planning documents shall be followed in the event of a fire. If a fire management planning document which prescribes treatment measures for historic properties is not in place, the following shall apply to fire management during fires that have the potential to affect historic properties. In each instance the goal is to minimize impacts to historic properties from both fires and firefighting activities, and post-fire rehabilitation activities:

- a. Fire shelter fabric or other protective materials, including fire retardant foam and other wetting agents, or equipment may be utilized to protect historic properties.
- b. Vegetation, including trees that may impact historic properties, may be removed and fire lines or breaks may be constructed within the boundaries of known cultural resources or historic properties using hand tools, so long as ground disturbance is minimized, and features are avoided.
- c. Prescribed fire is allowed in areas that fit one or more of the following: burned within the last 40 years; without heavy fuel buildup; area of low intensity fire. APE includes burn areas, staging areas, hand lines, escape routes, and safety zones.
- d. Hazard fuel management including thinning operations and removal of dead and downed trees and vegetation are approved provided that management activities occur outside of cultural or historic landscapes and/or concentration(s) of culturally modified trees and equipment used will not introduce ground disturbance.

VI. Mine Closures – General Guidelines

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

- a. Removal of petroleum products and other hazardous substances that are in modern-age containers do not constitute an action with the potential to affect historic properties, so long as this can be accomplished without any ground disturbance or disturbance or removal of any historic artifacts or features within the historic property.
- b. Routine maintenance at active mines that includes replacing timber sets with rock bolts, steel bands and wire screening, and barring down loose rocks.

- c. Installation of gates or grates for mine openings that provide bat habitat or where future access is required.
- d. Backfill with rock material or overburden. Blasting or other 'cave in' options are considered ground disturbing and have the potential to affect a historic property. These methods require standard Section 106 procedures.
- e. Installation of foam plugs, corrugated metal pipe, mortar and stone wall, or concrete caps with inlaid natural rock to reduce UV degradation and for visual affect.
- f. Installation of corrugated metal pipe with a front stabilization at the portal provided that any shoring and the removal of hazardous rock/material from above the portal do not constitute an action with the potential to adversely affect historic properties.

APPENDIX C: Forms and Templates

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

Forest Service Cultural Resource Record:



Cultural Resource Record

SITE NAME

Unit:
Managing Unit:
State:
County:

Smithsonian Number:
FS Number:
Other Numbers:

Date of this record:

☐ Initial Record

☐ Supplemental Record/Update

I. GENERAL SITE INFORMATION

Resource Type:

TCP: ☐

Site Type (all that apply): ☐ Prehistoric

☐ Historic

☐ Unknown

Management Use:

Site Description Narrative:

Structure(s) Present: ☐ Yes

Site Dimensions:

Length: / Bearing:

Width: / Bearing:

Meas. Method (Length):

Meas. Method (Width):

Site Area:

Depth of Site:

Site Condition:

Condition Narrative:

Surface Visibility:

Vandalism Present: ☐ Yes ☐ No

Vandalism Narrative:

Disturbances:

Threats:

Protection:

Treatments:

Mgmt. Recommendations:

Management Narrative:

II. LOCATION INFORMATION

Type of Ownership:

USGS Quadrangle(s):

Legal Description:

PM Township Range Section Quarter Sections

Coordinates:

Zone/Datum	Easting	Northing
Longitude	Latitude	

Elevation:

Directions to Site:

Address:

III. LEGAL STATUS INFORMATION

National Register Status: ☐ **Listed** ☐ **Eligible** ☐ **Not Eligible** ☐ **Unevaluated**

District Association: This site ☐ **Contributes** ☐ **Does Not Contribute**
To:

Status Organization:

National Register Status Date:

Criteria:

National Register Eligibility Status Narrative:

Significance Period:

Theme:

Other Designations:

IV. COMPONENT INFORMATION

Site Component Type: ☐ **Prehistoric** ☐ **Historic** ☐ **Unknown**

Component Function/Activity:

Cultural Affiliation:

Cultural Affiliation Narrative: Cultural Affiliation: Period:

Period:

Date Range:

Dating Method:

Feature Summary Narrative:

Feature Description:

Artifact Summary Narrative:

Artifact Description:

Rock Art/Art Panel Description:

V. OTHER FEATURES ON SITE

VI. ENVIRONMENTAL INFORMATION

On-Site Vegetation Narrative:

Natural Community:

Faunal Community:

Physiographic Region:

Landform Feature:

Slope:

Aspect:

Site Position Narrative:

Major Drainage:

Basin:

Subbasin:

Nearest Water Name:

Distance:

Geology/Geomorphology:

Soil: ;

Soil Depth:

VII. SITE ASSOCIATIONS

Current action resulting in the documentation of this site:

Project/Undertaking Name

ID

Date

Previous actions associated with this site:

Project/Undertaking Name	ID	Date
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People and organizations associated with this site:

Contact Name	Relationship
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Documentation linked in Infra:

List of Infra Attachments:

ID	Title	Document Type
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APPENDIX D: Inventory Strategy

This appendix describes the procedures for meeting the requirements of 36 CFR 800.4(b) by 1) defining cultural resource probability zones; 2) describing the survey intensity appropriate to each probability zone; and 3) defining standards and guidelines for the conduct of on-the-ground inventories within the APE. Field-going personnel will meet the qualification standards described in Section I.a. Professional Qualifications. Paraprofessionals are authorized to document the presence/absence of cultural resources, monitor cultural resources, and prepare condition assessments of cultural resources if baseline documentation exists. Paraprofessionals are not authorized to evaluate cultural resources against National Register criteria or make recommendations related to cultural resource management.

I. Identification

- a. In all cases, areas previously surveyed with techniques and/or documentation that do not meet current standards as identified in this appendix, will require additional survey and/or documentation for the current project APE under consideration.
- b. The Forest Service has identified “probability zones” that represent the potential for cultural resources to exist within a given area. These zones were developed based on several predictive models as part of ongoing research. The Forest Service shall use probability zones and their defining characteristics (see section e.i. below) as the basis for evaluating the probability that cultural resources may be discovered in a given area. At all times, the Forest Service will use the best available, and most current, model for the area being analyzed.
- c. Probability zones are defined as areas of land where the probability that a cultural resource will be discovered is either “high” or “low” based on models that take into account the physical, biological, and cultural features and history of those areas or approximately similar areas. The basic premise is that areas with suitable habitat or resources, both currently and in the past, are more likely to have a greater cultural resource density, and probability of discovery, than areas without suitable habitat or resources. Probability zones are dynamic approximations based on previous cultural resource discoveries and analyses, and are iteratively updated and applied as new data is acquired.
- d. Probability zones will be reviewed annually and revised as needed at the time of the annual summary of activities to reflect current predictive models as they are updated.
- e. The Forest Service Alaska Region recognizes high and low probability zones, with slight differences in their meaning between the Tongass National Forest and the Chugach National Forest. For both Forests, anything that is not included in the high probability zone are considered to be in the low probability zone.

- i. High probability zones include National Forest System and adjacent lands with the following elements that are common to both Forests:
 - 1. Areas identified through historic or ethnographic research or oral history.
 - 2. Paleo-shoreline systems including elevated/fossil marine, river, and lake terrace systems.
 - 3. Landscapes altered by catastrophic events such as earthquakes which might cause a rise or lowering of lands; or shorelines and riverbanks with immediate short term erosion due to rising sea levels, storm surges and other erosional processes.
 - 4. Caves and rockshelters, areas of karst landforms, and/or igneous rock formations known for caves and rockshelters, if in the estimation of the Heritage Professional, in consultation with the Forest geologist as appropriate, the land has significant potential to contain cultural resources.
 - 5. River valley, lake, and river systems providing passes or portages across larger land masses.
 - 6. Lake and stream systems containing, or known to have contained, anadromous fish runs; including a focus on barrier falls locations in such systems.
 - 7. Areas of known resource extraction activities including former lode and placer mining activity, fish processing, fur industry, and forest products industry.
 - 8. Known sources of potential raw materials (obsidian sources; exceptional concentrations of cedar trees, etc.).
 - 9. Alpine areas if historic or ethnographic research or previous surveys conducted nearby indicate cultural use, such as high elevation mountain peaks overlooking saltwater that may contain rock cairns.
 - 10. Areas associated with cultural practices or beliefs of a living community that are rooted in a community's history or are important in maintaining the continuing cultural identity of the community such as TCPs or cultural landscapes.
 - 11. All lands, regardless of slope, from Mean High Water (MHW) to 100 ft above MHW are considered to be in the high probability zone. If the Heritage Professional considers that specific areas on their districts greater than 100 ft above MHW or any elevation below MHW have a high potential for cultural

resources discovery, based on best available data, those areas shall be considered to be within the high probability zone for the purposes of this Agreement.

- ii. Additional refinements of the model for each Forest or District are described below.

- 1. Tongass National Forest

Current research related to isostatic rebound and eustatic sea level change provides evidence that sites may be found at elevations outside of the high probability zones across the Forest.

- a. Prince of Wales Island and Vicinity – Prince of Wales Island and the islands surrounding it have confirmed early Holocene sites that are located within the high probability zone as defined above and up to 120 ft above Mean Lower Low Water (MLLW) (approximately 100 ft above MHW).

- 2. Chugach National Forest

- a. Ice patches and fossil ice patches as identified through satellite photography, digital ortho-photographs, or direct observation.

II. Survey Strategy

- a. If, in the judgement of the Heritage Professional, the probability of encountering historic properties is low, then the Heritage Professional may rely on literature reviews and other non-field related research, and shall use their best professional judgement in deciding what, if any, level of on-the-ground survey is deemed necessary.
- b. In conducting field surveys for undertakings on National Forest System and adjacent lands, regardless of ownership, the probability zones shall be inventoried as follows:
 - i. High probability zones:
 - 1. Intensive survey of all locations of direct, indirect, and cumulative impact in the undertaking's APE. Indirect effects are determined on a case-by-case basis (e.g. visual effects for a historic property in which setting is a significant characteristic).
 - 2. Intensive survey of a sample of the high probability zone outside the undertaking's APE, but within the larger project area; location and acreage surveyed to be determined on a case-by-case basis.

ii. Low probability zone:

1. Intensive survey of a sample of the locations of direct, indirect, and cumulative impact in the APE; location and acreage surveyed to be determined on a case-by-case basis.
- c. The Forest Service will continue to develop, test, and improve the accuracy of cultural resource locational modeling by employing post-implementation monitoring of previously surveyed areas in both high and low probability zones. Areas to be monitored and sampling strategy will be determined on a case-by-case basis, relying on the judgement of the Heritage Professional.

III. Standards and Guidelines for the Conduct of Field Surveys

- a. Surveys shall generally be guided by an explicit research design or scope of work. If a research design is not needed or used, the rationale shall be documented in the survey report.
- b. Cultural resource surveys that are performed specifically for compliance with NHPA or NEPA shall be designed and executed in such a manner as to provide reasonable assurance that all historic properties located in the APE will be discovered. A systematic, complete inspection of the areas surveyed is required (intensive survey), to ensure that Line Officers have sufficient cultural resource information to help them choose between alternatives.
- i. Systematic means consistent use of procedures or methods of inspection that yield demonstrably reliable and replicable results.
 - ii. Complete means use of pedestrian survey following transects (with intervals of no greater than 20 meters) coupled with frequent sampling of the subsurface with soil probes, and shovel-excavated test pits where needed, to verify the presence of cultural materials. Natural exposures are also closely examined.
 - iii. Sampling and collection of materials for laboratory processing may be necessary for cultural resource discovery or verification.
- c. All surveys and archival record searches will be documented in the Forest Service database, completing all required fields.
- d. Each newly discovered cultural resource will be thoroughly recorded using the Forest Service CRR with all fields completed for which data is known.
- e. Each Forest Service CRR will have the following attached: appropriate area of a 15-minute 1:63,360 scale US Topo map with the cultural resource location clearly indicated; appropriate area of best available aerial imagery with the cultural resource location

clearly indicated; a sketch map of the cultural resource indicating the approximate locations of major features and/or artifact concentrations; photographs of the cultural resource in its setting, and of features and artifacts; and additional detailed feature and artifact drawings as needed.

APPENDIX E: Alaska Native Tribes, Alaska Native Corporations, and Other Interested Parties Invited to Consult

I. Alaska Native Tribes

Angoon Community Association

Central Council Tlingit & Haida Indian Tribes of Alaska

Chenega Bay IRA Council

Chickaloon Village

Chilkat Indian Village

Chilkoot Indian Association

Craig Tribal Association

Douglas Indian Association

Hoonah Indian Association

Hydaburg Cooperative Association

Kenaitze Indian Tribe

Ketchikan Indian Community

Klawock Cooperative Association

Knik Tribal Council

Metlakatla Indian Community

Nanwalek IRA Council

Native Village of Eklutna

Native Village of Eyak

Native Village of Tatitlek

Native Village of Tyonek

Ninilchik Traditional Council

Organized Village of Kake

Organized Village of Kasaan

Organized Village of Saxman

Petersburg Indian Association

Port Graham Village Council

Seldovia Village Tribe

Sitka Tribe of Alaska

Skagway Traditional Council

Village of Salamatoff

Wrangell Cooperative Association

Yakutat Tlingit Tribe

II. Alaska Native Corporations

Cape Fox Corporation

Chenega Corporation

Chickaloon-Moose Creek Native Association

Chugach Alaska Corporation

Cook Inlet Regional Corporation

Eklutna Incorporated

English Bay Corporation

Eyak Corporation

Goldbelt, Incorporated

Haida Corporation

Huna Totem Corporation

Kake Tribal Corporation

Kavilco Inc.

Klawock Heenya Corporation

Klukwan Inc.

Knikatu Incorporated

Kootznoowoo Inc.

Ninilchik Native Association, Inc.

Port Graham Corporation

Salamatof Native Association, Inc.

Sealaska Corporation

Seldovia Native Association

Shaan-Seet Inc.

Shee Atika Incorporated

Tatitlek Corporation

Tyonek Native Corporation

Yak-Tat Kwaan, Inc.

III. Other Interested Parties

Municipality of Anchorage

City of Angoon

City of Cordova

City of Craig

City of Fairbanks

City of Gustavus

City of Homer

City of Hoonah

City and Borough of Juneau

Kenai Peninsula Borough

Ketchikan Gateway Borough

Petersburg Borough

City of Seward – Seward Historic Preservation Commission

City and Borough of Sitka – Sitka Historic Preservation Commission

City of Soldotna

City of Thorne Bay

City of Valdez

City of Wasilla

City of Whittier

City and Borough of Wrangell

City and Borough of Yakutat