

AMENDMENT #1
TO THE
PROGRAMMATIC AGREEMENT
AMONG THE
UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, ALLEGHENY NATIONAL FOREST,
AND
PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICE,
AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND
THE SHAWNEE TRIBE
REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT FOR UNDERTAKINGS ON THE ALLEGHENY NATIONAL FOREST OF THE
USDA FOREST SERVICE

WHEREAS, the agreement was executed on December 21, 2021; and

WHEREAS, the Allegheny National Forest implemented the Programmatic Agreement among the United States Department of Agriculture, Forest Service, Allegheny National Forest, and Pennsylvania State Historic Preservation Office, and Advisory Council on Historic Preservation Regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Undertakings on the Allegheny National Forest of the USDA Forest Service; and

WHEREAS, the Allegheny National Forest, through consultation with the Pennsylvania State Historic Preservation Office, and the Advisory Council on Historic Preservation proposed to amend the Agreement in order to provide clarification and add efficiencies; and

WHEREAS, the Allegheny National Forest conducted consultation regarding these changes with the Absentee-Shawnee Tribe of Oklahoma, Cayuga Nation, Delaware Nation, Delaware Tribe of Indians, Eastern Shawnee Tribe of Oklahoma, Oneida Indian Nation, Oneida Nation of Wisconsin, Onondaga Nation, St. Regis Mohawk Tribe, Seneca-Cayuga Tribe of Oklahoma, Seneca Nation of Indians, The Shawnee Tribe, Tonawanda Band of Seneca, and the Tuscarora Nation (hereafter, "Tribes"); and

WHEREAS, The Shawnee Tribe has elected to participate in reviewing these changes and join as an invited signatory, as per their correspondence dated March 24, 2025,

NOW, THEREFORE, the Allegheny National Forest, Pennsylvania State Historic Preservation Office, Advisory Council on Historic Preservation, and The Shawnee Tribe agree to amend the Agreement as follows:

PROGRAMMATIC AGREEMENT
AMONG THE
UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, ALLEGHENY NATIONAL FOREST,
AND
PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICE,
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USDA FOREST SERVICE

WHEREAS, the United States Department of Agriculture, Forest Service, Allegheny National Forest, hereafter referred to as “ANF,” as a Federal agency, is required to comply with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended (54 U.S.C. §306108) and its implementing regulations, “Protection of Historic Properties,” codified in 36 CFR Part 800, as amended; and

WHEREAS, the Allegheny National Forest (ANF) has a multiple-use mission to manage its public lands in the Commonwealth of Pennsylvania for a variety of resources, values, products, and uses which may involve historic properties, and that many of the programs it conducts have repetitive activities and kinds of cultural sites that are conducive to standardized approaches; and

WHEREAS, the ANF has determined that its routine activities in the administration of lands under its jurisdiction often meet the definition of undertakings that may have the potential to cause effects to historic properties either listed in, or eligible for, inclusion in the National Register of Historic Places (NRHP), hereafter referred to as “historic properties” (36 CFR §800.16(I)(1)); and

WHEREAS, the ANF has consulted with the Pennsylvania State Historic Preservation Officer (SHPO) pursuant to 36 CFR §800.14(b)(3), and proposes to develop a programmatic agreement, hereafter referred to as (PA), to improve consistency, consultation, and accountability in fulfilling its responsibilities to comply with Section 106 for its undertakings as well as providing for Tribal consultation and public participation, minimizing redundant documentation, and reducing 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, this PA applies only to lands located in the ANF when the Forest Service is the only Federal agency involved, or is the “Lead Federal Agency” in accordance with 36 CFR §800.2(a)(2); and

WHEREAS, execution of this PA by the Forest Service obligates the ANF to comply with the stipulations contained herein, and the Forest Supervisor of the ANF has concurred with this requirement; and

WHEREAS, in developing this PA the ANF has consulted with the federally recognized Tribes and invited them to be concurring parties in accordance with Sections 101(d) (6) (B) and 110(a) (2) of NHPA, 36 CFR §800; and

WHEREAS, the ANF has consulted with the Absentee-Shawnee Tribe of Oklahoma, Cayuga Nation, Delaware Nation, Delaware Tribe of Indians, Eastern Shawnee Tribe of Oklahoma, Oneida Indian Nation, Oneida Nation of Wisconsin, Onondaga Nation, St. Regis Mohawk Tribe, Seneca-Cayuga Tribe of Oklahoma, Seneca Nation of Indians, The Shawnee Tribe, Stockbridge-Munsee Band of Mohican Indians, Tonawanda Band of Seneca, the Tuscarora Nation; and

WHEREAS, in developing this PA, the ANF has made efforts to identify additional consulting parties and has invited the Historical Society of Pennsylvania, Pennsylvania Archaeology Council, Preservation Pennsylvania, Allegheny National Forest Visitors Bureau, PA Wilds Center for Entrepreneurship Inc., Lumber Heritage Center, City of Bradford Office of Economic & Community Development (OECD), City of Kane, City of Smethport, Warren County Historical Society, Elk County Historical Society, McKean County Historical Society, City of Warren, Warren County, Forest County, Forest County Conservation District & Planning Department, and McKean County to participate in the development of this PA and to sign as concurring parties; and

WHEREAS, in accordance with the regulations of 36 CFR §800.14 (b), the ANF has notified and invited the Advisory Council on Historic Preservation (ACHP) to participate in the development of this PA, and the ACHP has elected to participate as per their correspondence dated October 23, 2020; and

WHEREAS, in developing this PA, the ANF has provided the public with an opportunity to comment on the general scope and nature of the program; and

NOW, THEREFORE, the ANF, the SHPO, the ACHP, and The Shawnee Tribe (hereafter, “Signatories”) agree that the ANF shall implement all applicable undertakings in accordance with the following stipulations in order to take into account their effect on historic properties:

STIPULATIONS

To participate under this PA, the ANF shall comply with the following stipulations:

I. APPLICABILITY

- A. This PA modifies the NHPA Section 106 compliance process for ANF routine management and emergency recovery undertakings. The ANF will comply with the terms of this PA for all routine management and emergency recovery undertakings, unless the following conditions apply:
 - 1. There are unavailable personnel meeting the criteria at II.A to apply the terms of the PA, or
 - 2. At the recommendation of the Heritage Professional, the ANF has determined to utilize the standard process under 36 CFR Part 800 or other applicable program alternative.
- B. In the event a routine and/or emergency recovery undertaking with multiple federal agency and/or multi-jurisdictions involvement is proposed, where the ANF has been designated lead federal agency for purposes of NHPA Section 106 compliance, the ANF shall use the provisions of this PA, unless an objection is received in writing from the SHPO, ACHP, Tribes, or other involved federal agencies. In this case the ANF and other agencies shall comply with 36 CFR Part 800 or other applicable program alternative in lieu of compliance with this PA.
- C. Tribal lands do not exist within the boundaries of the ANF, and as such, this PA does not apply to activities on tribal lands.

II. PARTICIPATION AND RESPONSIBILITIES

Participants under this PA shall meet the criteria listed below:

A. ANF

1. ANF Heritage Professional.

The ANF shall ensure that Heritage Professionals implementing the terms of this PA meet professional standards established for historic or archaeological professionals in the appropriate area(s) of expertise, conduct all actions to the professional standards referenced in 36 CFR 800.2(a)(1), and meet the Secretary of the Interior's Professional Qualification Standards and Office of Personnel Management (OPMS) X-118 standards for professional level in the GS-0193, GS-0170 or GS-0190 job series.

- a. Forest Service Heritage Professionals, including the Heritage Program Manager (HPM) and District Archaeologists, serve in an advisory capacity and will provide professional recommendations to assist the Agency Official in complying with the stipulations of this PA. Any disagreements with the implementation of this PA will be raised to the HPM.
- b. The Heritage Professional is responsible for reviewing findings of effect for all undertakings and can solicit the assistance of other qualified individuals in architectural history, anthropology, etc.
- c. The Heritage Professional (with collaboration from SHPO) shall provide training to agency officials, program managers, and other ANF staff, as appropriate, focused on a review of the Section 106 process of the NHPA and the PA.

2. Archaeological Technician.

An Archaeological Technician (GS-0102) working under the direct supervision of the HPM must meet qualifications outlined in the Forest Service Handbook (FSH) 2309.12, Section 06.2 and meet OPM standards for GS-0102 Social Science Aid and Technician. Archaeological Technicians may participate in all facets of Heritage Program work under the supervision and guidance of the Heritage Professional. Archaeological technicians conduct inventories, make recommendations to Heritage Professionals for National Register eligibility and project effects, monitor cultural resources and projects, participate in data management, and assist in stewardship projects.

3. External expertise.

When the ANF is involved in an undertaking requiring expertise not possessed by available ANF staff (e.g., architectural history, Tribal relations, engineering, etc.), it may obtain that expertise for the purpose of determining National Register eligibility, evaluating effects, and determining treatment for the historic properties in question. The ANF may request the assistance of SHPO staff in such cases or may obtain the necessary expertise through contracts, Forest Service personnel from other units, or cooperative arrangements with other agencies, institutions, or organizations. A professional consultant or contractor secured by the ANF must meet the Secretary of the Interior Standards and Guidelines for Professional Qualification Standards (48 FR 44738-44739). External expertise responsibilities do not include formally approving Section 106 documents on behalf of the

Forest Service, making official agency findings, signing consultation letters, or otherwise functioning as an agency official for the purposes of Section 106.

4. Agency Official.

The Agency Official shall be the Forest Supervisor, Deputy Forest Supervisor, or District Ranger. The Agency Official has approval authority for proposed undertakings and can commit the ANF to take appropriate action for a specific undertaking. ANF Agency Official responsibilities shall align with the Table of Delegated Authorities, Forest Service Manual 2300 (2360.4 – Exhibit 01). The ANF Agency Officials are responsible for official consultation and coordination among the ANF, the SHPO, the ACHP, and other consulting parties.

- a. The Agency Official recognizes that ANF Heritage Professionals are the only appropriate agency staff with the expertise to provide recommendations on the preservation and management of historic properties and the application of this PA. The Agency Official shall seek and take into consideration the advice of the Heritage Professional prior to approving or committing the ANF to any undertaking that may have the potential to affect historic properties.
- b. Where the Agency Official disagrees or disputes the recommendations provided by the Heritage Professional, the Forest Supervisor shall request the Regional Heritage Program Lead (RHPL) to review and consider any subsequent recommendations for resolving identified issues. The RHPL shall provide written comments and recommendations to both the Agency Official and Heritage Professional. If the Agency Official disagrees with the recommendations provided by the RHPL and they remain unresolved after review by the RHPL, the Agency Official shall initiate consultation with the SHPO, Tribes, and consulting parties. If resolution cannot be achieved, the ANF shall follow the procedure set forth in Stipulation X.A.

C. SHPO

The SHPO shall advise and assist the ANF in meeting Section 106 responsibilities through the terms of this PA.

1. To facilitate reviews conducted under this agreement and support long-term planning, the SHPO shall provide ANF staff operating under this agreement with access to PA-SHARE via a Public Service Subscription. Archaeological privileges will be granted to individual professionals based on those who meet the Secretary of the Interior's Professional Qualification Standards as an archaeologist. Initial training on PA-SHARE shall be provided to new ANF Heritage staff and to existing users as needed.
2. The ANF and SHPO shall cooperate and participate in both the initial training and future ongoing training of the ANF agency officials and staff, as appropriate. Review of training needs and/or additional workshops will occur on a yearly basis at the annual staff meeting between the ANF and SHPO.

D. ACHP

1. The ACHP has a role in dispute resolution and review of the ANF's application of this PA.
 2. The ANF shall invite the ACHP to attend any meetings related to the implementation of this PA with the SHPO.
- E. The Shawnee Tribe
1. The ANF shall invite The Shawnee Tribe to attend any meetings related to the implementation of this PA with the SHPO and ACHP.

III. COORDINATION AND CONSULTATION

- A. Official consultation and coordination among the ANF, SHPO, ACHP, Tribes, and other interested parties, pursuant to this PA, shall be the responsibility of the Agency Official, and documented through the official administrative record.
- B. The ANF shall make a reasonable and good faith effort to identify any federally recognized Tribes that might attach religious and cultural significance to historic properties and invite them to be consulting parties.
1. When it is determined that an undertaking may affect a cultural resource identified by a Tribe as having traditional cultural or religious significance, the ANF shall consult further with the Tribe regarding the identification of historic properties, determination of eligibility, assessment of effects, and the resolution of adverse effects, as applicable.
 2. Tribal concerns and recommendations derived from the consultation process shall be documented and addressed in Heritage Program files and the NEPA project file.
 3. In accordance with 36 CFR 800.2(c)(ii)(E), the ANF is encouraged to develop consultation Memoranda of Understanding (MOU) with Tribes. Such MOUs will recognize government-to-government relationships and will specify how individual Tribes wish to be consulted in the Section 106 process. The ANF will file copies of signed MOUs with the SHPO and the ACHP.
 4. The ANF shall be sensitive to Tribal concerns and rights regarding confidentiality and privacy and shall fully protect sensitive information permitted by law, using applicable provisions and exemptions of Section 304 of NHPA, Section 9 of ARPA, and Section (b) of the Freedom of Information Act.
 5. The ANF shall incorporate Indigenous knowledge and Indigenous Traditional Ecological Knowledge (ITEK) that is conveyed by Tribal members of the applicable Tribe into the documents and review process when such knowledge is received from Tribes in consultation and during the implementation of this PA about cultural significance to Tribes.
- C. The ANF shall seek and consider the views of the public in a manner that reflects the nature and complexity of each undertaking and its potential effects on historic properties, except where appropriate to protect confidentiality. The ANF shall use its procedures for public involvement under the National Environmental Policy Act (NEPA) to solicit information and concerns about historic properties. The ANF shall ensure access to decisions is made pursuant to this PA and shall consider comments or objections by other consulting parties and the public, when appropriate, in a timely manner consistent with the procedures established in this PA.

1. Information about the location and character of historic properties under management of ANF, regardless of ownership of the resource, shall not be disclosed to the general public (FSM 2360) and such information shall not be stored in documents open to the general public if doing so may risk harm to those resources. The Forest Supervisor or Regional Forester, as appropriate, may determine under the authority of Section 304 of NHPA and/or Section 9 of the Archaeological Resource Protection Act (ARPA), that public disclosure of the location and character of historic properties or other cultural resources may risk harm to those resources, which may then qualify such information as exempt from Freedom of Information Act (FOIA) disclosure.

IV. PROCEDURES FOR PROJECT REVIEW

- A. In evaluating project proposals, the ANF shall determine if the proposed action is an “undertaking” as defined in 36 CFR 800.16(y), and if so, shall determine whether it is a type of activity that has the potential to cause effects to historic properties, assuming such historic properties were present. The ANF shall carry out Section 106 review on all undertakings with the potential to cause effects on historic properties according to the following procedures:

1. Undertakings Subject to Case-by-Case Review

The ANF has determined that the undertakings included in Appendix B, Section I, represent examples of undertakings that typically require case-by-case review in accordance with Stipulation V of this PA.

2. Undertakings Exempt from Case-by-Case Review

The ANF has determined that specific types of undertakings listed in Appendix B, Section II, can be excluded from further Section 106 review under the terms of this PA. The Signatories to this PA agree that the routine ANF undertakings identified in Appendix B, Section II, when properly implemented, shall result in no potential to cause effects on historic properties (36 CFR 800.3(a)(1)). These include activities for which the potential effects on historic properties, if present, are foreseeable and nonexistent. If unique circumstances arise, the Agency Official may seek the recommendation of the Heritage Professional and elect to consult on an otherwise exempt activity.

3. Screened Exemptions

The ANF Heritage Professional is responsible for determining whether an undertaking meets the criteria for a screened exemption in Appendix B, Section III, and for providing that determination to the Agency Official. These exemptions are screened due to the potential for these undertakings to occur in locations where historic properties are present and specific site sensitivity should be considered. These exemptions represent routine undertakings that often result in no effect on historic properties. The ANF shall make a reasonable and good faith effort to identify any Tribes that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties. If an undertaking meets the criteria for a screened exemption, the ANF may proceed with the undertaking and notify the SHPO, ACHP, and The Shawnee Tribe in the annual report.

4. Undertakings Subject to Specific Review

If a project represents a specific class of undertaking with a process provided for in an appendix of this agreement (Appendix E, for example), the ANF will complete the process in the relevant appendix.

V. UNDERTAKINGS SUBJECT TO CASE-BY-CASE REVIEW

The ANF shall carry out the following case-by-case review requirements on all classes of undertakings that have the potential to affect historic properties and are not specifically exempt from review according to Appendix B, Sections II or III.

A. Determination of the Area of Potential Effect (APE)

Provided that the undertaking is carried out within the terms of this agreement, SHPO consultation on the delineation of the APE is not required. However, if any question exists as to an undertaking's APE, the ANF shall consult the SHPO in making this determination. The ANF shall consider potential direct, indirect, and cumulative effects to historic properties and their associated setting in delineation of the APE. The ANF shall invite comments from Tribes when initiating consultation under Section 106 and consider information provided by Tribes throughout consultation that would inform the APE.

B. Identification of Historic Properties

1. ANF Heritage Program personnel (Heritage Professionals and Archaeological Technicians) shall first complete a literature review that includes review of Forest Service files, SHPO files (via PA-SHARE), aerial photographs, Lidar coverage, resource management plans, and relevant historic documents.
2. If the Heritage Professional identifies that an undertaking's APE contains areas covered by previous adequate survey that have been reviewed by SHPO, meet the "SOI Standards for Archeological Documentation," and the inventory standards outlined in attached appendices, as applicable, then re-inventory is not necessary. However, based on circumstances such as the undertaking's potential for effects or changed conditions, the Heritage Professional may determine that re-inventory is needed.
 - a. If the Heritage Professional advises a new cultural resources inventory is not necessary because previous adequate survey was considered acceptable, and no historic properties and/or unevaluated sites exist within the APE, then a new inventory report is not required. The ANF shall document a decision of "No Historic Properties Affected" in the annual report to the SHPO.
 - b. If the Heritage Professional advises a new survey is not necessary but previously recorded historic properties do exist within the APE, the ANF shall treat the historic properties according to standard protection measures as defined in Appendix A or applicable attached appendices, and a memorandum for record shall be written to summarize the condition of the historic properties and any management actions recommended to avoid effects to the historic properties. No concurrence from the SHPO is required prior to implementing this type of undertaking if standard treatments are implemented to avoid adverse effects. These undertakings will be listed in the annual report.

- c. If the Heritage Professional identifies previous inventories within the APE exist but have not been reviewed by the SHPO, and these inventories meet current inventory standards, the ANF shall incorporate unreviewed results of the previous inventory into the new cultural resources inventory report submitted to SHPO through PA-SHARE.
- 3. When the Heritage Professional advises a new inventory for historic properties within the APE of an undertaking is warranted, all inventories shall be carried out under the direction of the Heritage Professional. All inventories shall conform to the “SOI Standards and Guidelines for Archeology and Historic Preservation, Standards for Identification” or specific appendices of this PA, as applicable.
- 4. Inventory Report Standards
 - a. An inventory report shall be prepared by the ANF or contractor for each undertaking not excluded from case-by-case review prior to implementing the action or related activities. A group of similar or related undertakings in the same geographical area may be grouped together in one inventory report for reporting purposes. The ANF shall submit inventory reports to SHPO via PA-SHARE.
 - b. ANF Heritage Professionals shall record all newly identified cultural resource sites in PA-SHARE, including updated determinations of eligibility as per 36 CFR 800.4(c)(1).
 - c. For all Oil/Gas/Minerals (OGM) sites where the ANF does not own or manage the mineral estate, and which have been previously located and recorded with Forest Service (FS) site numbers, and where either there is no change in condition or the site has been altered/demolished/collapsed and no longer retains integrity or qualifies as a historic property, no updated documentation will be submitted to the SHPO by ANF Heritage personnel, partners, and contractors.
 - d. The Heritage Professional has responsibility to ensure that inventory reports conform to the “SOI Standards and Guidelines for Archeology and Historic Preservation, Reporting Identification Results.”
- C. Evaluation and Determination of Eligibility (DOE)
 - 1. The ANF shall evaluate cultural resources for their eligibility for listing in the National Register of Historic Places (NRHP) in accordance with *National Register Bulletins* #15, #36, #38, and #42, as appropriate. Cultural resources that may exhibit religious or cultural significance to federally recognized Tribes shall be evaluated with Tribal input per 36 CFR 800.4(c)(1). Evaluation for NRHP eligibility that requires systematic archaeological testing shall be accomplished according to the “SOI Standards and Guidelines for Archeology and Historic Preservation,” or the protocols established in applicable attached appendices. The ANF shall evaluate cultural resources meeting the definition for a site for National Register eligibility by applying the National Register criteria (36 CFR 63) in consultation with the SHPO and any Tribe that attaches religious or cultural significance to the properties.

- a. Unevaluated historic properties shall be treated as eligible for inclusion in the NRHP when avoidance or other protection measures will be implemented as the appropriate strategy for managing an undertaking's effects.
- b. Isolated occurrences will be evaluated as not eligible for inclusion in the NRHP under this PA and will not constrain management of the location where they were found. Isolated occurrences will be recorded in a manner consistent with ANF Heritage Program procedures or as outlined in applicable attached appendices.

D. Finding of Effect (FOE)

The Heritage Professional is responsible for recommending the finding of effect for undertakings based upon the result of the inventory and evaluation. The ANF shall avoid historic properties within the APE to the maximum extent possible, or if applicable, treat historic properties according to the terms described in the attached appendix appropriate to that class of undertaking.

1. No Historic Properties Affected

- a. No Properties. When the Heritage Professional identifies no eligible or unevaluated historic properties through review of existing identification information, or through new field inventories within the APE, the ANF shall document a finding of "No Historic Properties Affected." The undertaking may proceed following approval of the inventory report by the Heritage Professional, notification to consulting parties, including The Shawnee Tribe, and approval of the undertaking by the Agency Official. Concurrence from the SHPO is not required prior to implementing the undertaking. These undertakings will be listed in the annual report.
 - i. When the Heritage Professional identifies no known historic properties that exist in the APE following an intensive inventory, but uncertainty remains about the possible presence of historic properties because of observation limitations or information about presence of sites from the literature review or other sources (e.g., oral history), field inspection may be employed during the implementation of an undertaking if recommended by the Heritage Professional. The purpose is to ensure that unidentified historic properties, if present, are documented and subjected to appropriate management/mitigation. If any historic properties are identified, the provisions of Stipulation VII shall be followed.
- b. Properties present, but not affected. When the agreed upon level of inventory is completed and eligible or unevaluated properties are present in the APE, and the ANF Heritage Professional advises that the undertaking will not affect any such properties (avoidance or minimization of impacts through the application of protection measures), the ANF shall document a finding of "No Historic Properties Affected." The undertaking may proceed following approval of the inventory report by the Heritage Professional, notification to consulting parties, including The Shawnee Tribe, and approval of the undertaking by the Agency Official. Concurrence from the SHPO is not required prior to implementing the undertaking. These undertakings will be listed in the annual report.

- i. All historic properties within an APE shall be clearly demarcated in the field and communicated directly or via maps given to project implementation staff, prior to implementing any associated activities that have the potential to affect those historic properties. Communication with field personnel on site avoidance requirements will occur so that the information can be incorporated into plans, contracts, and other documents (with consideration to confidentiality of site locations).
- 2. No Adverse Effect
 - a. When the Heritage Professional advises one or more historic properties may be affected by an undertaking, the ANF shall apply the criteria of adverse effect (36 CFR 800.5(a)) to determine if the effect will be adverse. If the effect will not be adverse, then the ANF shall submit a determination of “no adverse effect,” an inventory report documenting the finding, and any new site data to SHPO (via PA-SHARE), Tribes, and other consulting parties, as applicable.
 - b. The SHPO shall review and comment on the finding of no adverse effect within 30 days of receipt of the documentation. If SHPO does not respond within 30 days, the Agency Official may assume concurrence with determinations of eligibility and finding of effect and proceed with the undertaking provided there are no unresolved objections from other consulting parties, including Tribes who may attach religious or cultural significance to historic properties.
 - c. If the SHPO objects and the objection cannot be resolved, or if the SHPO fails to respond and unresolved objections from affected Tribes or other consulting parties exist, the ANF shall seek the views of the ACHP to resolve the objection, as per 36 CFR 800.5(c)(2)(i).
- 3. Adverse Effect
 - a. When a project will result in an adverse effect to one or more historic properties, the Forest Supervisor shall notify the SHPO, ACHP, and consulting parties, including Tribes, as appropriate. The ANF may resolve the adverse effect through a Memorandum of Agreement (MOA) or an abbreviated resolution process.
 - i. When the ANF determines that an MOA will be used to resolve an adverse effect, the ANF shall follow 36 CFR 800.6.
 - ii. When the ANF proposes that an abbreviated resolution process will be used, the ANF shall propose, in a letter signed by the Forest Supervisor, and distributed to SHPO and consulting Tribes, the application of one or more mitigation measures. The SHPO and consulting Tribes shall have 30 days from receipt of the documentation to provide comments.
 - iii. The ANF may proceed with proposed mitigation actions after the end of the 30-day period or if the SHPO has not provided a response and there are no objections from consulting parties. If the SHPO does not concur and the objection cannot be resolved, or if the SHPO fails to respond and unresolved objections from Tribes exist, the ANF shall seek the views of the ACHP to resolve the objection and develop an MOA.

4. ANF Heritage Personnel may conduct field inspections as necessary to ensure that avoidance or treatment and site management measures are effective. These inspections may consist of visits to a project area during or following the activity to view results at select locations.

VI. EMERGENCY SITUATIONS

- A. The NHPA defines an emergency undertaking as “an essential and immediate response to a disaster or emergency declared by the President, a Tribal government, or the Governor of a State or another immediate threat to life or property” (36 CFR 800.12(b)).

1. Immediate Rescue and Salvage (36 CFR 800.12(d))

Only activities qualifying as immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106 (CFR 36 800.12(d)).

2. Essential and Immediate Response (36 CFR 800.12(b)(2))

Undertakings that will be implemented within 30 days after an emergency has been declared, and that are an essential and immediate response to the emergency, require an abbreviated consultation. The ANF shall allow a seven-day comment period for Tribes, SHPO, ACHP, and other consulting parties, as appropriate. This 30-day emergency period may be extended upon request to the ACHP prior to the expiration of the 30-day period.

- a. If the Agency Official determines that circumstances do not permit seven days for comment, the Agency Official shall invite any comments within the time available.

3. For undertakings that occur after the essential and immediate response period (after the expiration of the 30-day emergency, or when the extension has expired), 36 CFR 800.12 does not apply and NHPA Section 106 compliance per this PA is required (following Stipulation V or Appendix B, Sections II or III, as applicable).

VII. POST-REVIEW DISCOVERIES AND INADVERTENT EFFECTS

- A. If an undertaking has resulted in the discovery of suspected cultural materials, or unanticipated effects on historic properties has occurred, all work within 100 feet (30 meters) of the location of the discovery shall cease and reasonable efforts shall be taken to avoid or minimize harm to the property until the following are completed:

1. An Agency Official and the HPM must be notified immediately.
2. The Agency Official, or HPM following consultation with the Agency Official, shall notify the SHPO and any Tribe that might attach religious or cultural significance to the affected property, in writing, within 48 hours of the discovery situation.
 - a. In the event human remains, funerary objects, sacred objects, or objects of cultural patrimony are inadvertently discovered during project implementation, all activities shall cease, and the area will be secured. The ANF shall comply with the provisions of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) as outlined in 43 CFR 10 and guidance in the ACHP Policy

Statement on Burial, Sites, Human Remains, and Funerary Objects (2023). If Non-Native American human remains are discovered, the FS shall follow any established local or state protocols including notification of the appropriate county coroner, forensic specialist, and law enforcement officials.

3. Within 20 business days after discovery, the ANF Heritage Professional shall evaluate the eligibility of the property and the ANF shall provide the eligibility determination and supporting documentation to the SHPO and consulting Tribes. If the ANF Heritage Professional advises there is insufficient time to evaluate eligibility within this timeframe, the ANF may treat an unevaluated property as eligible for listing in the NRHP.
 - a. If the property is determined to be eligible, or remains unevaluated, for listing in the NRHP, the notification will include a proposal for avoidance, protection, or data recovery. The SHPO and Tribes shall provide feedback within 10 business days. The ANF shall consider recommendations from SHPO and Tribes and carry out appropriate actions. If agreement cannot be reached, the ANF shall request the comments of the ACHP before making a decision on how to proceed, following X.A.
 - b. Additional work in the area of the discovery cannot proceed until an avoidance, protection, or data recovery plan is developed and implemented, or the ANF determines, through recommendation by the Heritage Professional that the property is not eligible for listing in the NRHP, in consultation with the SHPO and consulting Tribes.
4. The Agency Official shall provide the SHPO, the ACHP if a participant, and Tribes with a report of the actions taken to resolve adverse effects when they are completed. Unanticipated discoveries will be included in the annual report.

VIII. HERITAGE PROGRAM

A. Heritage Program Managed to Standard (HPMtS)

The Heritage Program Managed to Standard is the Forest Service benchmark for performance and accountability that guides Heritage Program planning, collections management, Section 110 evaluations and surveys, volunteer engagement and outreach, and interpretation. There are seven reportable indicators for meeting minimum stewardship benchmarks. The ANF shall utilize the flexibilities and efficiencies provided by this PA to strive to achieve the minimum standards.

B. Site Monitoring

Historic properties and Priority Heritage Assets (PHAs) shall be monitored in accordance with ANF Resource Management Plans, Heritage Program Managed to Standard plans, and other site-specific plans. The purpose of site monitoring is to assess the overall condition of the site, assess any changes in site integrity, identify possible vandalism, and identify and carry out annual and deferred maintenance needs.

C. Collections Management

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

2. The ANF will consider curation facilities operated by federally recognized Tribes which meet the requirements of 36 CFR Part 79 before other qualified curation facilities.
3. The State Museum of Pennsylvania, which meets the requirements of 36 CFR Part 79, is the ANF's designated curation facility for collections. The ANF shall fund activities necessary to prepare collections for disposition consistent with the Revised Curation Guidelines: Preparing Archaeological Collections for Submission to the State Museum of Pennsylvania, June 2006, and the fees for long term curation at the rate published in the curation guidelines. A copy of the appropriate final cultural resource report will be included with the submission. Housing of collections within ANF offices is considered temporary curation of collections.

D. Section 110

The ANF shall utilize the greater flexibility and efficiencies provided by this PA, with respect to Section 106 of NHPA, to further the implementation of Section 110, including non-project inventory, National Register evaluations and nominations, site inspections and monitoring, site stabilization and maintenance, public interpretation and outreach, and analysis and synthesis of the prehistory and history of ANF lands, including development and update of heritage and ethnographic overviews.

IX. ANNUAL REVIEW

- A. The ANF shall submit an annual report detailing all undertakings carried out under this agreement to the SHPO, ACHP, and Tribes by January 31. The annual report shall describe actions taken under this PA during the previous federal fiscal year (October 1 to September 30). The annual report shall summarize the actions taken to implement the terms of this PA, statistics on undertakings reviewed, and recommend any actions, amendments, or revisions to be considered. The format and description of this report is detailed in Appendix C. Appendix C will be reviewed annually and revised as needed by signatories.
1. The HPM and Forest Supervisor shall meet annually with the SHPO to review the terms of this PA, determine how well the agreement is working, identify any issues of interest or concern, and consider any amendments that may be appropriate. The ACHP and The Shawnee Tribe shall be invited to the annual meeting. The annual meeting will occur after submission of the annual report to the Signatories and Tribes and shall be held no later than June 1.
 2. This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all signatories is filed with the ACHP.
- B. New appendices can be developed, and existing appendices may be modified by the ANF in consultation with the signatories of this PA. The ANF shall follow the process for the development and inclusion of new appendices as described in Appendix D.

X. DISPUTES AND TERMINATION

- A. Dispute Resolution

If any signatory and/or concurring party to this PA objects to any aspect of its implementation, the Forest Supervisor shall consult with the objecting party to resolve the objection. If resolution cannot be achieved, then the ANF shall:

1. Forward all documentation relevant to the dispute, including the Forest Supervisor's proposed resolution, to the ACHP. The ACHP shall provide the Forest Supervisor with recommendations on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Forest Supervisor shall prepare a written response that considers any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Forest Supervisor will then proceed according to their final decision.
2. If the ACHP does not provide recommendations regarding the dispute within the thirty (30)-day time period of receiving adequate information, the Forest Supervisor may make a final decision on the dispute and proceed accordingly.

B. Termination

If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment. If within thirty (30) days (or another period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories. In the event of termination, the ANF must either (a) execute a new PA, pursuant to 36 CFR 800.14(b), or (b) proceed on all undertakings pursuant to 36 CFR Part 800. The ANF shall notify the signatories as to the course of action it will pursue.

XI. DURATION

This agreement shall be in effect for ten years from the latest date of signature below. Prior to such time, the ANF may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulation IX above.

PROGRAMMATIC AGREEMENT
AMONG THE
UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, ALLEGHENY NATIONAL FOREST,
AND
PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICE,
AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND
THE SHAWNEE TRIBE

REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT FOR UNDERTAKINGS ON THE ALLEGHENY NATIONAL FOREST OF THE
USDA FOREST SERVICE

SIGNATORY:

USDA FOREST SERVICE, ALLEGHENY NATIONAL FOREST

**JAMIE
DAVIDSON**

Jamie L. Davidson
Forest Supervisor, Allegheny National Forest

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DAVIDSON
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5/14/2025

Date

PROGRAMMATIC AGREEMENT
AMONG THE
UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, ALLEGHENY NATIONAL FOREST,
AND
PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICE,
AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND
THE SHAWNEE TRIBE

REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT FOR UNDERTAKINGS ON THE ALLEGHENY NATIONAL FOREST OF THE
USDA FOREST SERVICE

SIGNATORY:

**PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION, PENNSYLVANIA STATE
HISTORIC PRESERVATION OFFICE:**

Andrea L.
MacDonald

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L. MacDonald
Date: 2025.05.14 09:01:10
-04'00'

Andrea MacDonald
Deputy State Historic Preservation Officer


Date

PROGRAMMATIC AGREEMENT
AMONG THE
UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, ALLEGHENY NATIONAL FOREST,
AND
PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICE,
AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND
THE SHAWNEE TRIBE

REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT FOR UNDERTAKINGS ON THE ALLEGHENY NATIONAL FOREST OF THE
USDA FOREST SERVICE

SIGNATORY:

ADVISORY COUNCIL ON HISTORIC PRESERVATION



Reid Nelson
Executive Director

05/27/2025

Date

PROGRAMMATIC AGREEMENT
AMONG THE
UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, ALLEGHENY NATIONAL FOREST,
AND
PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICE,
AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND
THE SHAWNEE TRIBE

REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT FOR UNDERTAKINGS ON THE ALLEGHENY NATIONAL FOREST OF THE
USDA FOREST SERVICE

INVITED SIGNATORY:
THE SHAWNEE TRIBE



Ben Barnes
Chief



Date

PROGRAMMATIC AGREEMENT
AMONG THE
UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, ALLEGHENY NATIONAL FOREST,
AND
PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICE,
AND
ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND
THE SHAWNEE TRIBE

REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT FOR UNDERTAKINGS ON THE ALLEGHENY NATIONAL FOREST OF THE
USDA FOREST SERVICE

CONCURRING PARTIES:

APPENDIX A

DEFINITIONS

Adverse Effect

Direct or indirect alteration of the characteristics that qualify a historic property for inclusion in the National Register of Historic Places in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. See 36 CFR 800.5(a)(1) through 800.5(a)(2).

Advisory Council on Historic Preservation (ACHP)

The Advisory Council on Historic Preservation promotes the preservation, enhancement, and sustainable use of our nation's diverse historic resources, and advises the President and Congress on national historic preservation policy. ACHP is an independent federal agency that administers the requirements of the National Historic Preservation Act.

Agency Official

The Agency Official has approval authority for federal undertakings and can commit the ANF to take appropriate action for a specific undertaking. In the context of this PA, an Agency Official is a Line Officer (Forest Supervisor, Deputy Forest Supervisor, District Ranger, Regional Forester, or the Chief of the Forest Service). The Agency Officials are the decision makers and responsible officials for Section 106 compliance. See Forest Service Handbook (FSH) 2309.12.

Area of Potential Effects (APE)

The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (36 CFR 800.16(d) and 800.4(a)).

Avoidance

Avoidance is a means to resolve adverse effect by preventing activities associated with an undertaking that may affect historic properties within a historic property's boundaries. This may include adverse effects to a property's viewshed in cases where setting is an important element to the site's significance. This may require that portions of undertakings be modified, redesigned, or eliminated in order to avoid historic properties.

Case-By-Case Review

A case-by-case review (Stipulation V of this PA) is conducted when a proposed undertaking is not specifically exempt from further review and consultation according to Appendix B, Sections II or III. A list of common undertakings requiring case-by-case review is included in Appendix B, Section I, but this list is not comprehensive and there may be other routine undertakings requiring case-by-case review.

Concurring Party

Any party that participates in the development of the agreement and is asked to show their approval of the end product through a concurring signature. Concurring parties do not have the right to terminate the agreement.

Consultation

The process of seeking, discussing, and considering the views of other participants, and where feasible, seeking agreement with them regarding matters arising in the Section 106 process (36 CFR 800.16(f)).

Consulting Party

Consulting parties are all the parties formally involved in the consultation process related to the development of the agreement and Section 106 consultation.

Cultural Resource

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, archaeological, or architectural sites, structures, places, or objects, and traditional cultural properties. Cultural resources include the entire spectrum of resources from artifacts to cultural landscapes without regard to eligibility for listing on the National Register of Historic Places.

District Ranger

The Agency Official as defined in 36 CFR 800.2(a). The Agency Official is responsible for meeting the requirements of this PA or for complying with Section 106 of the NHPA. This person has delegated authority from the Forest Supervisor and manages a Ranger District.

Eligible Properties (see Historic Property)

Properties that have been evaluated through the process by which the significance and integrity of cultural resources are evaluated as eligible for listing in the National Register of Historic Places. Such properties are also legally designated “historic properties.” A property may be determined to be eligible under any of four Criteria:

Criterion A

The property is associated with events that have made a significant contribution to the broad patterns of our history.

Criterion B

The property is associated with lives of persons significant in our past.

Criterion C

The property exemplifies a distinctive type, period, or method of construction, or the work of a master, or a high artistic quality.

Criterion D

The property has yielded or may be likely to yield, information important in history or prehistory.

Emergency

An unforeseen combination of circumstances that results in a need for immediate action. An “Emergency Undertaking” is an undertaking proposed by a Line Officer as an essential and immediate response to a disaster or emergency declared by the President, a Tribal government, or the Governor of a State or another immediate threat to life or property. See 36 CFR 800.12.

Effect

36 CFR 800.16 defines “effect” as “alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.”

Exemptions

Undertakings that, because of their nature and scope, have predictable effects and a very low likelihood of affecting historic properties. These classes of undertakings shall be exempt from further Section 106 review and consultation under this PA. See also “Screened Exemptions.”

Forest Supervisor

The Agency Official as defined in 36 CFR 800.2(a). The Agency Official is responsible for meeting the requirements of this PA or for complying with Section 106 of the NHPA.

Geographic Information System

A geographic information system (GIS) is a system for managing spatial data and associated attributes. In the strictest sense, it is a computer system capable of integrating, storing, editing, analyzing, and displaying geographically referenced information. In a more generic sense, GIS is a "smart map" tool that allow users to create queries (user created searches) and analyze the spatial (mapped) information.

Geophysical Project

An activity related to the search for evidence of oil and gas which requires the physical presence upon the lands and which may result in damage to the lands or resources. Geophysical exploration requiring a permit Preservation Act and approval of such projects requires agency compliance with section 106. Each project is examined on a case-by-case basis for terrain type, nature of the specific project, and the types of cultural resources anticipated within the project area.

HABS/HAER (Historic American Buildings Inventory/Engineering Record)

The Historic American Buildings Inventory/Historic American Engineering Record (HABS/HAER) is an integral component of the federal government's commitment to historic preservation. The program documents important architectural, engineering and industrial sites throughout the United States and its territories. A complete set of HABS/HAER documentation, consisting of measured drawings, large-format photographs, and written history plays a key role in accomplishing the mission of creating an archive of American architecture and engineering and in better understanding what historic resources tell us about America's diverse ethnic and cultural heritage. To ensure that such evidence is not lost to future generations, the HABS/HAER Collections are archived at the Library of Congress, where they are made available to the public.

Heritage Professional

Heritage Professionals provide professional recommendations and services to assist Line Officers (Agency Officials) in meeting their Section 106 responsibilities. This may involve planning, conducting, and leading archaeological field surveys, and conducting evaluations of historic properties for the NRHP. Heritage Professionals are responsible for making technical recommendations to Agency Officials under the terms of this PA. Heritage Professionals include the Heritage Program Manager and District Archaeologists who meet the Secretary of the Interior's Professional Qualification Standards and Office of Personnel Management (OPMS) X-118 standards for professional level in the GS-0193, GS-0170 or GS-0190 job series.

Heritage Program Manager

The Heritage Program Manager is a Heritage Professional responsible for directing, planning, and administering the ANF's Heritage Program, providing professional and technical advice to the Forest Leadership Team, advising the Heritage Program internally and with external agencies, organizations, and the public, and planning and developing the ANF's cultural resource inventory, evaluation, and enhancement program. Although the Heritage Program Manager is responsible for making technical recommendations under the terms of this agreement, Line Officers have the responsibility for compliance with this agreement and the National Historic Preservation Act.

Historic Context

Information about historic or prehistoric trends and properties grouped by an important theme in the prehistory or history of a community, state, or the nation during a particular period of time.

Historic Property

36 CFR 800.16 defines historic properties as “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.

Intensive Field Inventory

A type of cultural resource inventory that provides cultural resource specialists and managers with a record of all cultural resources, which can be identified from surface indications or shovel testing, for a specific area. Intensive survey identifies the distribution of properties in an area; determines the number, location and condition of properties; determines the types of properties actually present within the area; permits classification of individual properties; and records the physical extent of specific properties.

Interested Parties

An interested party has a demonstrated interest in a Forest Service undertaking or action on a historic property. Interested parties may include, but are not limited to, local governments, grantees, permittees, owners of affected lands or land surfaces, Tribes, and other groups. Interested parties may provide input and information as consulting parties when an agreement is prepared. However, they may not necessarily be invited to become a concurring party on the agreement document.

Memorandum of Agreement (MOA)

A document that records the terms and conditions agreed upon by the ANF, SHPO, Tribes, and other consulting parties to meet an agreed upon objective such as phased identification and evaluation or to resolve the adverse effects of an undertaking upon historic properties.

Mitigation

Actions or treatments which lessen, avoid, or minimize adverse effects to historic properties. Such actions may include, but are not limited to, redesigning an undertaking to reduce or avoid effects, recovering data to treat effects, or moving the historic property to a protected area.

Monitoring

Systematic and periodic assessment of the physical condition of cultural resources and any ongoing or potential human-caused or environmental threats to them. It may be the basis for implementing correction actions where degradation is identified. Monitoring is also undertaken to evaluate the adequacy of protective treatments to cultural resources affected by authorized undertakings and to review the accuracy of survey strategies and methods.

National Historic Landmark

A historic property evaluated and found to have significance at the national level and designated as such by the Secretary of the Interior

National Register of Historic Places (NRHP)

Authorized by the National Historic Preservation Act of 1966, as amended, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archaeological resources. Properties listed in the National Register include districts, sites, buildings, structures, and objects that are significant to our Nation’s history, architecture, archaeology, engineering, and culture. The Secretary of the Interior’s administrative responsibility for the National Register is delegated to the National Park Service.

NEPA (National Environmental Policy Act of 1969)

NEPA is a federal law that helps inform the decision-making process for federal agencies in the United States. NEPA requires that all federal agencies involve the interested public in their decision-making, consider reasonable alternatives to proposed actions, and prepare environmental documents which disclose the impacts of proposed actions and alternatives.

No Adverse Effect

The undertaking shall not alter any of the characteristics of an historic property that qualify it as eligible, or potentially eligible, for listing in the National Register by diminishing its historic integrity.

No Historic Properties Affected

A determination of No Historic Properties Affected means that there are no cultural resources in the APE, there are cultural resources in the APE but none are determined to be eligible or potentially eligible for listing in the National Register, or there are historic properties in the APE but none will be affected by the undertaking.

Not Eligible

Cultural resources that have been evaluated through the process by which the significance and integrity of a prehistoric or historic property are determined as not eligible for listing in the National Register of Historic Places.

Pennsylvania's State Historic and Archaeological Resource Exchange (PA-SHARE)

A computer database system utilized for review of identified resources, consultation, and submissions of resource and survey data to SHPO.

PHMC (Pennsylvania Historical and Museum Commission)

PHMC is a section of the Commonwealth of Pennsylvania government that contains the State Historic Preservation Officer/Office which maintains the database and a statewide inventory of cultural resources, and associated inventories.

Sampling Field Inventory

A type of cultural resource inventory that is a probabilistic sample survey, designed to characterize the probable density, diversity, and distribution of cultural resources in an area, to develop and test predictive models, and to answer certain kinds of research questions. Within individual sample units, survey aims, methods, and intensity are the same as those applied in an intensive field survey. A sampling survey may be conducted in several phases, using different sample designs, to improve statistical reliability.

Screened Exemptions

Some types of undertakings, by their nature, usually have little potential to affect historic properties, but may have such potential under certain circumstances and contexts. This PA includes a process for internal ANF review to identify whether specific undertakings may be exempt from further review and consultation (Appendix B, Section III).

Secretary of the Interior Professional Qualifications Standards

The National Historic Preservation Act (NHPA) Section 112 and the Section 106 regulations, at §800.2(a)(1), require agencies responsible for protecting historic properties to ensure that all actions taken by their employees or contractors meet professional standards as determined by the Secretary of the Interior. They outline the minimum education, experience, and products that together provide an assurance that the program and project manager, applicant, employee, consultant, or advisor will be able to perform competently on the job.

Secretary of the Interior's Standards for Rehabilitation

The Standards for Rehabilitation provide direction regarding repairs, alterations, and additions that may be part of a rehabilitation project. The intent of the Standards is to assist the long-term preservation of a property's significance through the preservation of historic materials and features. The Standards also encompass related landscape features and the building's site and environment, as well as attached, adjacent, or related new construction.

Secretary of the Interior's Standards for the Treatment of Historic Properties

The purpose of the Standards is to provide guidance on four treatments: preservation, rehabilitation, restoration, and reconstruction. These standards apply not only to historic buildings, but a wide variety of historic resource types eligible to be listed in the National Register of Historic Places, including buildings, sites, structures, objects, and districts.

SHPO (State Historic Preservation Office or Officer)

Established by the National Historic Preservation Act of 1966 as an agency within each State government charged with advising and assisting federal agencies with the provisions of the Act. SHPO's receive federal funds from the National Park Service and allocate matching funds and grants to Certified Local Governments (CLGs) for the protection of sites eligible for listing in the National Register of Historic Places. SHPO shall review ANF determination of the Area of Potential Effects, National Register determinations of eligibility, findings determinations per 36 CFR Part 800, and respond within the timeframes required by the agreement. The SHPO may attend site visits upon request and will participate in annual reviews to review the effectiveness of the agreement.

Signatory

A consulting party that assumes responsibility in an agreement document. Signatories may terminate the agreement. Signatories to this PA are the ANF, SHPO, and ACHP.

Standard Protection Measure

A 30-meter "no disturbance" buffer, flagged with brightly colored plastic tape, circled around a historic property or heritage/cultural resource that is eligible or unevaluated for listing in the NRHP.

Traditional Cultural Property

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

Undertaking

As defined in 36 CFR 800.16(y), an undertaking "means 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 a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval."

APPENDIX B

CONSULTATION REQUIREMENTS

I. Undertakings Subject to Case-by-Case Review

The following activities have the potential to affect historic properties and are subject to case-by-case review according to the procedures outlined in Stipulation V of this PA. This list is not exhaustive and there may be other undertakings not listed here that require case-by-case review and consultation.

- A. Land exchanges, transfers, leases, or sales to non-federal entities.
- B. Permits, easements and right-of-way grants that authorize surface disturbance or have the potential to affect historic properties through changes to setting.
- C. New trail construction and existing trail reroutes.
- D. Demolition or construction of facilities including recreation sites, buildings, etc.
- E. Alteration of, or additions to, structures or buildings more than 45 years old.
- F. Site and historic building stabilization, rehabilitation, and restoration.
- G. Restoration and repair of damaged archeological resources (ARPA).
- H. Archeological data recovery (excavation).
- I. Planned activities associated with prescribed burns and burned area emergency response (BAER); see Appendix E.
- J. Mechanized treatments such as chaining, tree plucking, using felling bunchers, and other ground disturbing activities associated with timber harvesting, range management, habitat restoration and fuels management activities.
- K. Timber sales and associated activities.
- L. Installation and maintenance of water distribution facilities.

II. Undertakings Exempt from Case-by-Case Review

The Agency Official may exempt the following undertakings from case-by-case review. The following activities, when properly implemented, shall result in no potential to cause effects on historic properties. These include activities for which the potential effects on historic properties, if present, are foreseeable and nonexistent. If unique circumstances arise, the Agency Official may seek the recommendation of the Heritage Professional and elect to consult on an otherwise exempt activity. The following activities may be excluded from case-by-case review because they have no potential to cause effects to historic properties.

- A. Easement or land acquisitions that do not authorize ground disturbance and does not have any standing structures.
- B. Land transfers to federal entities.
- C. Decisions to restrict further travel on existing system roads, trails, and areas.
- D. Alteration of structures or buildings less than 45 years old.
- E. Inventory, data, and information collection activities that employ methods that have no potential to cause effects on historic properties, including geologic, mineralogical and resource evaluation activities; cadastral surveys; geophysical surveys (that does not include ground disturbances such as driving off existing roads and the collection of samples); wildlife surveys; approval of permits for such activities.

- F. Placement of geophysical seismic monitoring equipment on the surfaced portion or within the prism (area clearly associated with road construction, from road surface to top of cut and/or toe of fill) of a regularly maintained road.
- G. Permits, easements, rights-of-way, and leases that do not authorize ground disturbance or have the potential to affect historic properties.

III. Screened Exemptions

The Heritage Professional shall assess whether a specific undertaking fits within any of the classes of undertakings listed below. These exemptions to case-by-case review are screened due to the potential for these undertakings to occur in locations where historic properties are present and specific site sensitivity should be considered. These exemptions are common undertakings that often result in No Effect or No Adverse Effect to historic properties. Access requirements should be considered as part of these undertakings. Only Heritage Professionals possess the resources and qualifications to identify whether a historic property is present and may be affected by an undertaking in this list. The presence of an undertaking on this list does not automatically exclude a given project from review.

If the Heritage Professional advises that an undertaking may cause effects on historic properties, then the undertaking shall be subject to case-by-case review according to Stipulation V of this PA. The Agency Official should be aware that in the case of properties of religious and cultural significance to federally recognized Tribes, avoiding or limiting visual and auditory effects upon the property may be necessary to preserve the qualities that make the site eligible for the NRHP. Thus, any decision to exempt a project from case-by-case review in that context must carefully consider the potential of the undertaking to have such effects.

A. General Screened Exemptions

1. Any activities located on steep slopes (greater than 15%), where no known historic properties or potential historic properties are present, with no potential for sites such as rock art or rock shelters, and appropriate historical documentation has been consulted.
2. Any activities where the APE is entirely within an obviously disturbed context, and the disturbance is such that the presence of historic properties is highly unlikely.
3. Removal of illicit narcotics equipment from federal land during law enforcement operations, excluding the removal of buildings or structures.
4. Activities which involve no more than two square meters of cumulative surface disturbance and no more than one square meter of contiguous disturbance in any given location, unless within the boundaries of a known historic property or an unevaluated heritage resource.
5. Installation and repair of signposts and monuments, unless within known historic properties.
6. Erosion control measures where no or minimal ground disturbance will occur (e.g. wattles installation or seeding).
7. Application of pesticides and herbicides using hand-tools or otherwise use minimally invasive procedures, provided such actions will not affect historic properties, properties

of traditional cultural and religious value identified by Tribes, traditional gathering areas, plants that are part of a historic landscape, or plants that might indicate the presence of cultural resources.

8. Maintenance or in-kind replacement of existing non-structural facilities that does not involve new ground disturbance or occur within known historic properties (e.g. maintenance or replacement of gates, fences, traffic control devices, light fixtures, curbs, sidewalks, etc.).
 9. Removal of recent (less than 45 years old) structures, buildings, and materials (including abandoned automobiles, dumps, fences and buildings) and reclamation of the site, as long as the action does not expand previous surface disturbance and is not within a historic property. The potential for resources less than 45 years old to qualify as historic properties should be considered when applying this screened exemption.
 10. Removal of hazardous substances that are in modern-age containers which can be accomplished without any ground disturbance, or disturbance or removal of any historic artifacts or features within a historic property.
 11. Forest management practices, such as precommercial thinning by hand and removal of dead and downed vegetation, outside of historic districts, cultural landscapes, and archaeological sites, using equipment and methods that do not introduce ground disturbance beyond documented natural or cultural disturbances.
 12. Activities confined to stream beds (not including terraces and cut banks) that do not redirect water to undermine stream banks.
 13. Hand treatments that involve little or no ground or surface disturbance (e.g. flower and seed head removal from annual plants, hand pulling young plants without the use of tools).
 14. Traditional Tribal collecting activities.
 15. Aerial or hand broadcast seeding with no ground disturbance.
- B. Screened Exemptions Associated with Lands and Recreation Special Use Permits (SUPs)
1. New ground disturbance within existing, previously disturbed rights-of-way (such as utility corridors) that does not affect known resources.
 2. Conducting or approving permits for non-archaeological data collection and monitoring activities that involve less than one cubic meter of cumulative ground disturbance, unless within unevaluated cultural resource or historic properties or areas considered likely to contain historic properties. Such activities could include forage trend monitoring, stream gauges, weather gauges, research sensors, photo plots, traffic counters, animal traps, or similar devices.
 3. Installing new lines on existing overhead utility poles when there is no change in pole configuration, no new surface disturbance, and access is on existing roads or otherwise approved access routes.

4. Replacement or repair of previously buried utility lines, and any activities within the demonstrated vertical and horizontal limits of previous disturbance or construction.
 5. Replacement of utility poles in a location within 5 feet from the existing pole, unless within known historic properties or unevaluated cultural resources.
 6. Issuance of permits for use of existing roads that do not traverse or otherwise affect cultural resources and do not include upgrading, paving, or road widening.
- C. Screened Exemptions Associated with Wildlife and Fisheries Enhancements
1. Maintenance activities in constructed wildlife openings, such as plowing, disking, seeding, planting, fencing and mechanical release, in previously surveyed areas for heritage resources that do not contain any historic properties.
 2. Hand construction of fish weirs, and fish barriers, or other habitat enhancement activities limited within stream channels and lakes, not including terraces, and cut banks that do not affect instream or submerged (lake/reservoir) historic structures.
 3. Fisheries improvement projects where trees are felled into streams and floodplains that does not involve surface disturbance.
- D. Screened Exemptions Associated with Management of Developed Recreation Sites
1. Issuing recreation permits on rivers, trails, developed roads, or in other designated areas where the type and location of activity has been previously subjected to NHPA Section 106 compliance, and there are no changes in the course, spectator areas, or pit areas. All previously established restrictions associated with previous NHPA Section 106 compliance are continued.
 2. Issuance of recreational Special Use Permits (SUPs) where the potential to cause ground disturbance or affect historic properties is negligible, including but not limited to:
 - a. Where uses are consistent with planning decisions or land allocations, as applicable, and where there will be no surface disturbance.
 - b. Where campsite locations are restricted to areas along the river that have been previously surveyed for cultural resources and historic properties are not located.
 3. Felling of hazardous trees without ground disturbance within recreation areas or other areas for health and safety.
 4. Routine maintenance in developed recreation areas and campgrounds, when no historic properties are present, that will not cause new ground disturbance such as repair of signage, replacement of portable sanitation units, hand removal of fallen trees, hand brushing of trail corridors, or repair or replacement of fire rings and picnic tables.
- E. Screened Exemptions Associated with Road Maintenance, Trail Maintenance, and Travel Management
1. Routine maintenance and resurfacing of existing trails and Level 3-5 roads, as defined in Forest Service handbook, where work is confined to previously maintained surfaces, ditches, culverts (non- CCC era), and cut and fill slopes where there are no known

unevaluated heritage resources or historic properties that would be affected because proposed work is clearly within disturbed context.

2. Felling and removal of hazard and wind thrown trees from road and trail prisms where deemed necessary for health, safety, or administrative reasons, so long as trees are felled into and removed from within existing road or trail prisms (area clearly associated with road construction, from road surface to top of cut and/or toe of fill) where previous disturbance is such that the presence of no known unevaluated heritage resources or historic properties is considered unlikely, and so long as ground disturbance is not allowed off previously disturbed areas associated with road or trail prisms.
3. Realignment of existing non-motorized trails that involves the use of hand tools, involves no new surface disturbance, and does not impact known historic properties.
4. Cleaning accumulated rocks, dirt, and silt from existing modern or historic ditches, lead out ditches, and culverts when historic stonework will not be affected, and no new ground disturbance takes place.
5. Maintaining existing grade dips and water bars within site boundaries as long as there are no features or intact cultural deposits within the road, and there is no new ground disturbance.
6. Paved road resurfacing projects (with no scraping or new ground disturbance) on existing roads that are not historic properties.
7. Routine trail maintenance that does not involve ground disturbance or the use of heavy equipment (e.g. brushing trail corridors, hand removal of dead and downed vegetation).

F. Screened Exemptions Associated with Historic Structures

If the Heritage Professional determines that additional specialized expertise is needed, the ANF may request an Architectural Historian, who meets the SOI professional qualifications, to review historic structures (above ground resources) before excluding the following list of actions from “case-by-case” review.

The term “in-kind replacement” is defined as installation of a new element that replicates the material, dimensions, design, configuration, finish, operation, and detailing of the original element. The relevant NPS Technical Briefs shall be consulted for information on preserving, rehabilitating, and restoring historic buildings.

1. Structural Elements:
 - a. Repair or replacement of siding, trim, or hardware (including lighting), when done in-kind to match historic material, design, and color, and where repairs warrant the least degree of intervention including limited replacement in-kind.
 - b. Repair of window frames or shutters by patching, splicing, consolidating, or otherwise reinforcing or replacing in-kind those parts that are either extensively deteriorated or are missing. The same historic configuration of panes shall be retained.

- c. Repair, replacement, or addition of exterior lighting that blends with the landscaping and style of the building.
- d. Replacement of glass, when done in-kind to match historic form and design. Windowpanes may be double, or triple glazed, as long as the glazing is clear and replacement does not alter the historic window form. This excludes the use of tinted glass, which requires consultation.
- e. Maintenance of features, such as frames, hoodmolds, paneled or decorated jambs and moldings, through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems using historic color and texture.
- f. Repair of doors, when either extensively deteriorated or are missing. Replacement door will be compatible alternative materials that match the historic design.
- g. Replacing existing roof shingles with a fire-resistant shingle material and does not significantly alter the historic integrity of the building. Repair should be as compatible with the design, character of the building, and setting as possible. Adequate anchorage for roofing material to guard against wind damage and moisture penetration should be provided. Roofing material may be replaced with updated, energy-efficient materials, provided the new material is sympathetic with the historic property. Roofing color will be closely matched through purchase of readily available materials, but without jeopardizing the integrity of the roofing material, and with a consideration of cost. Cement asbestos shingles may be replaced with asphalt-based shingles, and untreated wood shingles may be replaced with fire resistant wood shingles.
- h. Repair of roofing, gutters, downspouts, roof sheeting, flashing, fascias and eaves, where repairs warrant the least degree of intervention including limited replacement in-kind.
- i. Repair of chimneys, when done in-kind to match historic materials and form. Spark-arresting chimney caps may be added to chimneys, where such caps harmonize with historic materials and form.
- j. Repair of porches, cornices, and stairs when done in-kind, and where repairs warrant the least degree of intervention including limited replacement in-kind.
- k. Replacement of modern appliances and fixtures (e.g., ranges, refrigerators, and bathroom fixtures). When associated historic cabinetry is intact, and the interior, in general, retains its historic appearance, the cabinetry will be retained.
- l. Repair or replacement of floor coverings, when done in-kind to match historic material and design; unless floor coverings are modern, in which case different modern materials may be used.

2. Surfaces:

- a. Painting, staining, or oiling (collectively “painting”) interior or exterior surfaces, when the new paint matches the existing or historic color. If the existing paint

color is not desirable and the historic color is not known, the color should be in keeping with historic color schemes for nearby or similar structures. Damaged or deteriorated paint may be removed to the next sound layer by hand-scraping or hand-sanding. Use of abrasive methods, such as sandblasting, is not covered by this treatment.

- b. Replacement or installation of caulking and weather-stripping with compatibly colored materials around windows, doors, walls, and roofs.
- c. Application of new drywall over plaster surfaces if: A) interior trim and features are removed and re-applied in original location over the new drywall, and B) No decorative plasterwork exists on the wall surfaces.
- d. Energy improvements limited to insulation in the attic or basement, and installation of weather stripping and caulking without altering a property's historic character

3. Utility Systems:

- a. Replacement of metal water tanks with ones of fiberglass, when the color and texture of the existing or historic tank are replicated or when landscaping camouflages the replacement tank. Redwood tanks with plastic inserts are also feasible. Construction of a structure around a tank to control temperature is allowed when landscaping camouflages the change.
- b. Replacement of and enlarging liquid propane gas systems, if tanks are screened with landscaping materials.
- c. Replacement of communications equipment, when the same size, shape, and general configuration are retained or reduced, excluding large antenna and communications dishes.
- d. Replacement of lightning rod and wiring system in a manner which does not alter the property's historic character.
- e. Installation of fire/smoke or carbon monoxide detectors, burglar alarms, or other security systems of devices, such as dead bolts, door bolts, window latches, and door peep holes if they are installed in a manner that does not damage any of the property's historic fabric or alter its historic character.

4. Surrounding Features:

- a. Replacement of signs in-kind that involves no new surface or structural disturbance.
- b. Ongoing maintenance of immediately surrounding landscaping, including such modifications as removing hazardous vegetation, adding vegetation that blends with the historic landscape, or adding rocks to define paths, where not otherwise prohibited, so long as historic landscape characteristics are maintained.
- c. Repair or limited replacement of driveways and walkways when done in-kind to match existing or historic materials and design.

- d. Repair of porches, decks, and exterior stairs when the repair is done in-kind and where repairs warrant the least degree of intervention including limited replacement in-kind.
 - e. Repair or limited replacement of fencing done in kind to match existing or historic material and design.
 - f. Repair, limited replacement, or addition of exterior lighting that blends with the landscaping and style of the building.
 - g. Installation of skirting over a structure's crawl space, if constructed or painted a color to match or blend with the structure.
 - h. Removal of vegetation or hazard trees in order to reduce the threat of wildfires or falling timber, so long as removal is done by hand without the use of heavy equipment.
 - i. Installations of interpretive signage or exhibit structures which are not attached to historic structures and do not visually intrude on the historic property. Signs should be constructed of materials and painted with colors that harmonize with the historic property and its setting.
5. Ground Disturbing Activities
- a. Activities surrounding an historic structure where a previous Heritage Resources Survey was conducted that meets the Secretary of Interior Standards and has shown that no previously recorded archaeological sites exist that are historic properties or potentially eligible for the NRHP.
 - b. Excavations for repair or limited replacement of building footings or foundation work within two (2) feet of existing footings and foundations.
 - c. Installation, repair, or replacement of utilities, such as sewer, water, or storm drains, electrical, gas, or leach lines, and septic tanks, where activities are restricted to specific areas previously disturbed by installation of these utilities.
 - d. Tree planting, area fencing and tree shelters, or removal in areas that have been previously disturbed by these activities, including nursery beds and arboreta, provided historic landscaping is maintained.

APPENDIX C

ANNUAL REPORT FORMAT

The ANF shall use the following format to report annual accomplishment data to the ACHP, SHPO, and Tribes by January 31 of the calendar year following the relevant fiscal year. The ANF shall also submit a narrative explaining anything unusual found in the tabular data and a summary of projects reviewed under this PA. Any proposed amendments to the PA shall also be provided for review and comment.

Undertakings Excluded from Case-by-Case Review: Appendix B, Section III (Screened Exemptions)

Type of Undertaking	Number of Undertakings	Newly Surveyed Acres	Number of Newly Recorded Cultural Resources	Number of Sites Revisited/Monitored
General Exclusions				
Administrative Actions				
Lands and Recreation Special Use Permits (SUP)				
Wildlife and Fisheries Enhancements				
Management of Developed Recreation Sites				
Road Maintenance, Trail Maintenance, Travel Management				
Historic Structures				
Prescribed Fire Activities				

Sites Where Avoidance Measures were Employed for Protection (No Historic Properties Affected)

Smithsonian Number	Undertaking Name	FS Project Number/SHPO ER Number	Description of Avoidance Measure

Inadvertent Site Discoveries

Smithsonian Number	Comments

Sites Where Field Inspection and/or Monitoring Has Been Conducted

Smithsonian Number	Comments

APPENDIX D

GUIDELINES FOR THE DEVELOPMENT OF APPENDICES SPECIFIC TO CLASSES OF UNDERTAKINGS

Identification, evaluation, and management procedures for certain classes of Forest Service undertakings (e.g. vegetation management, infestation management, etc.) shall be guided by appendices that contain specific procedures for inventory, reporting, and review.

I. PRINCIPLES

Forest Undertaking Appendices should be: straightforward and easy to implement; sufficiently specific and detailed to minimize interpretive complications; and directive as to what should be done.

II. CONTENTS AND FORMAT

Undertaking Appendices must contain the following information:

A. *Title* that specifies the subject (undertaking);

B. *Description* that specifies intent, use and limitations of the appendix, which will include but not be limited to the following:

- 1) description of the class of undertakings to which the appendix applies, including variations in methods and implementation of the class of undertaking;
- 2) description of the known and likely effects of such undertakings on different types of cultural resources, in the absence of protective measures. This discussion may include an identification of the kinds of cultural resources that are most likely to be affected by the class of undertaking;

C. *Management Protocol*, which may include steps, measures, or additional details of procedures.

D. *Standard Inventory Strategy*, which may include:

- 1) discussion, description and reasons for APE determination;
- 2) sample inventory criteria or models to be used for that class of undertaking;
- 3) justification of sample criteria or model;

E. *Additional Stipulations*, which may include:

- 1) process for notifying and soliciting the views and involvement, as appropriate, of interested parties, Federally Recognized Indian Tribes, and the public, if these procedures differ from the main body of the PA;
- 2) as appropriate, continued long-term studies and refinement of effects and methods of protection.
- 3) any other processes or requirements specific to the class of undertaking.

III. DEVELOPMENT OF NEW APPENDICES

New appendices may be developed and included in this agreement by the following procedures.

A. The ANF will provide Signatories with written notification of their intent to develop and add a protocol to this agreement and seek their initial advice.

B. Appendices shall be prepared according to the principles and content listed herein (Section II).

C. Interested parties shall be consulted and afforded an opportunity to provide input in the development and review of draft appendices. Interested parties should include, as appropriate, signatories to this agreement, Federally Recognized Tribes, organizations, or individuals that may be directly affected by the appendices, and organizations or individuals that have asked to be included.

D. The Forest Supervisor shall submit the Appendix to the Signatories for review.

E. The Signatories shall be afforded 30 days to review and comment on the draft appendix.

F. The protocol shall be added to the agreement and implemented by the ANF if the Signatories accept and certify the appendix by signing an addendum to this agreement.

G. The ANF shall implement individual undertakings within the subject class of undertakings according to stipulations of this agreement or 36 CFR Part 800 until the protocol for the class of undertakings is certified.

H. Appendices may be amended by agreement of the consulting parties as described in Section XIII.C of the PA.

APPENDIX E

Prescribed Fire Management Activities

USDA Forest Service Prescribed Management Fire Program

The ANF seeks to improve overall forest health, restore healthy ecosystems and lessen the risk of high-intensity, destructive wildland fires by working with prescribed fire to bring National Forest System lands closer to the historic and natural ecological conditions identified as desired goals and objectives in land and resource management plans. Natural and cultural resource managers, including foresters, biologists, and archaeologists, use prescribed fire (also referred to as prescribed burns) to remove thick brush, reduce hazardous fuel accumulations, restore and maintain ecosystems, improve habitats, and control unwanted or undesirable vegetation.

People who enjoy the numerous recreational opportunities available on forests, or those living nearby, also benefit from the improved forest conditions. Prescribed burns remove downed limbs and other debris from the forest floor, improving visibility and reducing obstacles. The variety, quantity, and quality of the plants and animals that result from the treatments in these areas are noticeable not only to those enjoying activities in the forests, but also to people traveling through the forests. Those living and working in the wildland urban interface and intermix, where the forest meets development (such as oil, gas, and mineral activities and residential development and neighborhoods) have increased protection from the threat of destructive wildfires as prescribed burns reduce the amount of heavy underbrush and leaf litter that could fuel and sustain a destructive wildfire.

The Forest Service has set in place various coordination measures with criteria that must be met prior to implementing a prescribed burn. These include current prescribed burn plans, compliance with various state and federal regulations, safety and risk management, public affairs, community outreach and public involvement through the National Environmental Policy Act (NEPA) process, appropriate tribal consultation procedures, and appropriate staffing and training. These coordination measures illustrate the amount of planning and attention given to all facets of a prescribed burn activity. An important part of the pre-burn planning process involves considerations for threatened and endangered species, other sensitive resources and, of course, significant cultural resources.

The management of prescribed fires is conducted by highly trained specialists and wildland firefighters, who control the intensity of the fire and keep it within a defined area using a combination of natural fuel breaks and fire-lines that have been cleared of burnable material. These low-intensity fires leave some area inside the fire-lines untouched, creating a mosaic of burned and un-burned patches. Safety and health are the top priorities during any prescribed fire and many requirements must be met before a prescribed fire can take place. Burn plans consider conditions such as the range of relative humidity, wind speed and direction, temperature, fuel moisture, and atmospheric conditions. Factoring in all these requirements limits the number of days in which a prescribed fire can take place. To complete prescribed burns in a safe, economical, and efficient manner, the Forest Service works with a variety of partners, including private, local, state, and federal entities.

Heritage Resource and Prescribed Fire Management for the Allegheny National Forest

I. Introduction

The use of prescribed fire on the ANF is generally low to moderate in intensity and of short duration. With few exceptions, and when dictated by the management prescription, prescribed fires will not burn hot enough to reach mineral soil. Prescribed fires are intended to consume “surface” fuels, which are comprised of leaf litter, pine needles, dead and down small twigs and branches, and at times, larger portions of dead and down trees and vegetation. Resource and management objects are normally such that “ground” fuels, decaying organic materials below available leaf litter and dead and down woody fuels, are not being burned and consumed by these managed fires. The weather and fuels “prescription” contained in prescribed burn plans help to mitigate this by defining a range of conditions that must be met in order to carry out a burn.

Temperatures are typically not high enough to cause heat alteration, exfoliation, or other damage to stone, concrete and mortar, or to glass, metal, and ceramic artifacts. Given the low intensity of typical prescribed fires, the burns themselves, and resulting first order fire effects, are not expected to adversely affect prehistoric and historic sites that do not contain aboveground combustible elements. With the exception of plastic artifacts, thermal alteration is expected to be limited to combustible residue deposits (soot), which generally is washed off in the rain. Plastic artifacts have a relatively low melting/deformation threshold. However, these effects would not affect the eligibility of the site for listing on the National Register of Historic Places (NRHP).

II. Cultural Resources That May Be Affected by Prescribed Fire

Historic Sites with Aboveground Combustible Elements. Within the ANF there are a small number of cultural resources with aboveground combustible structures or elements. These include features related to past settlement occupations, such as historic aged farmsteads and oil and gas facilities, as well as Civilian Conservation Corps built structures, such as those at the Loleta Recreation area, the William Irvine Estate and the Spring Creek Glass Factory.

Prehistoric Sites Potentially Affected by Prescribed Fire. Prehistoric sites have the potential to be affected by prescribed fire if they contain artifacts, such as pre-historic ceramics (pottery) very near, partially, or completely exposed on the surface, and prehistoric rock art. Prehistoric sites also have the potential to be affected by fire if they are in close proximity to areas of high fuel buildup. In such situations, artifacts and non-combustible aboveground features can be damaged by prescribed burning because the fire reaches a higher temperature and has a longer duration (residence time), allowing the temperature of the soil to rise and affect artifacts buried in the soil.

Fire also has a potential to damage prehistoric Native American rock art. Although there are no specific temperature guidelines for rock art, fire effects include sooting, smudging and potential discoloration from smoke; degradation of the rock-art surface from spalling, exfoliation and weathering; thermal alteration of organic paints; and damage to rock-art varnish that would affect the potential to date the art.

III. UNDERTAKINGSEXCLUDED FROM CASE-BY-CASE REVIEW

The Heritage Professional shall determine whether a specific action associated with wildland fire management activities fits within any of the classes of activities listed above and makes recommendations to the Agency Official. This list is not considered to be comprehensive, nor does the presence of an activity on this list automatically exclude a given project from review. If the FHP determines that an undertaking has a potential to affect historic properties, the undertaking shall not be considered excluded and shall be subject to the provisions of this PA or 36 CFR Part 800, as appropriate. The FHP or heritage staff will check appropriate records for evidence of previously recorded historic properties prior to making a determination that the undertaking is excluded from review.

Such projects include (but are not limited to) the following:

1. Fireline and waterbar construction on slopes between 10 and 20 percent.
2. Fire lines constructed with a mower, a leaf blower or by hand-raking. Mowing, raking and leaf blowing are not considered earth-disturbing activities and will not affect buried cultural resources.
3. Firelines constructed in previously burned tracts or other disturbed areas. Mechanical construction, hand-raking and blown-in firelines would not further affect cultural resources.
4. Mechanical removal using bulldozers, discs and tractor plows-of s m a l l trees and shrubs in previously disturbed areas. Mechanical removal with a bulldozer consists of pushing the tree or shrub with the flat blade at the ground surface where the roots join the stem/trunk. The shallow roots are pulled up and the larger roots snap off; the disturbance stays within the previously disturbed ground.
5. Use of moderate- to high-volume sprinklers as a protection measure for cultural resources with aboveground features or sensitive surface features.
6. Improvement of historic roads and railroad grades for use as firebreaks
7. Staging of heavy equipment as contingency resources on burn-unit perimeters.

IV. Prescribed Fire Heritage Program Protocol

All efforts to identify, evaluate, and manage historic properties in connection with the planning of prescribed-burn activities shall be carried out in accordance with the stipulations specified in this PA appendix and 36 CFR Part 800.

The FHP or DA will work in accordance with this PA and review prescribed-burn plans to assess their potential for affecting heritage resources in the respective burn-unit APEs. The FHP will consult with the fire staff and other resource specialists prior to the approval of the burn plans to determine, according to previous archaeological surveys and using professional judgment, if there is potential to effect historic during the prescribed burn, and also to determine mitigation measures to ensure continued site protection. Variables to be considered in making this determination include:

- a. Types of cultural resources that are known to occur at the location;
- b. Potential for cultural resources, taking into consideration existing information and knowledge of the types and distribution of cultural resources in similar settings elsewhere;
- c. Potential for, and type of, ground disturbance related to the prescribed burn;
- d. Means of access and access routes; indirect effects of the undertaking, such as erosion, trampling, or increased public visitation that could lead to vandalism or other resource degradation;
- e. Potential visual effects to cultural resources;
- f. Potential for effects on traditional cultural properties (TCPs) or sites of cultural and
- g. Religious value to Federally Recognized Tribes; and
- h. Potential for an escaped fire which may require fire suppression activities and put heritage resources at risk.

Prescribed Fire Activities That May Affect Heritage Resources

Fireline and Waterbar Construction:

Fireline and waterbar construction using mechanical means as well as manual raking. Mechanical construction consists of blades, discs, plows. Mowing, blowing and handraking are generally not considered to be earth-disturbing activities.

However, mechanical construction of firelines and waterbars using heavy equipment, such as bulldozers, excavators, farm tractors, or similar equipment could have an impact on buried cultural resources. Mechanically constructed lines using heavy equipment are generally used where natural firebreaks do not occur. Mechanically constructed lines using heavy equipment are usually 7-8 feet wide and generally extend below the ground surface down to the mineral soil. Because mechanically constructed firelines using heavy equipment may cut into sub-plow zone cultural deposits at buried archaeological sites, firelines constructed by these types of mechanical means will be inventoried for cultural resources prior to project implementation.

Mop-up Activities:

Mop-up activities include the examination of the burned area for smoldering materials. This operation is carried out by firefighters with water and hand tools at the end of the prescribed fire. The aim is to secure the fire edge to prevent later flare-up and possible escape. Mopping up in woodland and open lands/prairie requires extinguishing all smoldering fuel, logs, and trees, normally within 25-100 feet of the fireline. Damage can occur from ground-disturbing activities such as digging up burning stumps and roots, construction of waterbars, and revegetation.

Staging of Equipment:

Staging Areas are designated locations where resources (firefighters and firefighting equipment, such as ATVs, U T V s , fire engines, and other mechanical equipment) are placed while awaiting assignment. Concentrated areas of heavy equipment can cause rutting that could extend below the plow zone and affect sub-plow zone cultural deposits. Areas with recorded or a high potential for archaeological sites will be designated as resource• protection areas and will be avoided, or receive special attention and protection during prescribed burn activities.

Piling of Downed Fuels:

Where fuels are piled for disposal, artifacts and non-combustible aboveground features can be damaged by prescribed burning because the fire reaches a higher temperature and has a longer residence time, allowing the temperature below the surface to rise. The appropriate HPM will review and approve burn pile locations to avoid any effects on cultural resources.

Upon careful review of the prescribed fire plan by the HPM or DA, determination of the APE, and review of the heritage resources present, if the HPM or DA finds that the prescribed burn activity has little potential to affect heritage resources within the APE, then the prescribed burn activity shall be considered excluded from case-by-case review. No inventory report and no SHPO consultation shall be required for excluded undertakings. Excluded undertakings shall be listed in the annual report to the SHPO; however, at the discretion of the HPM, the Forest Service may submit an otherwise excluded undertaking for review under this PA or 36 CFR § 800.3(a) (1).

If the HPM or DA finds that the prescribed burn activity has the potential to affect cultural resources within the APE, and is subject to case-by-case review, then the prescribed burn activity shall be subject to further consideration under the terms listed below.

Inventory Methods for prescribed fire activities:

These methods are not designed to locate all cultural resources that may be within the APE, but to locate those that could potentially be affected by the undertaking. This methodology, therefore, is applicable only to a prescribed fire and is not applicable to any other activities carried out by the ANF.

Historic Cultural Resources with Aboveground Combustible Elements:

Inventory Methods: A reasonable and good faith effort will be made to locate all cultural resources with aboveground and combustible features within the entire APE. This will include a search of previously documented site records, a literature search of historic maps and aerial photographs, as well as a pedestrian survey of known roads and railroads within the project area. Because historic sites are largely related to the historic transportation system, a cultural resource inventory using the old road and railroad system within the APE will allow the heritage program specialist to find and record historic sites with aboveground combustible elements.

Resource Protection Measures: If there is a potential to affect cultural resources with aboveground combustible features during prescribed fire operations, the site boundaries will be delineated sufficiently by heritage program staff on a map and in the APE (by flagging or tagging) to adequately protect the site, and the area will be avoided during prescribed fire activities. Heritage resources are generally designated by the nonspecific name "resource protection area" to protect the confidential locations of these sites. Firebreaks around the site will be constructed by hand with a rake or leaf blower, by mechanical means or, in certain instances, with fire-retardant foam. Other less frequently used protection measures include a "wet-line" surrounding the site, or burning-out around the site. Fire retardants should not be applied (dumped or sprayed) on the combustible feature, but rather around it. When possible, sites will be monitored during the proposed actions to ensure compliance.

If affects to cultural resources cannot be avoided with the protection measures recommended by the HPM, the site will be excluded from the burn unit, and firebreaks will be constructed around the outside and away from the perimeter of the site.

Monitoring: The appropriate HPM will be notified after the prescribed fire has occurred. All cultural resources with above ground combustible features that were not monitored during the prescribed fire will be monitored to ensure protection measures were appropriate. A brief narrative of the monitoring will be included in the annual report to SHPO.

No inventory report and no SHPO consultation shall be required for prescribed fire activates if the above mitigations are followed for Historic Cultural resources with above ground combustible elements. These sites and mitigation actions shall be listed in the annual report to the SHPO; however, at the discretion of the HPM or Forest Supervisor, the Forest Service may submit an otherwise excluded undertaking for review under this PA or 36 CFR §800.3(a)(1).

Prehistoric Cultural Resources Potentially Affected by Prescribed Fire:

Inventory Methods: Prehistoric sites have the potential to be affected by fire if they contain artifacts, such as pre-historic ceramics (pottery) very near, partially, or completely exposed on the surface. The ANF heritage staff will determine if the prescribed fire area contains such prehistoric sites, or has the potential to contain such sites. If the HPM or DA determine that the APE of a prescribed fire has the potential to contain the types of prehistoric sites described above, an archeological survey will be conducted of the high potential areas following the methodology outlined in this PA.

Prehistoric sites also have the potential to be affected by fire if they are in close proximity to burn piles (piles of downed fuels, such as branches or logs, created through fuel manipulation that are to be ignited as part of the fuel treatment proposal). In areas within the APE in which burn piles are located or planned, and if previous inventories have not been completed, an archeological survey will be conducted following the methodology outlined in this PA. Efforts will be made to locate prehistoric archaeological rock-art sites, including a search of previously documented site records and other appropriate literature. Burn piles will not be located on historic properties. They will be managed in a manner that will protect the archaeological integrity of any heritage site located within the APE.

Protection measures: The project will be redesigned to protect cultural resources.

Burn piles, or piles of downed fuels such as branches or logs, will be made at locations away from known archaeological sites. If there is a potential to disturb archaeological sites containing artifacts near or on the surface, such as prehistoric ceramics or prehistoric rock art, protection measures similar to the treatment of historic cultural resources with aboveground combustible features will be implemented. Fire breaks will be constructed around the site, as outlined above for “Historic Cultural Resources with Aboveground Combustible Elements”. However, fire retardants, slurry, foam and water are never to be applied (dumped or sprayed on) to rock art.

Monitoring: The HPM or DA will be notified after the prescribed burn has occurred and all prehistoric sites that have not been previously monitored will be monitored to ensure that protective measures were appropriate. A brief narrative report of the monitoring will be included in the Annual report to SHPO.

No inventory report and no SHPO consultation shall be required for prescribed fire activities if the above mitigations are followed for Prehistoric Cultural Resources potentially affected by fire. These sites and mitigation actions shall be listed in the annual report to the SHPO; however, at the discretion of the HPM or Forest Supervisor the Forest Service may submit an otherwise excluded undertaking for review under this PA or 36 CFR §800.3(a)(1).

As with all federal undertaking, site and survey information will be entered into the NRM Heritage Application Data Base. A completed PASS or HRSF, for any newly discovered or updated heritage/archeological site will be electronically submitted to the Pennsylvania SHPO.

DISCOVERY SITUATIONS AND INADVERTENT EFFECTS

There is a potential for encountering undiscovered sites during the course of a prescribed fire. Previously unrecorded high-risk properties that are encountered during a prescribed fire will be protected in the same manner as specified in this main body of the PA. If affected properties are discovered after the burn, the ANF will document any damage, notify the ACHP and consult the SHPO in order to develop further mitigation plans.

The ANF shall consult with federally recognized Tribes, as early as possible in the planning process, for a prescribed fire to determine if any historic properties of traditional cultural or religious significance are present within an undertaking’s APE. If a historic property of traditional or cultural significance to a federally recognized Tribe is identified during the prescribed burn, the ANF will consult with that tribe.

APPENDIX F - PROJECT REVIEW AND CONSULTATION FLOWCHART

