

**PROGRAMMATIC AGREEMENT
AMONG**

**THE DEPARTMENT OF AGRICULTURE, FOREST SERVICE SUPERIOR
NATIONAL FOREST; ADVISORY COUNCIL ON HISTORIC
PRESERVATION; THE MINNESOTA STATE HISTORIC PRESERVATION
OFFICER; THE BOIS FORTE BAND OF CHIPPEWA; THE GRAND
PORTAGE BAND OF CHIPPEWA AND THE FOND DU LAC BAND OF LAKE
SUPERIOR CHIPPEWA**

**REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF
THE NATIONAL HISTORIC PRESERVATION ACT
FOR UNDERTAKINGS ON THE SUPERIOR NATIONAL FOREST
OF THE U.S. FOREST SERVICE**

WHEREAS the United States Department of Agriculture, Forest Service, Superior National Forest, hereinafter referred to as the Forest, has a multiple use mission to manage its public lands in the State of Minnesota for a variety of “undertakings” which may have an effect on historic properties; and

WHEREAS the Forest as public land steward is mandated to comply with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA) (16 U.S.C. 470), and its implementing regulations, entitled “Protection of Historic and Cultural Properties” (36 CFR § 800); and

WHEREAS the Forest has determined that many of the routine land management actions implemented on lands under its jurisdiction meet the definition of undertakings, as defined at 36 CFR § 800.16(y) that may have the potential to cause effects to historic properties either included in or eligible for inclusion in the National Register of Historic Places (NRHP), hereinafter “historic properties” (36 CFR § 800.16(1)(1)); and

WHEREAS the Forest proposed to develop a programmatic agreement (PA) in accordance with 36 CFR § 800.14(b), for conducting compliance that will take into account the effects of Forest undertakings on historic properties, provide for Tribal consultation and public participation, minimize redundant documentation, and reduce the need for case-by-case review of routine activities when historic properties will not be affected or when standard protocols and treatments can be applied; and

WHEREAS the Forest routinely implements large-scale multi-year vegetation treatment undertakings to improve forest health and resilience which are subject to environmental review under the National Environmental Policy Act (NEPA) and other environmental laws and, where appropriate, intends to utilize this PA to phase identification and evaluation of historic properties for these types of undertakings consistent with 36 CFR § 800.4(b)(2) and § 800.5(a)(3); and

WHEREAS this PA applies only to lands located in the State of Minnesota 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 in accordance with 36 CFR § 800.14(b)(2) the Forest has notified the following American Indian Tribes (See Appendix F) regarding development of this PA, and invited Tribes to consult in the development of the PA and to become Invited Signatories or Concurring Parties to the PA, and the Forest has taken any comments received into consideration; and

WHEREAS the Bois Forte Band of Chippewa is governed by the Bois Forte Tribal Council pursuant to section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. S 476, and the Constitution of the Minnesota Chippewa Tribe; and

WHEREAS the Grand Portage Band of Lake Superior Chippewa is governed by the Grand Portage Tribal Council pursuant to section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. S 476, and the Constitution of the Minnesota Chippewa Tribe; and

WHEREAS the Fond du Lac Band of Lake Superior Chippewa is governed by the Fond du Lac Reservation Business Committee pursuant to section 16 of the Indian Reorganization Act of 1934, 25 U.S.C. S 476, and the Constitution of the Minnesota Chippewa Tribe; and

WHEREAS the Bois Forte Tribal Council has determined it to be necessary and in the best interests of the Bois Forte Band to participate in the preservation of the historic properties, especially historic properties of religious or cultural significance to the Bands in the Superior National Forest; and

WHEREAS the Grand Portage Tribal Council has determined it to be necessary and in the best interests of the Grand Portage Band to participate in the preservation of the historic properties, especially historic properties of religious and cultural significance to the Bands in the Superior National Forest; and

WHEREAS, the Fond du Lac Reservation Business Committee has determined it to be necessary and in the best interests of the Fond du Lac Band to participate in the preservation of the historic properties, especially historic properties of religious and cultural significance to the Bands in the Superior National Forest; and

WHEREAS the Forest entered in to an Memorandum of Understanding with the Bois Forte Band of Chippewa, the Fond du Lac Band of Lake Superior Chippewa, and the Grand Portage Band of Lake Superior Chippewa on May 2, 2023, which seeks to establish procedures for Co-Stewardship and Protection of Treaty Reserved Rights on Forest lands within the 1854 Ceded Territory, to include opportunities for management and enhancement of cultural resources (herein referred to as “2023 Co-Stewardship MOU”); and

WHEREAS the Bois Forte Band of Chippewa, the Fond du Lac Band of Lake Superior Chippewa, and the Grand Portage Band of Lake Superior Chippewa have consulted on the development of this PA and, due to their role in the process and interest in managing historic properties of Tribal significance on Superior National Forest lands, have been invited and agreed to sign as “Invited Signatories”; and

WHEREAS under the National Historic Preservation Act of 1966, as amended, the responsibilities of the State Historic Preservation Officer include advising and assisting Federal agencies in carrying out their historic preservation responsibilities, and cooperating with Federal agencies to ensure that the effects of undertakings on historic properties are taken into consideration at all levels of planning and development; and

WHEREAS the Forest has notified and invited the Advisory Council on Historic Preservation (ACHP) to participate in the development of this PA pursuant to section §36 CFR 800.14(b) and the ACHP has chosen to participate in this PA as per their correspondence dated June 6, 2024; and

WHEREAS, the Forest has consulted with the Minnesota State Historic Preservation Office (MnSHPO) pursuant to section 36 CFR § 800.14(b)(2)(i) implementing Section 106 of the NHPA and the MnSHPO has chosen to participate in development of this PA per their correspondence dated April 17, 2024; and

WHEREAS the Forest provided opportunities for public review and comment in accordance with 36 CFR § 800.14(b)(2)(ii) by publishing online information about this PA and receiving comments through online platforms; and

WHEREAS the parties to this PA share a common desire and purpose to develop alternative procedures that would satisfactorily take into account the effects of Forest undertakings. These include, but are not limited to timber sales, campsite rehabilitation, land sales, land exchanges, mineral exploration, road and trail maintenance and construction, wilderness campsite and portage maintenance and construction, and any other routine projects which may have effects on historic properties. Where avoidance procedures are followed; this document reduces redundant documentation associated with undertakings within areas having adequate prior identification, review, and consultation; and

WHEREAS the Forest will use the process set forth in this PA to take into account the potential effects of large-scale or multi-year undertakings by phasing or deferring the final identification of historic properties and the assessment of effects; and

NOW, THEREFORE the Forest; the ACHP; the MnSHPO; the Bois Forte Band of Chippewa; the Grand Portage Band of Lake Superior Chippewa; and the Fond du Lac Band of Lake Superior Chippewa agree that review of undertakings on lands managed by the Superior National Forest in the State of Minnesota shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

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STIPULATIONS

The Forest will ensure that the following measures are carried out:

I. SCOPE AND OBJECTIVES

(A) The purpose of this PA is to streamline compliance with Section 106 of the NHPA (54 U.S.C 306108) and its implementing regulations 36 CFR Part 800 when appropriate circumstances permit the application of routine procedures and standard protection and treatment measures resulting in the decreased need for repetitive reviews and increased focus on priority and/or complex undertakings.

(B) This PA applies to routine land management undertakings. Many routine land management undertakings performed on National Forest System lands either have no potential or minimal effects on historic properties or the undertakings are modified to avoid effect. This PA capitalizes on the repetitive low impact nature of these undertakings through a transparent, predictable, and agreed upon internal review and reporting process.

(C) This PA can be applied to large-scale or multi-year vegetation management undertakings that may be implemented in phases spanning more than one fiscal year. Due to the geographic and temporal scope of these types of undertakings effects on historic properties may not be fully determined prior to the approval of the undertaking in a signed National Environmental Policy Act (NEPA) final decision document. This PA provides a process for phased and/or deferred Section 106 compliance for these undertakings.

(D) When extraordinary circumstances exist, there are unusual Tribal or public concerns, complex issues warrant it, or when the standard avoidance measures cannot or will not be implemented, the Forest shall revert to standard procedures as prescribed by 36 CFR Part 800.

(E) In the event of undertakings involving multiple Federal agencies and where the Forest has been designated the Lead Federal Agency pursuant to 36 CFR § 800.2(a)(2), the Forest may use the provisions of this PA provided that the other Federal agency/agencies agree in writing. Otherwise, the Forest and other Federal agency/agencies shall utilize 36 CFR Part 800. The Lead Federal Agency shall advise MnSHPO, affected Tribes, and other consulting parties, as appropriate of the Lead Federal Agency designation.

(F) The definitions in 36 CFR 800 are applicable to this PA and incorporated by reference herein. Additional terms relating to this PA are defined in Forest Service Manual Chapter 2360. A list of relevant definitions is available in Appendix B. For the purposes of this PA, the term “consulting Bands” and “consulting THPOs” refers to Tribal Government and Tribal Historic Preservation Officers representing the three sovereign Tribes that are Invited Signatories to this PA.

II. COORDINATION, CONSULTATION, AND INFORMATION EXCHANGE

The Forest shall coordinate the exchange of information with the PA signatories in accordance with the following stipulations:

(A) The Forest Heritage Program Manager (HPM) will serve as the primary point of contact to coordinate consultation and information exchange between the MnSHPO, the consulting THPOs and Agency Official. The Agency Official shall notify the MnSHPO and consulting Bands whenever there is a change in personnel.

(B) The Forest shall ensure that signatories to this PA have access to site locational information, site character information, and identification reports sufficient to fulfilling their review obligations under the terms and conditions of this PA and 36 CFR § 800.

(1) Electronic copies of reports and site forms that document identification, evaluation, survey, and/or efforts to resolve adverse effects shall be made available to the MnSHPO and consulting THPOs via a filesharing system hosted by the Forest and indexed/referenced in the annual report. To ensure confidentiality, the Forest will manage access to the file sharing system and permissions will be restricted to consulting THPO staff and primary review staff from MnSHPO.

(2) Read-only spatial information regarding site locations and survey coverage will be made available to the MnSHPO and consulting THPOs via a web-based ArcGIS platform hosted by the Forest. To ensure confidentiality, the Forest will manage access to spatial data and permissions will be restricted to consulting THPO staff and primary review staff from MnSHPO.

(3) Data sharing procedures to effectuate Stipulation II(B)(1) and II(B)(2) are provided in Appendix A. It is the understanding of the parties this agreement that Appendix A may be revised with written agreement of the signatories without triggering Amendment of this PA pursuant to Stipulation XVII.

(4) The Forest shall maintain the confidentiality of all information it receives in the implementation of this PA that is identified in writing as confidential, culturally sensitive or proprietary by any Tribe(s). This is supported by Exemption 3 to the Freedom of Information Act (FOIA), which allows for non-disclosure of certain categories of culturally sensitive information under the provisions of the Archaeological Resource Protection Act (16 U.S.C. § 470hh), the National Historic Preservation Act (16 U.S.C. § 470w-3), and the Cultural and Heritage Cooperation Authority (25 U.S.C. § 3056).

(5) To the extent practicable and at the discretion of the Forest Supervisor, internal Forest access to the cultural resource site database will be restricted to Heritage program staff.

C. Consultation with Tribes

(1) Unless an undertaking is excluded under Section V.A of this PA the Forest shall consult with Tribes that attach traditional religious and cultural significance to historic properties that may be affected by Forest undertakings, in accordance with 36 CFR § 800.2(c)(2)(ii)(A). The Forest shall use the principles in the USDA Forest Service Policy, *Consultation with the American Indian and Alaskan Native Tribes (FSM 1563.06)* and the procedures set forth in the 2023 Co-stewardship MOU to guide its Tribal consultation procedures and relationships. The aforementioned policy and the spirit and intent of the 2023 Co-stewardship MOU underscore the unique legal and political relationship the United States Government has with federally recognized Tribes, including trust responsibilities, treaty rights, tribal sovereignty, Government-to-Government relationships, consultation responsibilities (E.O. 13175 “Consultation and Coordination with Indian Tribal Governments”) and protection of sacred sites (E.O. 13007, “Indian Sacred Sites”).

(2) The NEPA scoping process will be used to meet 36 CFR § 800 responsibilities to initiate consultation with the Tribes, including the identification of Tribes not party to this PA that may be interested in consultation. As early as possible in the planning process, and before initiation of the identification stage, the Forest shall consult with the Tribes to

determine if any historic properties of traditional cultural or religious significance are present within a proposed undertaking's area of potential effect. While actionable, NEPA coordination with the consulting Bands will follow the procedures set forth in Stipulation IV.A-C in the 2023 Co-stewardship MOU.

- (a) The Forest shall ensure that Tribes receive quarterly NEPA lists of proposed actions and that Tribes are maintained on NEPA mailing lists.
 - (b) The Forest shall use periodic meetings, supplemental project lists, and project-specific consultation requests as needed to ensure the Tribes have the opportunity to identify historic property concerns and participate as consulting parties in all aspects of consultation that are of interest to them.
 - (c) The Forest HPM shall attend the quarterly consultation meetings between Tribal and Forest Leadership and the monthly staff coordination meetings pursuant to Stipulation/s IV.A.i-ii in the 2023 Co-Stewardship MOU and share information relevant to fulfillment of the terms and conditions of this PA and/or review procedures in 36 CFR § 800.
- (3) When it is determined that an undertaking may affect a cultural resource identified by a Tribe as having traditional cultural or religious significance, the Forest shall consult further with the Tribe regarding the identification, determination of eligibility, assessment of effects, and resolution of adverse effects, if applicable, with respect to the property. Minimally, if a historic property of cultural and religious significance has been identified, the Forest will consult with interested Tribes on the adequacy of any avoidance measures and documentation.
- (4) Tribes contacted and Tribal concerns and recommendations derived from the consultation process shall be documented and addressed in the inventory report and NEPA project file. Where the consulting Bands or Tribes specifically request that information about traditional cultural properties, ancestral use areas, and/or sacred sites remain confidential, such records shall be maintained in confidential files at the Forest's Supervisor's Office. The Forest shall consult on what sensitive information may be released on a case-by-case basis pursuant to Stipulation II.B.4 of this PA.
- (5) In order to facilitate proactive cooperation with the consulting THPOs regarding annual site monitoring and identification activities, the Forest will share a list of anticipated field activities every month during the field season (April-October) and endeavor to include consulting THPO staff (or their designees) where interest is indicated. Outside of the consulting THPOs, individuals designated by Tribes as possessing special expertise [relative to the identification and assessment of properties of religious and cultural significance to the Tribe, in accordance with 36CFR 800.4 may likewise participate in the identification, evaluation, analysis, recording, treatment, or monitoring of historic properties.
- (6) Within 30 days of receiving a permit application for an external party to conduct archaeological investigations on Forest lands under the Archaeological Resource Protection Act of 1979 (16 U.S.C. 470aa-mm), the Forest will share the permit application with the consulting THPOs and allow for an adequate comment period not to exceed fifteen (15) business days. The Forest will consider any comments received from

the consulting THPOs and will respond in writing on how the comments were addressed prior to permit approval.

(7) With regards to Government-to-Government consultation and the Federal government's trust responsibilities with federally recognized Tribes, this PA applies only to the regulatory direction in 36 CFR § 800 and is not intended, and should not be construed, to abrogate or otherwise affect any party's authority or responsibility in other areas. Similarly, it is not intended, and should not be construed, to otherwise define or restrict the Parties' obligations, relationships or dealings in other areas of their respective authorities, responsibilities, or sovereign prerogatives. The procedures and protocols under this PA are in addition to those rights specified under NEPA, NFMA, or other relevant federal laws or regulations, including the Tribal consultation obligations specified under those authorities.

D. Public Participation

The Forest will make every effort to use the public scoping process embodied in NEPA (42 USC § 4321-4327) to comply with requirements for public notification, identification of other parties interested in the undertaking, and public participation found in 36 CFR § 800. The NEPA process allows individuals, organizations, or groups an opportunity to comment on Forest undertakings, including those measures used for the identification, protection, and management of historic properties, and the effects of undertakings on historic properties. These comments are taken into account as part of the NEPA decision. Where appropriate, NEPA documents will reference this PA. A list of current NEPA projects under analysis is updated quarterly and made available to the public. The list may include projects that would be excluded from further NHPA consultation under the terms of this PA.

III. STAFFING AND TRAINING

The Forest will maintain professional and technical staff appropriate to carry out the terms of this PA.

(A) Qualifications

(1) The Forest will ensure that Heritage Resource Program activities conducted pursuant to this PA are implemented under the supervision and oversight of professionals trained archaeologists, historians, architectural historians, or anthropologists and, at a minimum, meet the standards set forth in Forest Service Manual 2360 and The Secretary of the Interior's *Historic Preservation Professional Qualification Standards*. Activities supervised or conducted by such professionals will be within their areas of professional expertise.

(a) Heritage Program Manager (HPM)

The HPM shall meet professional standards established for historic and/or archaeological professionals, shall conduct all actions to the professional standards referenced in 36 CFR § 800.2(a)(1), and shall meet the Secretary of Interior's Professional Qualification Standards (48 FR 44716-44742) or meet Forest Service's OPM X-118 series for Forest Archaeologist/Historian.

(b) District and/or Zone Archaeologist

A journey level archaeologist or historian minimally meeting the OPM X-118 standards in the GS-0193 or GS-0170 job series that serve in staff or advisory capacity and provide professional recommendations and services to assist the HPM and Forest Staff in meeting Heritage Program responsibilities.

(c) Archaeological Technician

Archaeological Technicians work under the direct supervision of an HPM or Zone Archaeologist. The person 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.

(d) Heritage Professional (HP)

Forest staff meeting the definition in Stipulations III.A.a-b above.

(e) Heritage Paraprofessional (optional)

Heritage Paraprofessionals are Forest Service employees from other program areas that may assist the Forest's heritage program. They may conduct cultural resource identification and participate in Heritage stewardship projects under the direct supervision of a Heritage Professional. They are prohibited from making Section 106 judgements, findings and determinations on undertakings, significance, effect, measures to resolve adverse effects, and area of potential effect. Paraprofessionals must meet qualifications outlined in the Forest Service Handbook (FSH) 2309.12, Section 06.4. at the level allowed based on USFS Region 9 Forest Service Manual (FSM) supplements (2360-2014-1).

(f) Volunteers/Student Interns

Volunteers and/or student interns shall only conduct work under the direct technical supervision of an HPM or District/Zone Archaeologist.

(B) Training

(1) The Forest shall ensure that its Heritage Program staff are provided with an opportunity to receive appropriate training to remain apprised of changes to cultural resource law, regulation and policy and foster competency in applicable field techniques and technical skills. Staff training will be reported to PA signatories in the Annual Report.

(2) All new Forest Service Heritage staff, regardless of series or grade, will receive training on the terms of this agreement within 20 days of being hired.

(3) Heritage Program staff are encouraged to attend professional meetings and continuing education courses.

(4) The Forest shall ensure that the Forest Leadership Team, District Rangers and other project planning staff maintain an up-to-date working knowledge of both the requirements of the National Historic Preservation Act and the terms and conditions of this PA. Towards that end, the HPM or their delegate shall provide a briefing to the Forest Leadership team regarding the terms and conditions of the PA and overview of 36 CFR 800 every two (2) years.

(5) To foster more effective engagement and cooperation in the fulfillment of the terms and conditions of this PA, the Forest shall, to the extent practicable, extend beneficial opportunities for shared learning, joint field visits, and informal technical trainings to PA signatories.

(6) MnSHPO will ensure that all new historic preservation specialists hired and/or assigned to conduct Federal Section 106 review for Superior National Forest undertakings are familiar with the terms and conditions of this agreement within 90 days of being hired and/or assigned.

IV. REVIEW OF UNDERTAKINGS

The purpose of this PA is to streamline compliance with the ACHP's regulations *Protection of Historic Properties* (36 CFR Part 800) implementing Section 106 of the NHPA for undertakings whenever: (1) there are no identified historic properties within an Area of Potential Effect (APE) (Stipulation VIII.B); (2) historic properties, and/or unevaluated properties which are eligible for the NRHP until proven otherwise, are within the APE and will be managed and maintained in such a way that their assets are protected and no adverse effects will result (Stipulation VIII.C); or (3) the nature of the undertaking is such that it is unlikely to affect historic properties and is therefore exempt from further review and consultation, or the resources have no NRHP potential, as specified in this PA (Stipulations V.A and VI.B.3), and from the provisions of 36 CFR 800. If historic properties are present within an undertaking's APE and would be affected by an undertaking, and protection measures that would result in no adverse effect (pursuant to Stipulation VIII.D) cannot or will not be implemented, then Stipulation VIII.E, the procedures outlined in 36 CFR 800.5 through 800.6 will be followed regarding determination of effects, review, and consultation to resolve adverse effects. The public involvement and participation processes will be integrated with those undertakings in compliance with the National Environmental Policy Act of 1969 (NEPA) (Stipulation II.D).

(A) Establishing Area of Potential Effect: For each action that meets the definition of an "undertaking" (36 CFR § 800(y)) and is the type of activity that has the potential to cause effects to historic properties and does not qualify as an excluded or screened undertaking as defined in V(A.1-3) below, the Forest shall establish the area of potential effect in accordance with 36 CFR § 800.16(d).

(1) In defining the APE, the Forest will consider the direct, indirect, and cumulative impacts that an undertaking may have on historic properties, the scale and nature of the undertaking, extent of federal involvement, and the nature and extent of potential effects on historic properties.

(2) Provided that the undertaking is carried out under this PA, no consultation on the delineation of the APE is required.

(B) Background Review

An HP (III.A.1.d) will conduct a background review of the APE defined in IV.A commensurate with the undertaking to obtain adequate information to develop an effective research design, identify known historic properties, develop appropriate field methodology, and allow for interpretation of fieldwork results. See Appendix E for sources of background review.

(C) The APE and results of background review will inform whether the undertaking can be excluded from further consultation (See Section V) or if additional review, identification efforts, and/or consultation is necessary.

V. STREAMLINED REVIEW OF ROUTINE UNDERTAKINGS

The management of the Forest involves a number of routine undertakings with potential effects on historic properties that are foreseeable and likely to be absent, negligible, or minimal. For these undertakings the Forest will follow the process below for a streamlined, or abbreviated, Section 106 review. If the undertaking does not qualify under the streamlined review process the Section 106 process (36 CFR §§ 800.3 through 800.6) described in this PA will be followed.

(A) Streamlined Review Categories and Protocols

The Forest has determined that undertakings listed in Appendix C-D have limited potential to affect historic properties and shall be excluded from further review and consultation with MnSHPO and the consulting THPOs under the terms of this PA. Upon completion of an initial review (Section IV), an HP shall determine if an undertaking qualifies as excluded pursuant to Appendix C-D. Excluded and limited review undertakings will be listed in the Annual Report (Section XIV). The Forest may, at the discretion of the HPM, submit and otherwise excluded undertaking for consultation under another section of this PA.

(1) Excluded from Further Review (Appendix C):

Activities listed in Appendix C are excluded from further review and consultation on a case-by-case basis. These projects include routine activities whose potential effects on historic properties are foreseeable and likely to be negligible, minimal, or not adverse. The undertaking will be logged in the *National Resource Management Heritage Application* (NRM database) and project information and review justification will be logged in a project review folder, but no formal report is required.

- (a) The project and finding will be summarized in spreadsheet format in the Forest's Annual Report pursuant to Stipulation XIV.
- (b) It is the understanding of the parties to this agreement that Appendix C may be revised, as needed, with written agreement of the signatories without triggering Amendment of this PA pursuant to Stipulation XVII. If all signatories agree, a revised, dated and signed list of exempted undertakings shall be designated and appended to this PA.
- (c) Any discovery of an historic property or unanticipated effect made by the Forest during the implementation of an exempt undertaking will be treated in accordance with Stipulation XI.
- (d) Undertakings designated as either excluded or screened from Section 106 review and consultation are not exempt from, nor does the exemption serve in place of, the required Government-to-Government consultation between the Forest and the Consulting Bands.

(2) Screened Activities/Limited Review (Appendix D)

Activities listed in Appendix D are routine activities whose potential effects on historic properties are *usually* foreseeable and likely to be minimal and not adverse. The circumstances and contexts of these undertakings will be reviewed by the HPM to determine whether further consultation is necessary. An undertaking meeting the parameters established in Appendix D is excluded from further consultation. The undertaking will be logged in the *National Resource Management Heritage Application* (NRM database) and a clearance letter will be issued for the project record, but no formal report is required.

- (a) The project and finding will be summarized in spreadsheet format in the Forest's Annual Report pursuant to Stipulation XIV.

- (b) It is the understanding of the parties to this agreement that Appendix D may be revised, as needed, with written agreement of the signatories without triggering Amendment of this PA pursuant to Stipulation XVII. If all signatories agree, a revised, dated and signed list of exempted undertakings shall be designated and appended to this PA.
- (c) Any discovery of an historic property or unanticipated effect made by the Forest during the implementation of an exempt undertaking will be treated in accordance with Stipulation XI.
- (d) Undertakings designated as either excluded or screened from Section 106 review and consultation are not exempt from, nor does the exemption serve in place of, the required Government-to-Government consultation between the Forest and the Consulting Bands.

(3) Screened Activities/Limited Review-Built Environment (Appendix D)

Built environment resources (historic structures, buildings, sites, and districts) within the Forest require routine maintenance, repair, and treatment measures. The activities listed in Appendix D have limited potential to adversely affect historic properties and may be required to maintain the integrity of a historic property. The Forest Service will follow SOI Standards for routine maintenance, repair, and rehabilitation activities listed in Appendix D to ensure no adverse effects result from these actions. The undertaking will be logged in the NRM database and a clearance letter will be issued for the project record, but no formal report is required.

- (a) The project and finding will be summarized in spreadsheet format in the Forest's Annual Report pursuant to Stipulation XIV.
- (b) It is the understanding of the parties to this agreement that Appendix D may be revised, as needed, with written agreement of the signatories without triggering Amendment of this PA pursuant to Stipulation XVII. If all signatories agree, a revised, dated and signed list of exempted undertakings shall be designated and appended to this PA.
- (c) Any discovery of an historic property or unanticipated effect made by the Forest during the implementation of an exempt undertaking will be treated in accordance with Stipulation XI.
- (d) Undertakings designated as either excluded or screened from Section 106 review and consultation are not exempt from, nor does the exemption serve in place of, the required Government-to-Government consultation between the Forest and the Consulting Bands.

(B) If the undertaking does not meet the conditions for a streamlined review under Section V.A above, review of the undertaking will continue following the procedures below in Section VI.

VI. SURVEY STANDARDS

(A) Utilizing Previous Survey

- (1) If an undertaking's APE contains area(s) covered by previous survey, a HP will review those area(s) to determine the adequacy of the methodology used to determine if the survey meets the reasonable and good faith effort (36 CFR § 800.4(b)(1) standard to locate historic properties. Criteria to consider when determining adequacy of previous survey include:
 - (a) Determining if the past survey was reviewed and accepted by MnSHPO thereby meeting the accepted standards at the time of survey.
 - (b) Review of the survey methodology and extent to ensure high probability areas were adequately covered by the survey.
 - (c) Consideration of the cumulative effects that past actions may have had to the integrity of unknown cultural resources within the project area.
 - (d) Review available geospatial, remote sensing data (aerial photos, LiDAR, historic maps and surveys, etc), and the Forest's Probability Model (Appendix E) to ensure there are no site leads or high probability locations that were missed in the previous survey and need to be field verified.
- (2) If the HP determines that no new survey is necessary because previous survey meets a reasonable and good faith effort per Section VI.A(1) above, and no historic properties and/or unevaluated sites exist within the APE, no consultation is required. The Forest shall record the undertaking in the NRM database, an internal short form report will be generated, and a clearance letter will be issued for the project record. Undertakings that proceed with no new survey will be listed in the Annual Report (Section XIV).
- (3) If the HP determines no new survey is necessary but previously recorded unevaluated sites or historic properties exist within the APE and the Forest modifies the undertaking to avoid these sites from all ground disturbing activities, consultation and reporting
- (4) If the HP determines that the survey does not meet a reasonable and good faith effort, additional survey needs will be completed per Section VI.B below and consultation and reporting will follow Section VIII below.

(B) New Survey Standards

- (1) When the HP determines that a new survey within the APE is necessary to meet the reasonable and good faith standard for identification of historic properties, the survey will follow the current Forest protocols for survey and site recording found in Appendix E of this PA.
- (2) Site Definitions: Appendix E defines the site and isolate definitions for resources on the Forest.
- (3) Recordation of Non-Sites: Appendix E addresses the recordation of "Non-Sites" that are found in large numbers throughout the Forest. The signatories have agreed that these property types are generally exempt from the normal recordation mandate for cultural features and/or artifacts.
- (4) As determined necessary by the Forest, additional identification strategies may be developed in consultation with MnSHPO and consulting THPO's for certain classes of undertakings or conditions rather than for individual undertakings.

(5)

VII. EVALUATION AND DETERMINATION OF ELIGIBILITY

The Forest shall ensure cultural resources are evaluated for eligibility for inclusion to the National Register of Historic Places (NRHP) by applying the National Register criteria (36 CFR § 63) in consultation with MnSHPO and Tribes that attach religious and cultural significance to the resource. In evaluating and determining NRHP eligibility of cultural resources, the Forest will adhere to the following:

(A) The Forest shall complete NRHP evaluations and determinations of effect on all cultural resources within the APE to the maximum extent possible. If an eligibility determination cannot be completed, the resource will be treated as a historic property until the deferred evaluation is completed.

(B) The Forest shall make every attempt to avoid historic properties and unevaluated cultural resources within the APE to the maximum extent possible. If avoidance cannot be implemented (e.g. the undertaking cannot be designed or modified to avoid adverse effects to historic properties), the Forest shall comply with 36 CFR 800.6 and 800.7 as necessary.

(C) All determinations of eligibility shall be submitted to the MnSHPO for consensus pursuant to 36 CFR § 800.4(c)(2). If there is any unresolved disagreement between the Forest and the MnSHPO regarding the Forest's determination, the Forest shall forward the determination to the Keeper who will make a final determination. Until such time as a consensus determination from MnSHPO or a final determination is made by the Keeper, the Forest shall treat the resource as a historic property. The MnSHPO shall provide written concurrence/non-concurrence of a determination of eligibility made by the Forest within 30 days of receipt of adequate documentation unless otherwise stipulated in this PA.

(D) Consulting THPOs party to this agreement will be afforded the same eligibility review procedures and processes for all Native American related sites (historic, protohistoric, and archaeological) outlined in VII.C above.

(E) Cultural resources that may exhibit traditional religious or have cultural significance to Tribes shall be evaluated in consultation with Tribes per Section II.C of this PA and 36 CFR § 800.4(c)(1). The Forest and MnSHPO acknowledge that Tribes possess special expertise in assessing the eligibility of such properties.

(F) Cultural resources previously determined not eligible may require updated determinations of eligibility per 36 CFR 800.4(c)(1) if the resource was not documented to current standards, there is no record confirming MnSHPO review or concurrence, and/or there is new information not previously considered.

(G) The Forest can utilize the Annual Report (Stipulation XIV) to submit batched and abbreviated determinations of eligibility at the end of the fiscal year, however corresponding site forms must contain sufficient supporting documentation to effectuate MnSHPO and consulting THPO review.

VIII. FINDING OF EFFECT AND CORRESPONDING CONSULTATION PROTOCOLS

The Forest will ensure reports completed for an undertaking confirm to the *Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation, Reporting Identification Results* (48 CFR § 44732) and applicable MnSHPO/state standards. Information from the report-including survey and fieldwork results, project APE, Finding of Effect, and any agreed upon mitigation measures-shall be included in the NEPA decision document, as appropriate.

(A) *No Potential to Cause Effect*. During the course of initial review, if an undertaking is determined by the HPM to be the type of activity that does not have the potential to cause effects to historic properties pursuant to 36 CFR § 800.3(a)(1) the following will apply:

- (1) The finding and rationale for a *No Potential to Cause Effect* determination will be shared with internal project proponents, assigned an internal heritage review tracking number, documented in NEPA project file, and the Forest will proceed with the undertaking.
- (2) The undertaking will be reported to PA signatories in summarized format in the Annual Report per Section XIV of this PA.
- (3) Consultation with the Tribes will occur per Section II.C of this PA.

(B) *No Historic Properties*. When survey has been determined to be adequate in scope and scale and no historic properties have been identified in the APE, then a determination of “No Historic Properties” is appropriate. This Finding of Effect would apply to projects with cultural resources within the APE that have been previously determined ineligible to the NRHP following application of Section VII.F of this PA. The following consideration shall apply:

- (1) The finding and rationale for a *No Historic Properties* determination will be shared with internal project proponents, logged into NRM database, assigned an internal heritage review tracking number, documented in the NEPA project file, and the Forest will proceed with the undertaking.
- (2) If new survey was conducted, the Forest will document inventory efforts in a standard USFS *Cultural Resource Reconnaissance Report*. If legacy survey was determined to be adequate in scope and scale, a short-form *Cultural Resource Reconnaissance Form* will document desktop review findings sufficient to support the determination. Both reports and any associated site forms and spatial data shall be made available to MnSHPO and consulting THPOs per Section II.B.1-3 of this PA prior to implementation.
- (3) The undertaking will be reported to PA signatories in summarized format in the Annual Report per Section XIV of this PA.
- (4) Consultation with the Tribes will occur per Section II.C of this PA.

(C) *No Historic Properties Affected*. When there are historic properties or unevaluated cultural resources identified within the APE, but the undertaking was modified to avoid them, then a determination of “No Historic Properties Affected” is appropriate and the following apply:

- (1) The HP will determine the boundary of the area to be avoided for each historic property based on the extent of the site, viewshed concerns (if applicable), and environmental conditions to ensure the property is not affected by the undertaking.
- (2) All historic properties or unevaluated resources within an APE will 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 historic properties. Communication on site avoidance requirements will occur so that the information can be incorporated into plans, contracts, and other documents.
- (3) Consultation with the Tribes will occur per Section II.C of this PA. If a historic property of cultural and religious significance has been identified, the Forest will consult with the Tribes to ensure the adequacy of avoidance measures.

- (4) The finding and rationale for a *No Historic Properties Affected* determination will be shared with internal project proponents, logged into NRM database, assigned an internal heritage review tracking number, documented in the NEPA project file, and the Forest will proceed with the undertaking. Both reports and any associated site forms and spatial data shall be made available to MnSHPO and consulting THPOs per Section II.B.1-3 of this PA prior to implementation.
- (5) The undertaking will be reported to PA signatories in summarized format in the Annual Report per Section XIV of this PA.

(D) *No Adverse Effect*. When a historic property is present in the APE and the undertaking will cause effects to a historic property, but the HPM determines those effects would not diminish the aspects of integrity nor the characteristics that make the property eligible for listing to the NRHP, then a determination of “No Adverse Effect” is appropriate as defined in 36 CFR § 800.5(b) and the following apply:

- (1) Project notification and request for review of “No Adverse Effect” finding will consist of formal correspondence to MnSHPO and consulting THPOs via electronic submittal. If no response is received within 30 days, the HPM will follow reporting and documentation measures in VIII.C.4 of this PA, assume concurrence, and the Forest will proceed with the undertaking.
- (2) Consultation with the Tribes will occur per Section II.B of this PA.
- (3) The undertaking will be reported to PA signatories in summarized format in the Annual Report per Section XIV of this PA.

(E) *Adverse Effect*. When it is determined that an undertaking cannot be modified to avoid historic properties and the effects meet the criteria of adverse effect per 36 CFR § 800.5(a), then a determination of “Adverse Effect” is appropriate. The Forest shall continue consultation under 36 CFR §§ 800.6 and 800.7 to resolve the adverse effect, notify the ACHP, and consult with MnSHPO, Tribes, and other consulting parties, as appropriate.

(F) If the HPM determines that certain proposed undertakings would likely have significant, controversial, or unforeseen effects on historic properties based on known information, those undertakings may be excluded from implementation under the provisions of this PA. Compliance with Section 106 of NHPA for these undertakings will follow 36 CFR § 800. The Forest shall ensure that the ACHP, the MnSHPO, the consulting Bands, as well as other interested parties are provided opportunities to comment on the effects of these undertakings.

IX. PROCEDURES FOR LARGE-SCALE UNDERTAKINGS

This section provides a deferred Section 106 process for projects which are large-scale or multi-year in scope. These undertakings may not be completely developed, or the geographic and temporal scope means it is not possible to identify, evaluate, assess effects, and resolve adverse effects on historic properties prior to the final NEPA decision document. Instead, Section 106 compliance for the undertaking will be deferred and completed in a phased manner after the final NEPA decision for discrete actions implemented under the final NEPA decision. When deferring Section 106 compliance for large scale or multi-year undertakings the Forest shall apply the following process:

(A) Prior to issuing a final NEPA decision document the HPM will utilize information generated during NEPA analysis to prepare a Heritage Summary Report that defines the APE for the undertaking and states the Forest’s decision to utilize a deferred Section 106 compliance

approach. The summary report will also include a background review of the APE providing information on the proposed project, prior survey, known past actions that occurred within the overall project APE, and a summary of known cultural resources within the overall APE.

(1) This summary report shall be provided to MnSHPO and the consulting THPOs as a background review for the project and to track subsequent consultation and review related to the project.

(2) The summary report, excluding any site location or sensitive site character information, will be provided for the NEPA record. The HPM will use this information as a basis for determining potential effects of the undertaking and proposed management activities on historic properties.

(B) The NEPA final decision document will contain specific language requiring the Forest to complete additional identification efforts and assess effects to historic properties, as appropriate, after the final decision as specific implementation activities are developed. The decision document will also reference this PA and condition the decision on completion of deferred survey and compliance with the applicable provisions of this PA.

(C) The Forest will initiate Tribal consultation through the NEPA scoping process for the identification of properties of traditional cultural and religious significance to Tribes or other consulting parties. If requested, any additional Tribes identified during this process will be afforded the review and consultation procedures outlined in Sections IX.D.1-3 of this PA.

(D) The following actions will be carried out by the Forest after the NEPA decision is made:

(1) The Forest will implement the undertaking incrementally (in portions or by component). The Forest will refine the APE for discreet actions as necessary and conduct review and consultation of the action following the terms of this PA, either excluding the action from further consultation (Section V) or conducting additional survey (Section VI) and consulting on a Findings of Effect (Section VIII).

(2) Meaningful consultation with consulting THPOs and any additional Tribes identified through NEPA processes for implementation activities will follow the procedures in Section II.C of this PA and, if applicable, the terms and conditions of the 2023 Co-stewardship MOU (Section XIII). The consultation will be informed by comments received on the Heritage Summary Report (Section IX.A).

(3) If the Forest determines that adverse effects cannot be avoided or if the MnSHPO or Tribe objects to a finding of No Adverse Effect; the Forest will rescind the portion of the decision document which implements the specific implementation activity, consult further in accordance with 36 CFR § 800.6 to resolve adverse effects, or resolve a dispute per Section XVI below.

X. MONITORING

The Forest shall conduct annual monitoring to ensure that condition assessments are updated for historic properties. The Forest's HPM shall determine the schedule and requirements of any monitoring. A permanent record such as a condition survey shall be completed for each monitoring event and made available to MnSHPO and consulting THPOs in the digital site file folders per Section II.B.1-3. Site specific monitoring data shall be summarized in the Annual Report in tabular format. Inspection by the MnSHPO or consulting THPOs may be performed

during or after an undertaking with advance notice and arrangement between the MnSHPO, the consulting THPOs, the HPM, and the Agency Official.

(A) Historic Properties Identified for Priority Monitoring

Opportunistic monitoring will occur as resources and time allows, however the parties to this agreement agree that the followings site types shall be prioritized:

- (1) Historic Properties collocated with Boundary Waters Canoe Area Wilderness (BWCAW) designated campsite and Portages
- (2) Priority Heritage Assets
- (3) Cemetery and/or Burial Sites
- (4) Post-Implementation Effectiveness Monitoring for Historic Property Avoidance Measures

(B) *Development of Historic Property Management/Mitigation Plans*

Based on monitoring efforts, if it is determined that a historic property is suffering or could potentially suffer from an activity or natural weathering which are not associated with an undertaking but may adversely affect the physical integrity of the site the following measures shall occur:

- (1) The Forest shall notify MnSHPO and consulting THPOs and provide an opportunity to comment not to exceed thirty (30) days. The notice shall include a description of the activity, its expected effect on the site, updated condition assessment, and proposed, site-specific measures to mitigate effects and/or stabilize the site. If comments are not received within 30 days, the Forest will assume concurrence and implement mitigation measures accordingly.
- (2) The Forest will consider any input received and consult to develop a mutually agreeable mitigation plan. If the plan is acceptable, the Forest will implement the mitigation/stabilization measures as soon as practicable but no later than 120 days following receipt of comments from MnSHPO or consulting THPOs.
- (3) The Forest will monitor the historic property on annual basis to ensure the effectiveness of mitigation measures for a period not exceeding four (4) years.
- (4) Dispute resolution protocols in Section XVI of this PA shall apply to Section X.B.1-3.

XI. INADVERTENT EFFECTS

All parties, if appropriate, shall be notified by the Forest immediately upon discovery that a property has been affected by an undertaking implemented under this PA.

(A) If the undertaking has not been completed at the time the effect is discovered, all activities in the vicinity of the historic property shall cease and reasonable efforts shall be taken to avoid or minimize harm to the property until the following consultations are completed. The Forest shall consult with MnSHPO and consulting THPOs for no more than ten (10) calendar days after discovery to agree on a mutually acceptable course of action regarding the historic property. If agreement cannot be reached within this time frame, the MnSHPO and consulting THPOs shall be afforded ten (10) calendar days thereafter to provide written comments to the Forest. Thereafter, the Forest shall consult with ACHP for no more than ten (10) calendar days. If agreement cannot be reached within this time frame, then the Forest shall provide ACHP with summary documentation on the issues and feasible steps that might be taken and request the comments of the ACHP before making a decision on whether or how to proceed with the

undertaking. The ACHP shall have ten (10) calendar days following receipt of the request to provide the Forest with comments, which the Forest shall take into account in reaching its decision. The Forest shall notify the ACHP, MnSHPO, the Consulting Bands, and any interested parties of its decision within ten (10) calendar days.

(B) If the undertaking has already been concluded when an effect to a property has been discovered, the Forest shall consult with the ACHP, the MnSHPO, and the consulting THPOs, if appropriate, to agree on a mutually acceptable course of action which the Forest shall implement within a specified time period. This consultation shall not exceed thirty (30) calendar days. If agreement on a course of action cannot be reached within this time frame, the Forest shall take any comments received into account. The Forest shall notify and submit appropriate documentation of its decision within ten (10) calendar days to the ACHP, MnSHPO, the Consulting Bands, and any interested parties.

(C) Within six (6) months, but no later than the initiation of consultations under A or B of this Stipulation, the Forest shall provide the MnSHPO, ACHP if a participant, the Consulting Bands, and other interested parties with a report describing the undertaking and the circumstances surrounding the effects. This report must include information regarding: the type of property affected; the property's NRHP status; the nature of the effects; the date effects identified; the location of the property (i.e., name of Ranger District); the condition of the property; and other pertinent information.

(D) In the event human remains, funerary objects, sacred objects, and objects of cultural patrimony are inadvertently discovered during project implementation, all activities shall cease, and the Forest shall comply with the provisions of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) as outlined in 43 CFR 10 and the Forest's 2020 *Unanticipated Discovery Plan* (Appendix G).

XII. PROCEDURES UNDER UNUSUAL CIRCUMSTANCES

(A) Where the Forest acts as lead agency on behalf of other Federal agencies, or where an undertaking may have effects beyond the boundaries of the State of Minnesota, the Forest shall comply with 36 CFR 800 in lieu of compliance with this PA.

(B) Should the Forest find it necessary to implement an undertaking in the case of:

- (1) a declared emergency, the Forest may follow the provisions of 36 CFR 800.12.
- (2) an undeclared emergency (i.e., where there is an imminent threat of a major natural disaster such that an emergency action is necessary for the preservation of human life or property), the agency official shall notify the MnSHPO, the consulting Bands, and ACHP of the emergency, and where there is agreement that an emergency situation exists and time permits, the MnSHPO, the consulting Bands, and ACHP agree to provide comments within seven (7) working days or less as the situation warrants.

(C) If the HPM or Agency Official determines that certain proposed undertakings would likely have significant, controversial, or unforeseen effects on historic properties based on known information, those undertakings may be excluded from implementation under the provisions of this PA. The HPM or Agency Official shall also take under advisement any signatories request to exclude a proposed undertaking from implementation under the provisions of this PA. Compliance with Section 106 of NHPA for these undertakings will follow 36 CFR § 800 in lieu of this PA.

XIII. RELATIONSHIP WITH 2023 CO-STEWARDSHIP MOU

The Forest executed a Memorandum of Understanding with the Bois Forte Band of Chippewa, the Fond du Lac Band of Lake Superior Chippewa, and the Grand Portage Band of Lake Superior Chippewa on May 3, 2023 for the primary purposes of recognizing, implementing and protecting the Tribes' Treaty-Reserved Rights and furthering Forest Service Native American policies as they relate to the 1854 Treaty Area in northeastern Minnesota, which overlaps with the proclamation boundary of the Forest.

(A) The Parties recognize that the terms and processes outlined in the 2023 Co-Stewardship MOU regarding Tribal Cultural Properties may have applicability to Historic Properties as defined under 36 CFR § 800, however those terms and processes are independent from this PA and focused on coordination of Section 110 of the National Historic Preservation Act as applied to proactive NRHP listing of historic properties of religious and cultural significance to the signatory Bands.

(B) The Parties recognize that the terms and conditions of this PA are independent from and do not limit or otherwise restrict the rights or conditions afforded to the signatory Bands under the 2023 Co-Stewardship MOU.

(C) The Parties to this agreement recognize that the Forest may utilize monthly and quarterly consultation and coordination meetings stipulated in the 2023 Co-Stewardship MOU to facilitate Tribal consultation and coordination measures stipulated in this PA.

XIV. ANNUAL REPORTING AND MEETING

(A) Annually, within the second quarter of the fiscal year, the Forest will coordinate a meeting with the PA signatories to discuss activities pursuant to this PA during the preceding year, and problems encountered, and any disputes or objections received in the Forest's efforts to carry out the terms of this PA.

(B) Thirty days prior to the annual meeting, no later than April 1 of each year, the Forest will provide an annual report to MnSHPO and consulting Tribes that covers the previous fiscal year (October 1 to September 30). The report will summarize the results of consultation under this PA including undertakings completed under the streamlined review procedures and applicable personnel changes. Information should be presented in a tabular format whenever possible and include project name, project location information, monitoring results, findings of effect, and resource types. The format and information provided in the annual report may change upon agreement of the signatories, with no need to amend the PA.

(1) The Forest may use the annual report to submit proactive Determinations of Eligibility, so long as corresponding site forms are made available to MnSHPO and the consulting THPOs to aid in review and comment and the provisions of Section VII of this agreement are followed.

XV. DURATION

This PA becomes effective upon the date of signature. This PA shall remain in force for a period of ten (10) years from the date of its execution, unless terminated or amended prior to the date of expiration. Within eighteen (18) months before the date of expiration, the signatories will consult to determine if the PA should be terminated or amended (amendment may include extension of the terms of the PA).

XVI. DISPUTE RESOLUTION

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

(A) Forward all documentation relevant to the dispute, including the Forest's proposed resolution, to the ACHP. The ACHP shall provide the Forest with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the Forest shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Forest will then proceed according to its final decision.

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

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

XVII. AMENDMENTS

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 of the signatories is filed with the ACHP.

Any signatory can propose minor technical revisions to the PA that would correct errors or clarify the intent of stipulations. Such minor technical revisions will go into effect upon written agreement by all signatories. The Forest will notify all consulting parties regarding adopted revisions within thirty (30) days of their adoption.

XVIII. 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 parties to attempt to develop an amendment per the Dispute Resolution Stipulation, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.

Nothing in this PA shall obligate the Forest to expend appropriations or to enter into any contract or other obligation. Specific work projects or activities that involve the transfer of funds, services or property between the parties to this PA will require the execution of separate agreements or contracts, contingent upon the availability of funds as appropriated by the Congress. Each subsequent agreement or arrangement involving the transfer of funds, services or property between the parties to this PA must comply with all applicable statutes and regulations, including those statutes and regulations applicable to procurement activities, and must be independently authorized by appropriate statutory authority.

XIX. IMPLEMENTATION OF THIS PA

This PA may be executed in counterparts, with a separate page for each signature. This PA will become effective on the date filed with ACHP. The Forest will ensure that each party is provided

with a complete copy and that the final PA, updates to any appendices, and any amendments are filed with ACHP.

Execution of this PA by the Forest, MnSHPO, and the ACHP and implementation of its terms is evidence that the Forest has taken into account the effects of its undertakings on historic properties and has afforded the ACHP opportunity to comment pursuant to Section 106 of the National Historic Preservation Act.

Forest Service Project Contact

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MnSHPO Project Contact

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651-201-3285
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**PROGRAMMATIC AGREEMENT
AMONG**

**THE DEPARTMENT OF AGRICULTURE, FOREST SERVICE SUPERIOR
NATIONAL FOREST; ADVISORY COUNCIL ON HISTORIC
PRESERVATION; THE MINNESOTA STATE HISTORIC PRESERVATION
OFFICER; THE BOIS FORTE BAND OF CHIPPEWA; THE GRAND
PORTAGE BAND OF CHIPPEWA AND THE FOND DU LAC BAND OF LAKE
SUPERIOR CHIPPEWA**

**REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF
THE NATIONAL HISTORIC PRESERVATION ACT
FOR UNDERTAKINGS ON THE SUPERIOR NATIONAL FOREST
OF THE U.S. FOREST SERVICE**

SIGNATORIES:

U.S. FOREST SERVICE - SUPERIOR NATIONAL FOREST

By: _____ Date: _____

THOMAS HALL

Forest Supervisor, Superior National Forest

**PROGRAMMATIC AGREEMENT
AMONG**

**THE DEPARTMENT OF AGRICULTURE, FOREST SERVICE SUPERIOR
NATIONAL FOREST; ADVISORY COUNCIL ON HISTORIC
PRESERVATION; THE MINNESOTA STATE HISTORIC PRESERVATION
OFFICER; THE BOIS FORTE BAND OF CHIPPEWA; THE GRAND
PORTAGE BAND OF CHIPPEWA AND THE FOND DU LAC BAND OF LAKE
SUPERIOR CHIPPEWA**

**REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF
THE NATIONAL HISTORIC PRESERVATION ACT
FOR UNDERTAKINGS ON THE SUPERIOR NATIONAL FOREST
OF THE U.S. FOREST SERVICE**

SIGNATORIES:

MINNESOTA STATE HISTORIC PRESERVATION OFFICE

By: _____ Date: _____

AMY SPONGE

Deputy State Historic Preservation Officer

**PROGRAMMATIC AGREEMENT
AMONG**

**THE DEPARTMENT OF AGRICULTURE, FOREST SERVICE SUPERIOR
NATIONAL FOREST; ADVISORY COUNCIL ON HISTORIC
PRESERVATION; THE MINNESOTA STATE HISTORIC PRESERVATION
OFFICER; THE BOIS FORTE BAND OF CHIPPEWA; THE GRAND
PORTAGE BAND OF CHIPPEWA AND THE FOND DU LAC BAND OF LAKE
SUPERIOR CHIPPEWA**

**REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF
THE NATIONAL HISTORIC PRESERVATION ACT
FOR UNDERTAKINGS ON THE SUPERIOR NATIONAL FOREST
OF THE U.S. FOREST SERVICE**

SIGNATORIES:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: _____ Date: _____
REID NELSON
Executive Director

**PROGRAMMATIC AGREEMENT
AMONG**

**THE DEPARTMENT OF AGRICULTURE, FOREST SERVICE SUPERIOR NATIONAL
FOREST; ADVISORY COUNCIL ON HISTORIC PRESERVATION; THE MINNESOTA
STATE HISTORIC PRESERVATION OFFICER; THE BOIS FORTE BAND OF
CHIPPEWA; THE GRAND PORTAGE BAND OF CHIPPEWA AND THE FOND DU
LAC BAND OF LAKE SUPERIOR CHIPPEWA**

**REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF
THE NATIONAL HISTORIC PRESERVATION ACT
FOR UNDERTAKINGS ON THE SUPERIOR NATIONAL FOREST
OF THE U.S. FOREST SERVICE**

INVITED SIGNATORIES:

BOIS FORTE BAND OF CHIPPEWA

By: _____ Date: _____

HONORBALE SHANE DRIFT

Acting Tribal Chairman

**PROGRAMMATIC AGREEMENT
AMONG**

**THE DEPARTMENT OF AGRICULTURE, FOREST SERVICE SUPERIOR
NATIONAL FOREST; ADVISORY COUNCIL ON HISTORIC
PRESERVATION; THE MINNESOTA STATE HISTORIC PRESERVATION
OFFICER; THE BOIS FORTE BAND OF CHIPPEWA; THE GRAND
PORTAGE BAND OF CHIPPEWA AND THE FOND DU LAC BAND OF LAKE
SUPERIOR CHIPPEWA**

**REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF
THE NATIONAL HISTORIC PRESERVATION ACT
FOR UNDERTAKINGS ON THE SUPERIOR NATIONAL FOREST
OF THE U.S. FOREST SERVICE**

INVITED SIGNATORIES:

GRAND PORTAGE BAND OF LAKE SUPERIOR CHIPPEWA

By: _____ Date: _____

HONORABLE ROBERT DESCHAMPE

Tribal Chairman

**PROGRAMMATIC AGREEMENT
AMONG**

**THE DEPARTMENT OF AGRICULTURE, FOREST SERVICE SUPERIOR NATIONAL
FOREST; ADVISORY COUNCIL ON HISTORIC PRESERVATION; THE MINNESOTA
STATE HISTORIC PRESERVATION OFFICER; THE BOIS FORTE BAND OF
CHIPPEWA; THE GRAND PORTAGE BAND OF CHIPPEWA AND THE FOND DU
LAC BAND OF LAKE SUPERIOR CHIPPEWA**

**REGARDING
THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF
THE NATIONAL HISTORIC PRESERVATION ACT
FOR UNDERTAKINGS ON THE SUPERIOR NATIONAL FOREST
OF THE U.S. FOREST SERVICE**

INVITED SIGNATORIES:

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

By: _____ Date: _____

BRUCE SAVAGE

Tribal Chairman

Appendix A

DATA SHARING PROCEDURES

*****Placeholder: Terms and conditions to be negotiated after signature. Follow Section II. B1-3*****

DRAFT

Appendix B

DEFINITIONS

The following definitions, and others included in 36 CFR § 800.16 and FMS 2360.5, apply to this PA.

Agency Official. The line officer within the Forest responsible for legal compliance and land management decisions per the definition in FSM 2360.5.

Consultation. The process of seeking, discussing, and considering the views of other parties, and, where feasible, seeking agreement per the definition in 36 CFR § 800.16(f).

Cultural Resource. Object or location of human activity, occupation, or use identifiable through field inventory, historical documentation, or oral historic. Cultural resources can be pre-contact, post-contact, archaeological, or architectural sites, structures, places, or objects and traditional cultural places. Cultural resources include the entire spectrum of resources for which the Heritage Program is responsible, from artifacts to cultural landscapes, without regard to eligibility for listing in the NRHP.

Effect. The alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register per the definition in 36 CFR § 800.16(i).

Eligible. Term used for a cultural resource that has been formally determined eligible for listing in the NRHP through application of the criteria set forth in 36 CFR Part 60.4 in consultation with the SHPO and appropriate THPOs as per 36 CFR § 800.4(c).

Heritage Professionals. (GS-170 historian, GS-190 anthropologist, and GS-193 archaeologist) serve in a staff or advisory capacity and provide professional recommendations and services to assist land managers in meeting their Heritage Program responsibilities including cultural resource identification (inventory), evaluation, allocation, protection, stewardship, curation, and reporting. Only heritage professionals may make management recommendations and review and recommend approval of heritage work done by archaeological technicians, paraprofessionals, contractors, cooperators, and volunteers.

NEPA Decision Document. A Finding of No Significant Impact (FONSI) for an Environmental Assessment (EA), Record of Decision (ROD) for an Environmental Impact Statement (EIS), or decision memo for a Categorical Exclusion (CE) signed by an Agency Official authorizing the proposed action to proceed.

Not Eligible. Term used for a cultural resource that has been formally determined, through consultation with the SHPO or Keeper of the NRHP, as not eligible for listing in the NRHP. The agency official may release it from management under NHPA or choose to retain, protect, and manage it for some other purpose.

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

1. The significance and management priority of the property is recognized through an official designation such as listing on the National Register of Historic Places or on a State register.

2. The significance and management priority of the property is recognized through prior investment in preservation, interpretation, and use.
3. The significance and management priority of the property is recognized in an agency-approved management plan.
4. The property exhibits critical deferred maintenance needs and those needs have been documented. Critical deferred maintenance is defined as a potential health or safety risk or imminent threat of loss of significant resource values.

Historic Property. Any pre-contact or post-contact district, site, building, structure, object, or historical/cultural landscape included in, or eligible for inclusion in, the NRHP per the definition in 36 CFR § 800.16(l).

Indigenous Knowledge. An accumulation of knowledge of the natural and cultural environment by Tribes through a generational and reciprocal relationship with traditional territories. See the ACHP Policy Statement on Indigenous Knowledge and Historic Preservation (2024) | Advisory Council on Historic Preservation.

Unevaluated. Term used for a cultural resource that has not been formally evaluated for the NRHP. All effects to these sites are mitigated and the site is preserved/protected until the deferred evaluation is completed.

Undertaking. 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 per the definition in 36 CFR § 800.16(y).

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

Tribal Historic Preservation Officer. The Tribal Historic Preservation Officer (THPO) is the Tribal official appointed by an Indian tribe’s chief governing authority or designated by a Tribal ordinance who has assumed the responsibilities of the SHPO for purposes of NHPA Section 106 compliance on Tribal lands in accordance with NHPA Section 101(d)(2). When Federal actions occur on reservation lands, the agency official consults the THPO rather than the SHPO.

Appendix C

ACTIONS EXCLUDED FROM CASE-BY-CASE REVIEW

The following are routine activities which typically occur within the Forest and have been determined to have little potential to affect historic properties, assuming they are present. Potential effects are foreseeable and likely to be absent, negligible, or minimal. As such, they are excluded from further Section 106 review and consultation under the terms of this PA. Pursuant to Section V.A of this PA, after review by an HP, the following actions are, in most circumstances, excluded from case-by-case review:

** Actions designated as either excluded or screened from Section 106 review and consultation are not exempt from, nor does the exemption serve in place of, the required Government-to-Government consultation between the Forest and the Tribes.*

I. GENERAL

A. Activities located on steep slopes (greater than 25%), where no known cultural resources are present, with no potential for sites such as rock art or rock shelters and appropriate historical documentation has been consulted.

B. Activities where the APE is entirely within an obviously disturbed context to a degree greater than that currently proposed for the undertaking, or the disturbance is such that the presence of historic properties is highly unlikely.

C. Activities which involve no more than five square meters of cumulative surface disturbance, unless within the boundaries of a known historic property or unevaluated cultural resource.

D. Activities or alterations involving facilities or structures that are less than 50 years old.

II. ADMINISTRATIVE ACTIONS

A. Area closures for emergency purposes.

B. Removal of illicit narcotics and associated equipment from federal land during law enforcement operations, excluding the removal of buildings or structures that are over 50 years of age or will become 50 years of age within five years.

C. Maintenance or replacement in kind and in place of modern constructed features (less than 50 years old and not potentially eligible under Criteria G) that does not involve new or additional ground disturbance (e.g., maintenance or replacement of gates, signs, fences, guardrails, barriers, traffic control devices, signs, etc.).

III. LANDS AND RECREATION SPECIAL USE PERMITS

A. Land acquisitions, easement acquisitions, or transfers of administrative control to the Forest.

B. 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.

C. 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 vegetation monitoring, stream gauges, weather gauges, research sensors, photo plots, traffic counters, animal traps, or similar devices.

D. Renewing existing linear permits (roads, pipelines, powerlines, underground cables, etc.), when no new surface disturbance is authorized. Does not include the modification of facilities.

E. Renewing existing site permits (recreation permits, telecommunication sites) when no new surface disturbance or modification of historic properties is authorized.

F. Issuing permits (including road use permits), easements, rights of way, or leases that do not authorize surface disturbance, and do not involve historic properties, and that do not have the potential to affect access to, or use of, resources by Native Americans.

G. Authorizing new lines on an existing overhead utility line when there is no change in pole configuration and no new surface disturbance.

H. Issuing permits that would add another user through the use of collocation and related electronic equipment to an approved communication site that does not require the expansion of the facility or addition of towers to the exterior of the building and where no new surface disturbance is authorized.

I. Conversion of an existing authorization from one Federal authority to another Federal authority (e.g., a road permit under the authority of the Federal Land Policy and Management Act to an easement under the authority of the Federal Highway Act) where no new surface disturbance is authorized.

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

K. Marking or maintaining property lines

IV. Insect Management

A. Protective chemical spraying of individual trees and small stands of trees.

B. Girdling individual or small stands of trees to kill infected trees.

C. Individual tree sanitation activities and/or “hand-release” for fuels reduction activities where individual trees are felled, peeled, piled and removed by hand. No heavy machinery is used, and activities occur outside of site boundaries and/or buffer zones as appropriate.

D. Trap tree activities where live saw timber size trees are felled to serve as “trap trees” within areas where insect populations have increased past endemic levels. The trees are either debarked to kill the insects that have hatched, or piled by hand and burned in designated, previously disturbed burn areas. No heavy machinery is used.

E. Lethal trap tree activities, where trees are felled using a chainsaw, then chemical pesticide is applied along the entire length of the tree. No trees are removed, and no heavy machinery is used.

F. Trap out insect activities, where funnel traps with attractive pheromones are hand-placed in trees. Traps are placed by hand and removed by hand. Occasionally a metal fence post will be driven into the ground to support the trap.

G. Disaggregate insect activities, where pheromones are placed in the trees.

V. WILDLIFE ENHANCEMENTS

A. Reintroduction of endemic or native species into their historical habitats in ways that do not involve surface disturbance.

B. Hand construction of fish weirs, fish barriers, or other fish habitat enhancement activities within lakes or stream channels, not including terraces, cut banks, etc.

C. Repetitive prescribed burning of wildlife openings that have been analyzed by prior NEPA and that have completed Section 106 compliance on the original project for all areas of potential effect.

VI. MANAGEMENT OF DEVELOPED RECREATION SITES

A. 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 Section 106 compliance and no changes in the course, spectator areas, or pit areas and all restrictions associated with previous Section 106 compliance are continued.

B. Placement or replacement of visitor information kiosks, portable sanitation devices, or visitor registers where the proposed location of the facility has been previously disturbed and is not located within a known historic property or unevaluated cultural resource.

C. Routine maintenance such as repair of signage, hand brushing of trail corridors, mowing, and facilities repair requiring no new ground disturbance (e.g. in-kind fire ring and picnic table replacement, water bar cleanout, water spigot replacement, etc.).

D. Hand felling of hazardous trees within developed and dispersed recreation areas or administrative sites, adjacent to recreation residences, or in other areas for health and safety reasons, provided trees are left in place or cut up for firewood.

E. Upgrading, replacement, and repair of existing utility service lines and sewer systems, as long as work is confined to existing, disturbed locations.

VII. ROAD MAINTENANCE, TRAIL MAINTENANCE AND TRAVEL MANAGEMENT

A. Work within the disturbed perimeter of existing material borrow pits.

B. Routine trail maintenance limited to brushing and light maintenance of existing tread with hand tools.

C. Routine maintenance and resurfacing on Level 2-5 roads (as defined in Forest Service Handbook (FSH) 7709.59, sec 62.3) and trails where work is confined to previously maintained surfaces, ditches, culverts, and cut and fill slopes and where known historic properties or unevaluated cultural resources would not be affected because proposed work is clearly within disturbed context.

D. Felling and removal of hazard and windthrow 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 the previous disturbance is such that the

presence of historic properties is considered unlikely, and so long as ground disturbance is not allowed off previously disturbed areas associated with road or trail prisms.

E. Issuance of road use permits for commercial hauling over existing roads where no ground disturbance is identified or hauling is confined to frozen ground winter conditions.

F. Temporary or permanent road closures involving no new ground disturbance such as the placement of boulders or barricades to block access.

G. Routine maintenance on culverts, bridges, and other road/trail structures (including replacement of rip-rap) that does not involve new ground disturbance.

H. Stockpiling of road related materials or vehicle staging in or on existing roads or turnouts.

I. Reducing the level of a road designation (for example from a Level 3 to a Level 2 road as defined in FSH 7709.59, sec 62.3).

VIII. SOIL, WATER, AND NON-NATIVE INVASIVE SPECIES OF PLANTS (NNIS)

A. Non-disturbing broadcast seeding and mulching for establishment of vegetation.

B. Cutting, mowing, scorching (with a propane weed torch), clipping, hand-pulling or chemical (herbicide) control to eradicate or control NNIS.

IX. MINERALS

A. Approving non-surface disturbing exploration activities when vehicular activities are restricted to existing roadways.

X. FUELS AND VEGETATION TREATMENTS

A. Selective tree cutting in winter conditions along existing travel routes while the ground is frozen and where the action has no potential for ground disturbance.

B. Chainsaw thinning or treatments where trees and brush are cut by hand and dropped to the ground.

C. Personal firewood sales that allow individuals to cut firewood for personal use, and where motorized vehicle use is limited to existing roads.

D. Slash hand piled for chipping or bucked up by hand, loaded onto rubber-tired vehicles and hauled away for disposal or where the slash is piled by hand and burned in previously disturbed areas.

Appendix D

LIMITED REVIEW UNDERTAKINGS

The following are routine activities which typically occur within the Forest whose potential effects on historic properties, assuming they are present, are *usually* foreseeable and likely to be minimal and not adverse. Prior to excluding a listed project or activity under the terms of this PA, the HP will review the undertaking to determine whether further consultation and consideration is necessary. In certain circumstances, even though an action may meet the criteria; the HPM may, based on other justifying factors, recommend any of the following: field survey, field inspection, and/or monitoring.

**Activities designated as either excluded or classified as limited from Section 106 review and consultation are not exempt from, nor does the exemption serve in place of, the required Government-to-Government consultation between the Forest and the Tribes.*

For limited review undertakings related to built-environment resources are found at the end of Appendix D. An activity listed under one disciplinary heading in Appendix D does not mean the same activity cannot qualify as an excluded action when proposed by a different discipline for a different purpose.

Pursuant to Section V.A of this PA, after review by an HP, the following actions are, in most circumstances, excluded from further Section 106 review and consultation:

I. GENERAL

A. Routine removal of trash and abandoned property (i.e. vehicles, mining equipment, logging equipment) that is less than 50 years of age and does not qualify as a historic property nor will there be ground disturbance.

II. LANDS AND RECREATION SPECIAL USE PERMITS

A. Special Land Use designations which do not authorize surface disturbing projects (i.e., wilderness study areas and environmental education areas).

B. Utility pole replacement or installation by utility companies within previously disturbed locations. The project proposal shall include a statement describing associated vehicular access routes and staging areas, and the HPM shall consider the potential effects of all associated actions in their review, including that it is unlikely that pole replacement will not involve some new ground disturbance.

C. Standard maintenance of utility line corridors within previously disturbed locations. The project proposal shall include a statement describing associated vehicular access routes, staging areas, and any proposed vegetation management activities (i.e., clearing of vegetation under utility lines). The HPM shall consider the potential effects of all associated actions in their review.

D. Issuance of recreation permits for streams, trails and roads listed on the Forest's Motor Vehicle Use Map (hereafter MVUM) (available at Superior National Forest - Maps & Publications ([usda.gov](https://www.usda.gov))). The Heritage Professional shall also consider in their review the potential effects of associated spectator areas, staging areas, or pit/support areas, including portable toilets and refreshment areas.

E. Issuance of road-use permits for commercial hauling or permits for off-highway vehicle events over authorized roads or trails as indicated on the Forest's MVUM with restrictions on widening and vegetation management practices (i.e., brushing roadsides) The HPM shall also consider in their review the potential effects of associated spectator areas, staging areas, or pit/support areas, including portable toilets and refreshment areas.

F. Issuance of permits for winter activities that occur on or near historic properties where historic properties are subsurface and are protected by an adequate surface covering of snow and frozen ground conditions sufficient to ensure protection of the resource, as determined by the agency officer in consultation with the Heritage Professional, taking into consideration the types of historic properties in the area, the types of activities to occur, their duration, and temperature. Activities of this nature include snow machining, cross country skiing, trail grooming, fat-tire bicycling, and snowshoeing.

G. Permitted activities that involve no ground disturbance and are not located within a historic property (i.e., commercial filming, research permit, university research projects, apiary placement and weather station placement).

H. Installation of buried fiberoptic cable within previously disturbed road corridor Right-of-Ways following completion of Phase IA literature review.

III. FISHERIES AND AQUATIC ENHANCEMENTS

A. Installation of stream monitoring devices and equipment within the stream channel, including ground disturbing actions, as long as it is limited to areas within the active streambed and will not disturb adjacent stream terraces and/or intact over-bank soil deposits.

B. Fishery habitat improvements confined to the active stream channel that will not disturb adjacent stream terraces and/or intact over-bank soil deposits.

C. Removal of log jams and debris jams from streams or drainages using hand labor or small mechanical devices where motorized vehicle use is limited to authorized roads.

D. Hand cut tree drops along lake shorelines where the cut end of the tree is secured to the shore by leaving the tree attached to the stump or by using a metal anchor buried into the bank to restrict movement. Trees are moved by hand or by portable winch.

E. Hand cut tree drops along lakes that are completed in the winter and the trees are dragged out on the ice away from the shoreline where they will sink as the ice melts.

F. Activities aimed at controlling or eradicating aquatic, non-fish invasive species such as plants, invertebrates, and pathogens. The Forest shall ensure that affected Tribes are aware of the application of any substances and timing of potential contamination of traditionally gathered resources.

IV. DEVELOPED RECREATION SITES

A. Construction of water bars and check dams along non-motorized trails where project activities shall occur within the existing trail corridor and limited to hand tools.

B. Replacement of pit or vault toilets within the same disturbed footprint, provided that the toilet to be replaced is not older than 50 years old. If the original placement did not include

consideration of all types of historic properties including the recreation site the toilet is located in, the recreation site will be evaluated.

C. Alteration of structures that have been evaluated and determined to be not eligible to the NRHP that do not involve ground disturbance.

D. Maintenance or replacement of non-historic culverts (less than 50 years) and/or standard corrugated culverts including placement of rip-rap at inlet and outlets of existing culverts where there are no unevaluated cultural resources or historic properties and where the feature itself is not a historic property and disturbance is confined to previously disturbed road prisms.

E. Designation of snowmobile routes that do not require any ground disturbance.

F. Installation of roadside safety features such as guardrails or signs, adjacent to existing forest roads, in previously disturbed areas where the road and its features are not historic properties.

VI. SOIL, WATER AND NON-NATIVE INVASIVE SPECIES OF PLANTS (NNIS)

A. Installation of stream monitoring equipment outside of the active stream channel provided it does not involve ground disturbance.

B. Soil mapping activities which do not occur in known sites.

C. Installation of stream monitoring equipment that includes ground disturbance provided that disturbance is limited to areas within the active stream channel.

D. Root stabbing (cutting the root just below ground level with a narrow spade) to eradicate or control NNIS.

VII. MINERALS

A. Approval of previously approved Mining Plans of Operations that would add another user, or the sale or transfer of an approved operation to other individuals that would not change the terms of the Plan of Operations or affect historic properties.

B. Modifications to, or variances from, activities authorized in an approved mineral or exploration plan of operations that do not involve additional surface disturbance or affect historic properties and has completed Section 106 compliance on the original project for all areas of potential effect.

VIII. FUELS & VEGETATION TREATMENTS

A. Mowing with a brush hog or similar rubber-tired equipment where there are no known historic properties with above ground features or suspected historic site leads.

B. Fuels reduction activities where individual trees and brush are felled by hand or by chainsaw, peeled, piled, removed by hand, or bucked up by hand and left to naturally deteriorate or burned in piles, so long as piles are not located on historic features or within historic property site boundaries. No heavy machinery is used, and activities occur outside of known historic properties boundaries and/or buffer zones as appropriate.

C. Branch pruning activities where selected trees are pruned with hand saws or chainsaws to improve tree health and resiliency, reduce ladder fuels, and to create defensible space around structures. Slash is either hand piled for chipping, bucked up by hand, loaded onto rubber-tired

vehicles and hauled away, or burned in piles, so long as piles are not located on historic features or within historic property site boundaries. This excludes the use of large, tracked vehicles.

D. Understory removal of non-commercial timber using chainsaws to reduce ladder fuels, break up the continuity of fuels, and to improve stand health and resiliency. Slash is either hand piled for chipping or burning, bucked up by hand and left to naturally deteriorate, loaded onto rubber-tired vehicles and hauled away, or burned in piles, so long as piles are not located on historic features or within historic property site boundaries.

E. Insecticide spraying on individual trees and on small stands of trees. Employees walk from developed roads to the infected trees and apply the chemical by hand. No trees are removed under this activity. The Forest shall ensure that Tribal consultation occurs prior to the application of insecticides and affected Tribe's concerns regarding potential contamination of traditionally gathered resources are fully considered pursuant to relevant law, regulation and policy..

F. Mowing to create fire lines/breaks, taking into consideration impacts to traditionally gathered resources.

G. Boundary treatments where dead standing trees, down trees, and slash within 300 ft. of the National Forest/private-land boundary are cleared with chainsaws, understory ladder fuels are removed, and lower branches on retained trees pruned to create a fuel break that would both increase the controllability of a potential wildfire from burning onto private land and/or from private land onto the Forest. Slash is either hand piled for chipping or bucked up by hand, loaded onto rubber-tired vehicles and hauled away. This excludes the use of large, tracked vehicles.

H. Creation of hand lines for prescribed burns where chainsaws and hand tools are used, and where duff and vegetation are cleared to mineral soil.

I. Tree planting by hand or with hand tools where both of the following criteria are met:

- i. The project area has received previous adequate survey that has addressed traditional gathering areas and traditionally gathered resources.
- ii. No seedlings are planted within the boundaries of eligible or potentially eligible (unevaluated) cultural sites. Should tree planting within site boundaries be planned or preferred, the Forest shall consult as per stipulations in the main body of this PA.

J. Non-disturbing broadcast seeding and mulching for establishment of native vegetation.

K. Removal of non-native, invasive plant species using hand tools.

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

M. Weed treatments using non-motorized application or motorized when ground is dry or frozen. The Forest shall ensure Tribal consultation occurs prior to the application of insecticides and affected Tribe's concerns regarding potential contamination of traditionally gathered resources are fully considered pursuant to relevant law, regulation and policy.

N. Re-seeding during vegetation restoration projects that includes broadcast native seeding or drilling to depths of 0.5 inches. Project must consider impacts to traditional gathering areas and archaeological sites.

O. Non-mechanized pre-commercial thinning, post and pole harvesting, hazard tree removal, and non-commercial firewood cutting. Non-mechanized refers to the absence of conventional logging equipment but could involve the use of a small rubber tired personal vehicle to access the project area and tree cutting.

P. Commercial-use permits for firewood, and manual acquisition of special forest products (e.g., mushrooms, pine cones, Christmas trees).

Q. Creation of defensible space around homes and structures through the removal of trees, brush, and other vegetation using chainsaws and hand tools, where such activities do not affect the integrity of the setting of historic properties. Slash is either hand piled for chipping or bucked up by hand, loaded onto rubber-tired vehicles and hauled away. This excludes the use of large, tracked vehicles.

IX. BURNED AREA EMERGENCY RESTORATION AND REHABILITATION (BAER AND POST-BAER)

A. Seeding or seeding with fertilizers in order to establish vegetation in burned areas.

B. Mulch/slash spreading to provide surface cover; application is by means of hand, ground- or aerial-based operations, or in slurry with seed.

C. Log erosion barriers, where trees are felled on the contour and then anchored in place.

D. Geotextile fabrics/geowebbing applications, where engineered materials (commonly called erosion control blankets) are used for temporary erosion control or slope stabilization.

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Appendix D cont.

LIMITED REVIEW UNDERTAKINGS – BUILT ENVIRONMENT

The following are common maintenance, repair, and treatment measures required on historic structures, buildings, sites, and districts within the Forest. These actions have limited potential to adversely affect historic properties and may be required to maintain the integrity of a historic property. As such, these actions are excluded from case-by-case review.

Use of these exclusions is limited to action for retaining and preserving, protecting, maintaining, and replacing in-kind, as necessary, materials and features, consistent with the Secretary of Interior Standard's for the Treatment of Historic Properties and the accompanying guidelines. Criteria for use of a limited review exclusion on historic structures, sites and districts include:

- Mitigation of wear and deterioration of a historic property to protect its condition without altering its historic character,
- Repairing when its condition warrants with the least degree of intervention including limited replacement in-kind,
- Replacing an entire feature in-kind when the level of deterioration or damage of materials precludes repair, and
- Stabilization to protect damaged materials or features from additional damage.

Prior to excluding a listed project or activity under the terms of this PA, the HPM will review the undertaking to determine whether further consultation and consideration is necessary. The determination will be made in collaboration with a Forest Service Historian, as appropriate, to ensure applicability of the exclusion and proposed treatment or avoidance measures. In certain circumstances, even though an action may meet the criteria; the HPM may, based on other justifying factors, recommend any of the following: field survey, field inspection, and/or monitoring.

Buildings and structures over 50 years old must be evaluated (or treated as eligible for the purposes of review) under the National Register of Historic Properties criteria (36 CFR § 60.4) prior to or in concert with determining applicability of one or more of the following exclusions.

Pursuant to Section V.A of this PA, after review by the HPM, the following actions are, in most circumstances, excluded from further consultation:

I. Structural

A. Repair and stabilization of a structural system or features following the guidance in the criteria above for repairs and stabilization.

B. Temporary bracing or shoring as part of stabilization that it is installed without permanent damage to the building or site.

C. In kind repair of roofing, gutters, or downspouts where repairs warrant the least degree of intervention including limited replacement in-kind.

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

F. 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.

G. Repair or replacement of siding, trim, or hardware (including lighting), when done in-kind to match historic material, design, and color.

II. Surfaces

A. 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.

B. Energy improvements limited to insulation in the attic or basement, and installation of weather stripping and caulking without altering a property's historic character.

C. Repainting interior or exterior surfaces the same color as the existing, or in a similar color or historically accurate colors for the identified period of significance.

D. 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.

III. Windows and Doors

A. 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.

B. Repair of doors or replacement when either extensively deteriorated or are missing. Replacement door will be compatible alternative materials that match the historic design.

C. Repairing or refinishing of historic floor covering or other features such as ceilings and staircases, including reapplication of protective coating systems and provided the replacement matches the old in material, design, color, and texture. Repair can be portion/s of historic flooring or interior features that are extensively deteriorated.

D. Replacement of window frames to match historic material and design when the level of deterioration or damage of materials precludes repair. Replacement of window frames with compatible alternative materials that match historic design.

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

IV. Landscape

A. Routine maintenance of immediately surrounding landscaping (such as mowing and lawn repair), including such modifications as removal of non-native vegetation, adding single plants or shrubs that blend with the existing landscape, or adding rocks to define paths, where not otherwise prohibited, so long as existing landscape characteristics are maintained, and the method of removal and installation does not disturb previously undisturbed ground or historic properties.

B. In-kind regrading, graveling, repaving, or other maintenance treatments of all existing trails, walks and paths within existing disturbed areas.

C. Restoration where non-historic and out-of-character materials may be removed and replaced with materials that match the historic character of the property and the changes are in keeping with that period of significance.

D. Replacement of existing signage in the same location with similar style, scale, and materials.

V. Utility

A. Installation of utilities, such as sewer, water, or storm drains, electrical, gas, or leach lines, and septic tanks, where installation is restricted to specific areas previously disturbed by installation of these utilities and where there is no damage to the historic character of a property or landscape.

B. Repair, replacement, removal, or upgrading of water and plumbing systems. If historic features, such as hand pumps, are left in place. Historic plumbing fixtures should be retained and used if possible.

VI. Maintenance and Repairs

A. Emergency stabilization, including limited replacement of irreparably damaged features or materials and temporary measures that prevent further loss of historic material or that correct unsafe conditions until permanent repairs can be accomplished. Stabilization work will not alter the property's historic character.

B. Mothballing an eligible historic structure using the least invasive techniques as outlined in NPS Preservation Brief 31: Mothballing Historic Buildings.

C. Sampling/testing historic fabric to determine hazardous content, e.g., lead paint, asbestos, radon. Removing toxic building materials (such as lead, radon, asbestos containing materials, and buried oil tanks) only after thorough testing has been conducted and only after less invasive abatement methods have been shown to be inadequate and when such removal will not damage the character defining features of the property.

D. Lead paint abatement when it is done through limited scraping and encapsulation.

E. Removal of graffiti using historic preservation methods that will not alter the historic character of a property or landscape.

F. Replacement of lightning rod and wiring system in a manner which does not alter the property's historic character.

G. Installation of fire/smoke or carbon monoxide detectors, burglar alarms or other security systems or security devices, such as dead bolts, door locks, window latches, and door peep holes

if they are installed in a manner that does not damage any of the property's historic fabric or alter its historic character.

H. Replacement of modern floor coverings, with historically compatible materials, design, and color as determined to be appropriate by the Heritage Professional.

I. Acquisition of properties when there is assurance by the FS that NRHP eligible or potentially eligible historic structures and buildings will be secured and protected from vandalism, arson, and the elements, pending their evaluation, rehabilitation, disposal, or reuse.

J. Removal of non-historic debris from an abandoned building.

K. Repair, line painting, resurfacing, and maintenance of existing parking lots, sidewalks, and curbs, provided that no change in width, surface, route, or drainage will result.

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

Appendix E

SUPERIOR NATIONAL FOREST

SURVEY METHODOLOGY/INVENTORY DESIGN

The purpose of cultural resource survey is to identify cultural resources in a manner consistent with provisions set forth in Section 106 of the National Historic Preservation Act (NHPA). Survey is primarily, but not exclusively, directed at investigating areas where undertakings, or “Projects” are planned, and which require compliance with Section 106 and 110 of the NHPA; the Secretary of the Interior's Guidelines for Archaeology and Historic Preservation; and the National Environmental Protection Act.

The Forest’s Heritage Program responsibility to make a reasonable and good faith effort to locate historic properties for proposed undertakings (36 CFR § 800.4(b)(1)) must take into account past research as well as an understanding of prior impacts to the land. To this end, it is critical to understand that a considerable part of the Forest’s non-Wilderness land base has had continuous timber management activity since the late 1800s. That said, the Forest is also located in a unique, sub-boreal ecosystem where bedrock, water, vegetation, and rugged topography necessitate survey methodologies that are dissimilar from those employed in the southern reaches of the State. As of 2025, approximately 80% of the forest has been surveyed for cultural resources using a variety of methodologies, however less than 10% of the survey would qualify as intensive survey sufficient to identify buried archaeological resources. Given these conditions, as well as consideration of the 2005 guidance provided by the SHPO Manual for Archaeological Projects in Minnesota and the Secretary of the Interior's Guidelines for Archaeology and Historic Preservation, the Heritage Program has developed the following methodology designed to meet current professional standards.

Background Review: 2020 Inventory Design

At a minimum, the following records will be reviewed to determine past undertakings and previous research in the project area:

- Forest cultural resource survey/site databases. This includes records, spatial geodatabases, and file searches of all relevant files, including the *National Resource Management Heritage Application* (NRM database).
- Superior NF 2020 Inventory Design Geodatabase, which includes a compilation of spatial features and historical land use data developed in consultation with MnSHPO and the consulting THPOs (See below).

Additional information related to land use history of a project area can be collected through examination of historic records, geospatial, and remote sensing data including (but not limited to):

- Historic maps, such as General Land Office (GLO) survey maps, master land status plats, county atlases, historic topographic maps, and historic Forest maps.
- Geospatial sources such as LiDAR and historic aerial photographs (1934, 1937, and 1948 sets).
- Available timber cut records and timber survey atlases.
- Results of previous Tribal consultation.

2020 Inventory Design

The 2020 inventory design was developed for the School Trust Land Exchange (STLE) undertaking and was applied to approximately 38,000 acres of Forest lands proposed for transfer out of federal ownership. The inventory strategy was designed to locate heritage resources sites within Forested transfer parcels, to allow for them to be assessed for their National Register of

Historic Places eligibility, and if eligible, assess the nature of the adverse effect resulting from transfer out of federal ownership. The inventory design is geared towards pre-contact sites, while aerial photo review, GLO map review, and legacy aerial block survey are used to identify historic sites with visible features and or associated clearings. The inventory design is NOT a probability model. Instead, it uses information collected over 35 years of survey on the Forest to define areas where buried archaeological sites have typically been recorded. The inventory strategy was developed through consultation with the ACHP, MnSHPO, Bois Forte Band, Grand Portage Band, and Fond du Lac Band.

Spatial inputs in the 2020 inventory design include LiDAR, original Government Land Office Township survey plats, 1854 Treaty Authorities wild rice waters layer, MnDNR lakes and streams shapefiles, legacy sugar maple stand shapefiles gleaned from Forest timber inventory data, and prior cultural resource survey/site spatial layers. These spatial data are combined into a geodatabase to assist in the development of an inventory strategy during initial desktop review of timber sale and vegetation treatment undertakings (e.g. prescribed fire, timber harvest, fuels reduction) in general forested areas.

Survey Methodology

Phase 1 survey is generally conducted in transects of varying intervals with the goal of identification and recordation of all cultural resources within a project area. This methodology is typically a combination of pedestrian survey and shovel testing depending on the landform, built environment, and background research. The following methodology is considered Intensive Survey (FSH 2309.12, Section 32.23) for a project area in need of new survey. While transect spacing and shovel testing intervals may be reduced depending on the situation, anything greater than what is defined will be considered a Sample or Reconnaissance Survey (FSH 2309.12, Section 32.21-22).

Pedestrian transect widths apply to areas not defined as requiring shovel testing:

- Within or adjacent to known or discovered sites: ≤ 10 meters
- Periphery of existing or remnant transportation features: ≤ 10 meters
- All other areas: ≤ 30 meters

Shovel testing is directed at locating buried archaeological sites lacking surface features in areas lacking ground visibility, such as forested upland environments. They are utilized to identify sites, to determine the spatial extent of site boundaries, and to generally assess the sub-surface integrity and character of an identified site.

Shovel tests are minimally deployed along transects, with no greater than a 15-meter interval within and between each transect. While the Forest strives to employ shovel testing along gridded intervals, environmental conditions in northeastern Minnesota typically require a flexible approach to shovel test placement.

Shovel test guidelines are as follows:

- Shovel test diameter should be between 30-40 centimeters in diameter.
- Shovel tests shall be excavated downward until impenetrable substrata/obstacles (such as bedrock, clay, hardpan, etc) are encountered, or until it is no longer reasonable to continue excavation by hand and shovel.

- Shovel tests do not need to be excavated in levels, either arbitrary or natural, however, if there is an obvious change in soil strata it should be measured and identified. If cultural material is present, effort to separate artifacts from the distinct soil levels should be made.
- Following excavation and recordation, all shovel tests shall be backfilled and restored as closely as possible to the original condition.
- Areas that are shovel tested should be identified on project maps with both positive and negative test locations delineated.
- Exposed root throws may be sampled and substituted for shovel tests if they are located along transects or are observed in areas where ground conditions prohibit shovel testing.

Metal testing is directed as a sampling strategy for areas where historical sites are likely to be located. Metal testing has also been utilized successfully in the region to identify pre-contact sites with copper artifacts in relic beach benches on Lake Superior and inland lakes.

Metal test sampling guidelines are as follows:

- Metal detector transects should follow 15-meter intervals where conditions allow and not exceed 30-meters
- All positive metal hits will be pin flagged and logged into GPS units.
- Metal test excavation methods will mirror shovel testing methodologies, and the number of excavated tests shall not exceed 20% of the total number, or what is minimally necessary to determine the character and spatial boundaries of the site.

Collection Policy

The Forest has a limited collection policy with the goal of conserving archaeological and historic resources on the landscape. Artifacts will only be collected during pedestrian surveys if additional laboratory analysis is determined necessary or for the protection of the artifact from damage or unauthorized collection. Artifacts recovered from shovel test and test excavation units will be collected, unless a site specific “no collection” research design is developed in consultation with consulting THPOs/affected Tribes. The Forest will curate any collections and associated documentation at the Forest Service curation facility at the Supervisor’s Office in Duluth, Minnesota, in accordance with 36 CFR 79.

Resource Definitions

The Forest defines archaeological resources as follows:

I. Site

A. A pre-contact site is 10 or more spatially associated artifacts (surface, subsurface, or combination thereof). A single pre-contact feature is a site (e.g. hearth, mound, pit). Grid shovel testing in all four cardinal directions must be completed to determine site boundaries for sub-surface sites. Two consecutive 5-meter negative tests are needed to establish a site boundary, or sites may be bounded by obvious landform features such as lakeshores, swamps, or slopes. Shovel tests must be excavated to sterile or impenetrable strata.

B. A post-contact site is 10 or more spatially associated unique artifacts. Artifacts may be in surface or sub-surface contexts. A single constructed post-contact structure or resource may be considered a site (e.g. bridge, dam, road). Certain post-contact features (pit, borrow, road cut) appearing in isolation may be classified as isolates by HPs if it can be demonstrated that no other post-contact features or artifacts are associated. If attempts are not made to locate sub-surface artifacts (metal detector, shovel testing) when post-

contact features are identified, it will be assumed that such artifacts are present until further testing occurs.

II. Isolate

An isolate is a pre-contact or post-contact resource that does not meet the definition of a site. An isolate contains a small number of artifacts or single post-contact feature that lack contextual association and/or other distinctive attributes. By definition, these are not considered to be eligible for listing on the NRHP. Isolates will not be assigned Smithsonian numbers but will be assigned a Forest Service resource identification number, entered into the NRM database, and discussed in the survey/annual report.

III. Defined Non-Sites

A “Non-Site” is a post-contact or modern property type that is considered ubiquitous, does not exhibit significant architectural or engineering features, and does not have the potential to provide information that meet any National Register criterion. In most cases, formal documentation is not required. However, the project report will indicate their presence within a survey area and include justification for their exclusion. If one of these property types exhibit significant architectural or engineering features, or are associated with a cultural resource, they should be recorded on an isolate or site record. In general, Forest Service resource identification numbers will not be assigned to the following property types:

- A. Utility lines (i.e., power lines, towers, telephone lines, fiber optic cable, etc.)
- B. Pipelines (i.e., water, gas, power). This does not include early wooden pipelines.
- C. Elevation, bench, and section marker (i.e., all survey and cadastral markers)
- D. Rip-rap (i.e., the use of cobbles, rock, or wood to stabilize riverbanks, stream banks, or drainages)
- E. Isolated abandoned motorized vehicles, boats, appliances, and mobile homes
- F. Fences and enclosures (i.e., barbed wire, chain line, or other types of fences)
- G. Unnamed two-track roads. This will require standard archival research to determine if the roads are named (FS designation numbers are not considered names)
- H. Recent trash (less than 50 years old) or trash that is likely the result of secondary dumping along roads or property lines that cannot be associated with a larger site (such as timber camp or CCC site)
- I. Recent short-term camps, hunting blinds, or deer stands associated with recreation (camping/hunting) that provide no significant information.
- J. Roads, trails, and associated structures (culverts, bridges, etc.) that have been constructed or reconstructed within the last 50 years.

Appendix F
LIST OF TRIBES INVITED TO CONSULT ON PA DEVELOPMENT

<i>Invite Date</i>	<i>Tribe</i>	<i>Response</i>
3/17/24	Bad River Band of Lake Superior Chippewa	N
3/17/24	Bois Forte Band of Chippewa	Y 4/2/24
3/17/24	Crow Creek Sioux Tribe	N
3/17/24	Flandreau-Santee Sioux Tribe	N
3/17/24	Fond du Lac Band of Lake Superior Chippewa	Y 3/26/24
3/17/24	Grand Portage Band of Lake Superior Chippewa	Y 3/37/24
3/17/24	Keweenaw Bay Indian Community	N
3/17/24	Lac Courte Oreilles Band of Lake Superior Chippewa	N
3/17/24	Lac du Flambeau Band of Lake Superior Chippewa	N
3/17/24	Lac Vieux Desert Band of Lake Superior Chippewa	N
3/17/24	Leech Lake Band of Ojibwe	Y Defer to 1854
3/17/24	Lower Sioux Indian Community	N
3/17/24	Mille Lacs Band of Ojibwe	N
3/17/24	Prairie Island Indian Community	N
3/17/24	Red Cliff Band of Lake Superior Chippewa	N
3/17/24	Red Lake Nation	N
3/17/24	Upper Sioux Community	N
3/17/24	White Earth Band of Ojibwe	N
3/17/24	Yankton Sioux Tribe	N

Appendix G
SUPERIOR NF 2020 UNANTICIPATED DISCOVERY/NAGPRA PLAN

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