

PROGRAMMATIC AGREEMENT

AMONG THE

U.S.D.A. INYO NATIONAL FOREST

AND THE

NEVADA STATE HISTORIC PRESERVATION OFFICER,

REGARDING

THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF

THE NATIONAL HISTORIC PRESERVATION ACT

FOR DESIGNATING

A NATIONAL FOREST TRANSPORTATION SYSTEM

ON

INYO NATIONAL FOREST LANDS IN NEVADA

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PREAMBLE

WHEREAS, the U.S.D.A. Inyo National Forest (Forest) proposes to designate a National Forest Transportation System (NFTS) as authorized pursuant to the Organic Administration Act of 1897 (16 U.S.C. 473, et seq.) and managed under Forest Service Manual (FSM) policy, Chapter 7700 - Travel Management and Chapter 2353 - National Forest System Trails; Forest Service Handbook (FSH) guidance at 7709.55 - Travel Planning Handbook and 2309.18 - Trails Management Handbook; and the Code of Federal Regulations at 36 CFR §212 - Administration of the Forest Transportation System; 36 CFR §261.13, 54, 55, 56 - Prohibitions; 36 CFR §295 - Use of Motor Vehicles Off Forest Development Roads, 36 CFR §219.21(g) - Planning; Executive Order 11644; Executive Order 11989; and Nevada Motor Vehicle Law 490 - Off-Highway Vehicles, or successor rules and policies if and when finalized; and

WHEREAS, the Forest Service has a multiple-use mission to manage public lands for a variety of resources, values, products, and uses that may involve historic properties; and

WHEREAS, the Forest Service has a unique role in providing motorized-recreation opportunities by offering long-distance trails and 4-wheel drive routes that travel through a variety of vegetation types and terrain features, occur primarily in forested environments, and, in many locations, provide outstanding destination features such as alpine lakes and mountain vistas, or arrive at cultural and historic features such as fire lookout towers; and

WHEREAS, the Forest Service does not provide all forms of motorized recreation, but concentrates on narrow-width trail and 4-wheel drive opportunities that provide a diversity of challenges of the type that are found in remote, forested landscapes; and

WHEREAS, the availability and capability of motor vehicles, particularly off-highway vehicles (OHVs) and sport utility vehicles (SUVs) has increased sevenfold in the past 30 years, unmanaged motor vehicle use, particularly OHV use, has resulted in unplanned roads and trails, erosion, watershed and habitat degradation, and impacts to cultural resource sites; and

WHEREAS, in 2003, the Chief of the U.S. Forest Service cited unmanaged recreation, including impacts from OHVs, as one of "Four Key Threats Facing the Nation's Forests and Grasslands."; and

WHEREAS, only roads and trails that are part of a NFTS may be designated for motorized use; and

WHEREAS, this proposal makes needed changes (vehicle class restrictions, additional motorized trails, seasonal restrictions), to the Inyo NFTS roads and NFTS trails on NFTS lands in accordance with 36 CFR §212, Subpart B - 2005 Travel Management Rule; and

WHEREAS, the Forest proposes to identify, evaluate, treat, protect, manage, and consult about historic properties, as authorized by the: Antiquities Act of 1906 (34 Stat. 225; 16 U.S.C. 431-433), Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461-467), National Historic Preservation Act of 1966, as amended (80 Stat. 915 et seq.; 16 U.S.C. 470 et seq.) (NHPA), National Environmental Policy Act of 1969 (NEPA), as amended (83 Stat. 852 et seq.; 42 U.S.C. 4321-4347), Archaeological and Historical Data Preservation Act of 1974 (88 Stat. 174; 16 U.S.C. 469), American Indian Religious Freedom Act of 1978 (92 Stat. 469; 42 U.S.C. 1996), the Archaeological Resources Protection Act (ARPA) of 1979, as amended (93 Stat. 721 et seq.; 16 U.S.C. 470 et seq.); and the Native American Graves Protection and Repatriation Act of 1990 (104 Stat. 3048-3058; 25 U.S.C. 3001-3013); and as mandated under Executive Order 11593 entitled Protection and Enhancement of the Cultural Environment, Executive Order 13007

entitled Indian Sacred Sites, Executive Order 13175 entitled Consultation and Coordination with Indian Tribal Governments; and Executive Order 13287 entitled Preserve America; and

WHEREAS, the Forest and the Nevada State Historic Preservation Officer (SHPO) have reviewed the undertaking associated with designating routes as part of the Inyo NFTS (Undertaking) to consider prudent and feasible management measures that not only take into account the effects of the Undertaking on historic properties which are included in, or eligible for inclusion in, the National Register of Historic Places (NRHP), but also protect their values and those of unevaluated properties that might be eligible for the NRHP under criteria at 36 CFR §60.4; and

WHEREAS, the Forest has determined that its plans, policies, and program to designate a NFTS involve historic properties either included in or eligible for inclusion in the NRHP, and are subject to consideration under Section 106 of the NHPA, and its implementing regulations entitled Protection of Historic and Cultural Properties (36 CFR §800); and

WHEREAS, the Forest has consulted with the SHPO and the Advisory Council on Historic Preservation (ACHP), pursuant to 36 CFR §800.14(b), to develop and execute this Programmatic Agreement (PA) for designating a NFTS and the ACHP has elected not to formally enter consultation on the development of this PA; and

WHEREAS, execution of this PA by the Forest Supervisor requires the Forest to comply with the stipulations herein set forth;

NOW, THEREFORE, the Forest and the SHPO agree that the NFTS shall be administered in accordance with the following stipulations to satisfy the Forest's Section 106 responsibilities for the Undertaking.

STIPULATIONS

The Forest shall ensure that the following measures are implemented:

I. DEFINITIONS

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

- A. Motorized Recreation is any non-highway licensed vehicle and licensed highway vehicle engaged in wheeled, motorized use on roads, trails, or areas open to vehicular travel on Forest Service administered lands and not expressly authorized via Forest Service permit, contract, or other Forest Service authorization; also called off-highway vehicle recreation.
- B. Heritage Resources Manager (HRM) is the lead position on the Forest responsible for: directing and administering the Forest's complex and multifaceted Heritage Resources management program; planning, developing, and implementing the Forest's heritage resources inventory, evaluation, preservation, and enhancement activities; delegating professional and technical responsibilities to heritage specialists pursuant to this PA; providing professional and technical advice to the Forest Leadership Team; coordinating the Heritage Resources program internally, and with external agencies, organizations, and the public; curating and controlling access to heritage resource records and collections; and meeting other program management responsibilities under this PA. The HRM shall meet the professional standards established for either archaeologist or historian, as outlined in 36 CFR §296.8 or in the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (48 FR 44738-44739), and shall meet at least Office of Personnel Management X118 GS-170/193-11 journeyman level qualifications.
- C. Area of Potential Effect (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effect is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. (Stipulation III.C.1)
- D. Intensive Survey is a systematic, detailed examination of an area designed to gather information about the number, location, condition, and distribution of historic properties within an undertaking's APE.
- E. Historic Property is any prehistoric or historic district, site, building, structure, or object, and its associated artifacts, remains, features, settings, and records, that is either listed in or determined eligible for inclusion in the NRHP; or any feature that contributes to district NRHP eligibility; or any property, and its features, not yet evaluated to determine whether it is eligible for the NRHP, but that, for the purposes of this PA, may be assumed by the Forest to be NRHP eligible.
- F. Maintenance is the act of keeping a route or improvement in an ordinary, efficient, operating condition, including preventive up-keep, normal repair, and activity needed to preserve the route; maintenance is an undertaking pursuant to the NHPA.
- G. Undertaking is any project, activity, or program under the jurisdiction of the Forest Service, including those carried out by or on behalf of the agency, and those requiring a Special Use Authorization, Special Use Permit, or Forest Service approval (see Section 301(7) of the NHPA or 36 CFR §800.16(y)).

- H. Standard Resource Protection Measure is a historic property treatment procedure that when properly applied, pursuant to Stipulation III.E.3 and Attachment A of this PA, eliminates or substantially minimizes the adverse effects of an undertaking on historic properties; and when applied, is considered to have taken into account the effects of the undertaking on historic properties.
- I. At-Risk Historic Property is a property that the Forest HRM identifies as susceptible to being adversely affected as a result of designating a motor vehicle route, or using or maintaining the designated motorized recreation system. An at-risk historic property is identified based on property characteristics and proximity to designated routes (e.g., trail corridor, trail head, vista point).
- J. Qualified Heritage Professional is an archaeologist or historian who meets the professional standards outlined in 36 CFR §296.8 or in the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (48 FR 44738 44739), and who meets at least Office of Personnel Management X118 GS-170/193-11 journeyman level qualifications. A Qualified Heritage Professional may be delegated some of the responsibilities of the HRM pursuant to the provisions of this PA.
- K. Supervise is active oversight and review over all aspects of work. It includes directing and watching over performance and work.

II. DESIGNATING THE NATIONAL FOREST TRANSPORTATION SYSTEM

- A. The designation of a NFTS is the primary Undertaking addressed in this PA. The designation of that system, however, may necessitate additional undertakings, but on a smaller scale, associated with the implementation of mitigation measures. For example, in extreme cases where potential adverse effects to historic properties cannot be avoided due to the existing locations of unauthorized routes, it may be necessary to engineer reroutes to circumvent potential effects to historic properties. In such cases, additional identification, evaluations, and assessment of effects may be necessary to determine if any additional effects to resources would result as a result of the proposed reroute(s). In rare cases, rerouting of existing routes/roads may be necessary to eliminate resource damage to other disciplines such as endangered species, threatened and endangered species, or hydrologic values. Any such secondary undertakings associated with the designation of the Forest's NFTS will be completed prior to designation and accomplished according to the stipulations of this PA.
- B. The inventory, evaluation, assessment, and protection of historic properties for the Undertaking shall follow the procedures set forth in the Heritage Resources Strategy for the Designation of a National Forest Transportation System on Inyo National Forest Lands in Nevada (Strategy) (Attachment B).
- C. The inventory of all existing non-system or unclassified trails, roads, and off-route use areas, and the designation of the NFTS (system) routes and specifically defined areas will require a multi-year effort.
- D. Procedures in the Strategy generally do not apply to routes in the APE that previously were designated part of the Forest system and not subject to review pursuant to Section 106 of the NHPA and its implementing regulations (36 CFR §800) (see Stipulation III.C.3 of this PA).

- E. The Forest, in consultation with the SHPO, may revise the Strategy at any time during the term of this PA. Revisions will take effect only upon written agreement of the Forest and the SHPO. The signatories agree that any such revision shall not necessarily require either concurrent or subsequent amendment of this PA.

III. PROCEDURES FOR ADMINISTERING THE NATIONAL FOREST TRANSPORTATION SYSTEM UNDERTAKING

The following procedures apply to the identification, evaluation, assessment, and treatment of historic properties associated with the Undertaking.

A. Staffing

Professional Qualification Standards: The Forest shall ensure that all heritage resources work for the Undertaking is supervised by the HRM. "Supervise" means active oversight and review over all aspects of work.

1. As specified in this PA, certain responsibilities and related activities may be delegated by the HRM to qualified heritage professionals.
2. Heritage specialists operating at less-than-journeyman-level shall meet the Office of Personnel Management X-118 standards and shall be supervised by qualified heritage professionals.
3. Archaeological technicians and student aides shall meet the Office of Personnel Management X-118 standards and shall be directly supervised by qualified heritage professionals.
4. Certified Archaeological Surveyors (CAS), also referred to as "paraprofessionals," shall meet the standards specified in Forest Service Manual (FSM) 2360.91(3) or its successor manuals and shall be directly supervised by qualified heritage professionals.
5. Volunteers may be used to assist in heritage program activities as long as qualified heritage professionals directly supervise them.

B. Coordination and Information Exchange

All efforts to identify and evaluate historic properties in connection with the Undertaking shall be carried out in accordance with the standards and guidelines specified in this PA, unless the signatories through consultation agree otherwise.

1. All reports that document identification or evaluation efforts shall be provided to the SHPO as specified in Stipulation III.C.7, below.
2. Where Native American tribes, traditional leaders, or individuals specifically request that information about traditional cultural properties remains confidential, such records shall be maintained in confidential files only at the Forest Supervisor's Office. Such information is subject to the confidentiality requirements of Section 304 of the NHPA (16 U.S.C. 470w 3) and/or Section 9 of the ARPA (16 U.S.C. 470hh).
3. Consultation and coordination among the Forest, the SHPO, the ACHP, and other interested parties pursuant to this PA shall be the responsibility of the Forest Supervisor, unless specified otherwise.

4. Copies of reports that document identification or evaluation efforts will be available for public review, subject to the confidentiality requirements of Section 304 of the NHPA (16 U.S.C. 470w 3) and/or Section 9 of the ARPA (16 U.S.C. 470hh).

C. Identification of Historic Properties

1. The APE of the Undertaking shall be inventoried in accordance with the identification requirements enumerated below.
 - a. APEs include vehicular use areas, such as roads, trails, routes, corridors, stopping points, trailheads, off-route use areas, or other associated areas where maintenance for and motorized recreation occur, or, that are considered for designation. For purposes of this Undertaking, APEs may be restricted to 30-meter corridors centered on linear motor-vehicle features (i.e., roads, trails, corridors, routes) and 30-meter buffer zones around nonlinear features (e.g., stopping points, specifically defined open areas, trailheads, etc.). Roads and trails used to access favorite hunting areas, for example, would be considered part of APEs; hunting camps within 30-meter buffer zones of routes would be part of APEs, but hunting grounds which are closed to cross-country vehicular travel would not be considered part of APEs.

APEs shall be understood to include at-risk historic properties visible from designated system routes, thereby inviting visitation (e.g., structures and rockshelters).

- b. Inventory of associated areas included in APEs, such as stopping points, trailheads, or vista points, should include the immediate surroundings that can generally be limited to a radius of 30 meters centered on point-specific locations (e.g., stopping points, vista points), or 30-meter buffer zones surrounding larger areas (e.g., trailheads).

Inventory needs and priorities shall be scheduled in consultation with the Forest recreation staff using the guidelines set forth in Attachment B. A tentative timeline is provided in Attachment D. Changes to the timeline do not require an amendment of this PA.

2. The Forest shall ensure that all identification activities conform to the stipulations in this PA. Identification activities conducted on non-system routes and use areas for the purposes of designating the NFTS shall conform to standards and guidelines in the Strategy (Attachment B).
3. To account for possible threats to historic properties associated with motorized recreation, the Forest shall employ the following guidelines for system routes that have not been subject to previous consultation under Section 106 of the NHPA.
 - a. Previous coverage as recorded in the Forest's GIS Heritage layer and the Heritage atlases will be compared with the routes under consideration.
 - b. The needs and priorities for survey may be based on motorized recreation use levels, route types and the potential for effects (e.g., unsurfaced facilities needing survey versus surfaced facilities or grading

of unsurfaced roads needing survey versus surfaced roads or closed roads not needing survey, etc.), topography and site visibility, and site sensitivity.

- c. The Forest and the SHPO agree to use the inventory procedures identified in the Strategy (Attachment B) to accomplish the plans for system survey.
- d. The inventory shall be accomplished incrementally and periodically re-evaluated within the 10-year term of this PA to determine if additional survey or a change in priorities for survey may be needed.

4. Intensive Survey:

Where the Forest proposes to carry out, or causes to be carried out, intensive survey of APEs, regardless of land ownership, they need not consult with the SHPO prior to such inventory, but shall document the results of such inventory and provide this documentation to the SHPO for review and comment.

Inventory levels are defined as follows:

- a. Intensive inventories of most motor-vehicle routes, corridors, trail heads, or open areas can be accomplished using 15-meter spaced traverses. Narrower traverses may be warranted in highly sensitive areas where observational constraints may exist.
- b. Mixed coverage strategies (such as greater spacing by surveyors, non-pedestrian, motorized access, non-survey of disturbed areas like bench cuts for roads or hill climbs, or areas of low probability) are acceptable provided the traverse width/field of vision is sufficient to identify all properties potentially eligible for the NRHP should they exist.
- c. Intensive survey may be conducted by:
 - i. professional archaeologists, historians, or architectural historians who meet the professional standards of 36 CFR §296.8, or the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (48 FR 44738 44739); or
 - ii. archaeological technicians who meet Office of Personnel Management X-118 standards for personnel who may perform such surveys; or
 - iii. certified archaeological surveyors (also referred to as "paraprofessionals") who meet the standards specified in Section 2360.91 of the FSM or its successor manuals; or
 - iv. professional consultants who meet the professional standards of 36 CFR §296.8, or the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (48 FR 44738 44739).

5. Non-Intensive Inventory:

- a. With the exceptions specifically listed in Section 5.b, where the Forest proposes to carry out, or causes to be carried out, sample survey, reconnaissance, or less-than-intensive survey, the Forest shall consult

with the SHPO on the appropriate type, intensity, and level of inventory to be conducted pursuant to this PA.

- b. Non-intensive survey methods may be used under specific conditions approved by Forest HRMs in contexts such as road cuts, for surfaced roads, on steep hills, in areas with severe observational restrictions (e.g., impenetrable brush), or in areas of low or no cultural resource probability. Non-intensive inventory shall be supervised by qualified heritage professionals.

6. Site Recordation Standards:

- a. All identified archaeological sites shall be recorded on IMACS forms.
- b. All historic structures shall be recorded on Nevada Historic Resources Inventory Forms as appropriate.
- c. When historic properties extend outside APEs, and where those properties have been determined eligible for listing on the NRHP or are assumed eligible for listing on the NRHP for purposes of this undertaking (see Stipulation III.D.1, below), they shall be recorded to the same standards as those within APEs under the following circumstances:
 - i. all historic properties one acre or less in area.
 - ii. for any historic properties greater than one acre in size, or any linear sites, prescribed documentation standards may be limited to those portions of the resources within 30 meters of APEs.
- d. The site records shall be submitted to the SHPO.
- e. Site records shall be completed prior to making decisions about implementing undertakings.
- f. The site records shall be curated at the Forest Supervisor's Office in controlled access facilities supervised by the HRM. The HRM may delegate curation of duplicate sets of forms to applicable Ranger Districts if controlled access can be maintained and supervised by a Zone or District Archaeologist.

7. Project Report Standards:

A Heritage Resources Report (HRR) shall be prepared for the Undertaking prior to making decisions about implementing undertaking activities.

- a. Previous inventory and report efforts:
 - i. shall be reviewed for adequacy by the Forest HRM, or qualified heritage professionals delegated by HRM, to determine if resurvey is appropriate, given current Forest Service, SHPO, or Secretary of the Interior Standards and Guidelines; and
 - ii. that have not been reviewed by the SHPO, pursuant to 36 CFR §800 or under this PA or other agreements with SHPO, shall be incorporated into the HRR for current review.

- b. The HRM shall ensure that the HRR conforms to guidelines in:
 - i. the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, Reporting Identification Results (48 FR 44723); or
 - ii. other standards mutually agreed to by the Forest and the SHPO.
 - c. The HRR shall list all historic properties identified within the Undertaking APEs. Copies of HRRs within or adjacent to the Undertaking APEs shall be included in the HRR.
 - d. The HRR shall include references to previous reports and historic property records if portions of undertakings have been subject to earlier survey and these reports have been previously submitted to the SHPO for review. Documentation of previously recorded historic properties within Undertaking APEs shall be updated to meet the standards specified in this PA (Stipulation III.C.6).
 - e. The HRR shall be completed prior to making decisions about implementing undertakings.
8. Copies of HRR documentation shall be:
- a. Maintained on the Forest in controlled access facilities, and be available for public review, subject to the confidentiality requirements of Section 304 of the NHPA and/or Section 9 of the ARPA. The records will be kept on the Forest to support NEPA decisions and compliance with NHPA; and
 - b. Submitted to the SHPO for review.
9. No additional identification efforts are required prior to making decisions about implementation of undertakings if their APEs are entirely within areas that have been previously inventoried and the HRM, or qualified heritage professionals delegated by the HRM, determine that no additional inventory and consultation with the SHPO are required prior to making such decisions, provided the following conditions are met:
- a. The HRM, or qualified heritage professionals delegated by the HRM, confirm that previous identification efforts meet current standards (Stipulation III.C.7); and
 - b. These findings are documented in writing and meet current standards (Stipulation III.C.7).

D. Evaluation of Historic Properties

- 1. For the purposes of this undertaking, all cultural resources within the Undertaking APEs are considered historic properties, even if they have not been formally evaluated using NRHP criteria (36 CFR §60.4), unless they have already been determined not eligible in consultation with the SHPO or through other agreed on procedures (36 CFR §60.4; 36 CFR §800; etc).

2. If undertakings may diminish historic property NRHP values, then the Forest will follow the provisions of 36 CFR §800.4-5 regarding evaluation and assessment of effects, except as provided in Stipulation III.D.3, below.
3. If the HRM, or qualified heritage professionals delegated by the HRM, determine that the nature and scope of the proposed undertaking is such that their effects can be reasonably predicted, but appropriate measures can be undertaken to ensure that the values of historic properties are not affected in any way, then these historic properties will be managed and maintained in a manner which ensures that their values are preserved by using the standard resource protection measures listed in Attachment A. Under these circumstances and coupled with the implementation of protection measures in Attachment A, no NRHP evaluation is required prior to implementing undertakings.
4. When minor effects may occur to historic properties as a result of the implementation of some protection measures (e.g., barrier installations), and it is likely that these effects would not diminish historic property NRHP values, then HRMs may approve the use of these protection measures without evaluating the properties for NRHP eligibility.
5. HRMs may also recommend that limited subsurface testing accompany the use of protection measures having minor effects as a form of monitoring for verification purposes.
 - a. The objective of limited testing is only to verify the assumption that minor effects will not diminish property NRHP values, and not to obtain the appropriate level of information needed for NRHP determination.
 - b. If limited testing does yield sufficient information to assess NRHP eligibility, then Forests shall determine NRHP eligibility.
 - c. Limited testing shall not be used to determine that properties are not eligible for the NRHP.

E. Implementation of the Undertaking

1. Where there Are No Historic Properties: Where no historic properties are identified following intensive inventory, or approved sample or non-intensive inventory pursuant to Stipulation III.C.5, no consultation with the SHPO or ACHP is required prior to implementing undertakings. The HRR will be completed prior to making decisions about project implementation.
2. Where Management Measures Are Not Necessary for the Protection of Historic Properties: Where historic properties are identified following intensive inventory, or approved sample or non-intensive inventory pursuant to Stipulation III.C.5, but will not be affected, and the undertaking can be implemented without adopting management measures to protect historic properties, then the undertaking can be implemented without further review or consultation with the SHPO and/or ACHP. The HRR will be completed prior to making decisions about project implementation.
3. Where Management Measures Are Necessary for the Protection of Historic Properties: Where historic properties are identified following intensive

inventory or approved sample or non-intensive inventory pursuant to Stipulation III.C.5, and effective protection measures will be employed (Attachment A), no review or consultation with the SHPO or ACHP is required prior to implementing undertakings.

- a. The Forest may consult with the SHPO, pursuant to 36 CFR §800, on any undertaking covered by this PA where use of standard resource protection measures is proposed.
 - b. At its discretion and with the cooperation of the Forest, the SHPO may participate with the Forest in review or consultation on specific undertakings, or classes of undertakings, where standard resource protection measures are being used.
 - c. The HRR for the Undertaking will be completed prior to project implementation.
4. When the Undertaking requires compliance with the ACHP's regulations (36 CFR §800): The Forest shall comply with 36 CFR §800 for the Undertaking when historic properties may adversely be affected. The Forest shall follow Stipulation VII.A when undertakings implemented under the provisions of this PA result in inadvertent effects.

IV. MONITORING

A. Monitoring Standards Where Protective Measures Are Not Necessary.

Historic properties that do not require protective measures to retain NRHP values will not, in most cases, be monitored. The following circumstances are exceptions where monitoring of such properties will be considered or undertaken.

1. When assessments of effects change during implementation because of unforeseen circumstances, and these changes then require adoption of Standard Resource Protection Measures for previously identified historic properties, monitoring shall be required if the HRM determines that information is inadequate to ascertain whether these measures are appropriate. Monitoring might be appropriate if proposed activities are near some types of historic properties or traditional cultural properties of importance to Native Americans, or if the effectiveness of identified protection measures is problematic. Monitoring may be necessary during and/or after these undertakings.
2. When historic properties are discovered during implementation of the undertaking, monitoring shall occur as early as possible to determine whether the historic properties may be affected by proposed activities, and whether the use of Standard Resource Protection Measures is appropriate. Monitoring frequency will be determined by the HRM.

B. Monitoring Standards Where Protective Measures Are Necessary

1. The Forest HRM, or qualified heritage professionals delegated by the HRM, shall determine schedules and requirements for any monitoring. Permanent records shall be completed for all monitoring events, and shall be kept on file at the Forest Supervisor's Office. Inspection by the SHPO may be performed

during or after undertakings with advance notice and arrangement between the SHPO, the HRM, and the Forest Supervisor.

2. Where it is found that Standard Resource Protection Measures have not been implemented as prescribed, and activities have occurred that may have affected identified historic properties, then the HRM or another qualified professional will inspect the historic property and proceed according to the following stipulations:
 - a. If the undertaking has not been completed when the HRM receives notification from the project leader or other source that the prescribed protection measures have not been followed, then all activities in the immediate vicinity of the historic properties shall be suspended until heritage resource professionals examine the properties and the HRM determines the appropriate course of action.
 - b. If NRHP values have not been affected, and Standard Resource Protection Measures can be effectively employed for the remaining implementation, the HRM may decide that the undertakings may resume without further consultation.
 - c. If NRHP values have been affected, consultation will be initiated in accordance with Stipulation VII.A. The Forest's Annual Report to the SHPO (see Stipulation VI below) shall describe all instances where Standard Resource Protection Measures were prescribed but were either not implemented or not fully implemented, and the measures taken to ensure subsequent protection of historic properties.
 - d. If undertakings have been completed when the HRM receives notification that prescribed protection measures have not been followed, then field inspections of respective historic properties will be initiated as soon as possible, and the provisions of Stipulations VII.A.2 and VII.A.3 shall be followed. The circumstances surrounding the Forest's failure to use prescribed protection measures and the actions taken by the Forest in the aftermath of such failure will be described in the Forest's Annual Report to the SHPO (see Stipulation VI below).
 - e. If the HRM has a reasonable concern that use of Standard Resource Protection Measures may not provide adequate protection to historic properties because of the nature, scope, frequency, and/or duration of certain types of recurrent undertakings, monitoring in a manner prescribed by the HRM will be carried out to verify that protection measures are adequate.

C. Monitoring for Identification of Historic Properties

1. Where no known historic properties exist in APEs following inventory, but uncertainty remains about the possible presence of historic properties because of observation limitations, information from the literature review, sensitivity models, or other sources (e.g., oral history), monitoring may be employed during implementation of undertakings if recommended by the HRM. The purpose would be to ensure that unidentified historic properties, if present, are

not irretrievably lost, damaged, or destroyed. If any properties are identified and found to be affected, the provisions of Stipulation VII shall be followed.

2. System routes should be periodically monitored to determine if ongoing motorized recreation uses, changes in use, or maintenance activities have the potential to affect historic properties. Priority for monitoring should be placed on system routes not subject to previous consultation under Section 106 of the NHPA. If the potential for effects is identified, HRMs may require inventory, pursuant to Stipulation III.C, to identify historic properties that may be adversely affected.

D. **Monitoring for Effects to Historic Properties**

The HRM, or qualified professionals delegated by the HRM, may determine if monitoring is necessary to identify on-going adverse effects or resource protection measures that may minimize adverse effects.

1. Where monitoring indicates effects are ongoing, appropriate resource protection or treatment measures (e.g., barriers, fencing, trail reroutes, padding, signing, site mitigation, etc.) to minimize effects will be determined in consultation with the signatory parties.
2. Within two years, assess the need for either continued monitoring or change in resource protection measures to ensure adverse effects are minimized or eliminated.

V. MINOR EMERGENCIES

In the case of minor emergencies, such as damage from fallen trees, temporary measures that are fully reversible may be used for resource stabilization or to protect the health and safety of the public until other necessary measures can be approved under this PA or until consultation can be completed pursuant to 36 CFR §800.

VI. ANNUAL REPORTS

- A. The Forest shall prepare an Annual Report of all activities undertaken under this PA. The Annual Report is due March 1 of the following fiscal year, beginning in 2010. The Annual Report will be submitted to the SHPO, the Regional Forester, and to the ACHP, should the ACHP request it.
- B. At a minimum, the Annual Report prepared under this PA shall include a summary of all studies conducted for the Undertaking covered by the PA, including information regarding:
 1. Results of all survey and identification efforts (e.g., acres surveyed, newly recorded and re-recorded historic properties), including those where no historic properties were identified within undertaking APEs;
 2. Management measures employed to protect any identified historic properties;
 3. Findings from monitoring efforts;
 4. Descriptions of any inadvertent effects or unanticipated discoveries, and steps taken to resolve effects;
 5. Descriptions of any foreclosures and steps taken to resolve foreclosures;

6. Consultation with interested persons or any pertinent results obtained from public notification and participation processes;
7. Assessments of the effectiveness of the PA, including any reasonably reliable estimates of cost savings and/or increases in management efficiency; and
8. Other available information to clarify the effects to historic properties from the Undertaking that the Forest or the SHPO request be incorporated into Annual Report.

VII. INADVERTENT EFFECTS AND UNANTICIPATED DISCOVERIES

A. Inadvertent Effects

The Forest shall notify the SHPO, the ACHP, and the Regional Office immediately upon discovery that properties have been affected by the Undertaking implemented under this PA.

1. If the Undertaking has not been completed at the time effects are discovered, all activities in the vicinity of the affected historic properties shall cease and reasonable efforts shall be taken to avoid or minimize harm to the properties until the following consultations are completed. The Forest shall consult with the SHPO for not more than 10 calendar days after discovery to agree on a mutually acceptable course of action regarding the historic properties. If the Forest and the SHPO agree upon a mutually acceptable course of action during this time frame, the Forest shall proceed with that course of action. If agreement cannot be reached within this time frame, the SHPO shall be afforded 10 calendar days thereafter to provide written comments to the Forest. Thereafter, the Forest shall consult with the ACHP for not more than 10 calendar days. If the Forest and the ACHP agree upon a mutually acceptable course of action during this time frame, the Forest shall proceed with that course of action. If agreement cannot be reached within this time frame, then the Forest shall provide the ACHP with summary written documentation on the issues, including any SHPO comments and feasible steps that might be taken, and in writing request the comments of the ACHP before making decisions on whether or how to proceed with the undertakings. The ACHP shall have 10 calendar days following receipt of requests to provide the Forest with comments, which the Forest shall take into account in reaching their decisions. The Forest shall in writing notify the ACHP, the SHPO, the Region, and any interested parties of their decisions within 10 calendar days after those decisions have been rendered. Notifications shall include substantive explanations of such decisions.
2. If the Undertaking has already been concluded when effects to properties are discovered, the Forest shall consult immediately with the SHPO, and with the ACHP if it chooses to participate, to agree on a mutually acceptable course of action that the Forest shall implement within specified time periods established through consultation. This consultation shall not exceed 30 calendar days. If the Forest, the SHPO, and the ACHP (if participating), agree upon a mutually acceptable course of action during this time frame the Forest shall proceed with that course of action. If agreement on a course of action cannot be reached within this time frame, the Forest shall take any comments received during consultation into account. The Forest shall in writing notify the SHPO, the

ACHP (if participating), the Region, and any interested parties of their decisions within 10 calendar days after those decisions have been rendered. Notifications shall include substantive explanations of such decisions.

3. Within six months of initiation of consultation under paragraphs 1 or 2 of this stipulation, the Forest shall provide the SHPO, the ACHP (if participating), the Region, and other interested parties with written reports describing the undertakings and the circumstances surrounding the effects. Reports must include information regarding the types of properties affected, property NRHP status, nature of the effects, date effects identified, locations of properties (i.e., name of Ranger District), condition of properties, and other pertinent information. Copies of reports available to interested parties or for public review are subject to the confidentiality requirements of Section 304 of the NHPA and/or Section 9 of the ARPA.

B. Unanticipated Discoveries

1. If an unanticipated discovery of at-risk historic properties is made during project implementation and sites have been affected by project activities, the Forest shall use the process defined in the Inadvertent Effects Stipulation VII.A, above, to notify and consult with the SHPO, the ACHP, and the Regional Office.
2. If an unanticipated discovery of at-risk historic properties is made during project implementation and sites have not been affected by the time of discovery, project activities shall be halted immediately in the vicinity of the sites, and the HRM shall design and implement protective measures to eliminate or minimize potential effects, prior to authorizing resumption of project activities. If standard resource protection measures cited in Attachment A are not adequate to prevent adverse effects, other treatment measures may be identified and approved in consultation with the SHPO.

VIII. RESOLVING OBJECTIONS

- A. Should any party to this PA object at any time to the manner in which the terms of this PA are implemented, or to any action carried out or proposed with respect to implementation of the PA or to any documentation prepared in accordance with and subject to the terms of this PA, they shall immediately inform the other parties to this PA of the objection. In an effort to resolve the problem, the objecting party shall consult with the other party to the PA for a period not to exceed thirty (30) days. If the objection is resolved through such consultation, the action in dispute may proceed in accordance with the terms of that resolution. If the Forest Supervisor determines that the objection cannot be resolved by the signatories to the PA, the Forest Supervisor shall then forward all documentation relevant to the objection to the ACHP, including the Forest's proposed response to the objection, with the expectation that the ACHP will, within thirty (30) days after receipt of such documentation:

1. Advise the Forest Supervisor that the ACHP concurs in the most current proposed response to the objection, whereupon the Forest Supervisor will proceed in accordance with that response, and the objection will thereby be resolved; or

2. Provide the Forest Supervisor with recommendations, which the Forest Supervisor will take into account in reaching a final decision regarding its response to the objection; or
 3. Notify the Forest Supervisor that the objection will be referred for comment pursuant to 36 CFR §800.7(a)(4), and proceed to refer the objection and comment. The Forest Supervisor shall take the resulting comments into account in accordance with 36 CFR §800.7(c)(4) and Section 110(1) of the NHPA.
- B. Should the ACHP not exercise one of the foregoing options within 30 days after receipt of all pertinent documentation, the Forest Supervisor may assume the ACHP's concurrence in its most current proposed response to the objection and proceed in accordance with that response. The objection will thereby be resolved.
 - C. The Forest Supervisor shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection. It is the Forest Supervisor's responsibility to carry out all other actions under this PA that are not the subject of the objection will remain unchanged.
 - D. The Forest Supervisor shall provide the SHPO and the ACHP with a copy of its final decision regarding any objection addressed pursuant to this stipulation. Transmittal of this document by the Forest Supervisor to the SHPO and the ACHP shall resolve the objection.
 - E. The Forest Supervisor may authorize any decision or other action subject to objection under this stipulation to proceed after the objection has been resolved in accordance with the terms of this stipulation.

IX. NEPA COORDINATION AND PUBLIC PARTICIPATION

- A. The Forest shall use the public notification process embodied in NEPA (42 U.S.C. 4321 4346) to comply with provisions for public notification, identification of interested parties, and public participation found in 36 CFR §800. Interested parties shall be afforded an opportunity to comment on the manner in which the effects of undertakings implemented under the provisions of this PA are taken into account. The Forest Service's policy and procedures for implementing NEPA (Forest Service Manual 1950; Forest Service Handbook 1909.15; at 57 FR 43180 43213) include public notification and involvement of interested parties, beginning at the earliest stages of planning undertakings, during environmental analysis, and after decisions are made.
 1. The NEPA process allows governments, organizations, groups, and individuals opportunities to comment on the Forest's undertakings. These comments are taken into account in making NEPA decisions. Interested parties who have provided comments during the NEPA process have administrative appeal rights after decisions are made; the public is notified of those rights and the appeals process (36 CFR §215).
 2. The NEPA scoping process shall be used to meet 36 CFR §800 responsibilities to involve tribal governments, Native Americans, and other interested parties, to solicit information about identification of properties important for their

historic values, and about the effects to and treatment of historic properties in relation to proposed undertakings.

3. The Forest Service NEPA appeals process at 36 CFR §215 shall be used to handle 36 CFR §800 appeals from tribal governments, Native Americans, and other interested parties about the identification of historic properties and their values, and the effects to and treatment of historic properties, within the undertakings about which NEPA decisions are made.
- B. Attachment E and the terms of this stipulation constitute the process that shall be used by the Forest to ensure the public is notified of planned undertakings and also establish the manner in which comments on particular programs and undertakings may be taken into consideration.
 - C. If the HRM, or qualified heritage professionals delegated by the HRM, determine that certain components of the Undertaking are likely to have significant, controversial, or unforeseen effects on historic properties based on known information, such components shall be excluded from implementation under the provisions of this PA. Compliance with Section 106 of the NHPA for such components is to follow 36 CFR §800 instead. The Forest must ensure that interested parties are provided opportunities to comment on the effects of these undertakings, and on undertakings that meet Stipulation III.E.4, pursuant to 36 CFR §800.

X. AMENDMENT OF THIS PA

- A. Any signatory may propose that this PA be amended, whereupon the signatory parties will consult to consider such amendment pursuant to 36 CFR §800.6(c)(7). The Forest Supervisor shall establish a reasonable time frame for this consultation. This PA may be amended only upon the written agreement of the Forest and the SHPO. If it is not amended, this PA may be terminated by the Forest or the SHPO in accordance with Stipulation XI.
- B. Existing attachments and/or appendices to this PA may be amended or deleted, and new attachments and/or appendices developed and appended, through consultation among the signatory parties without amending the PA proper. No action proposed pursuant to this paragraph shall take effect without the unanimous written agreement of the Forest and the SHPO.

XI. TERMINATION OF THIS PA

- A. Only the Forest or the SHPO may terminate this PA, unless termination occurs by other means specified in this stipulation.
- B. If this PA is not amended pursuant to stipulation X.A., if the Forest and the SHPO cannot agree on an action proposed pursuant to stipulation X.B., or if the Forest or the SHPO proposes termination of this PA for other reasons, the party proposing termination shall in writing notify the other party, explain the reasons for proposing termination, and consult with the other party for at least 60 days to seek alternatives to termination.
 1. Should such consultation result in an agreement on an alternative to termination, the parties shall proceed in accordance with the terms of that agreement.

2. Should such consultation fail, the party proposing termination may terminate this PA by promptly notifying the other parties in writing. Upon transmittal of such notification, this PA shall terminate and shall be rendered without further force or effect.
- C. If this PA is terminated pursuant to paragraph B.2 of this stipulation, the Forest shall either consult in accordance with 36 CFR §800.6 to develop a new agreement document or initiate consultation pursuant to 36 CFR Part §800 for all undertakings formerly covered by the terminated PA until such time as a successor agreement document is executed.
- D. This PA shall automatically terminate, and have no further force or effect, on **January 1, 2019** unless prior to that time, it is:
1. Terminated pursuant to paragraph B.2 of this stipulation;
 2. Extended by written agreement of the Forest and the SHPO; or
 3. Terminated by a successor agreement document.

Execution and implementation of this PA is evidence that the Forest has afforded the ACHP the opportunity to comment on designation of its NFTS in Nevada and its effects on historic properties, and that the Forest is taking into account the effects of the Undertaking on historic properties.

SIGNATURES

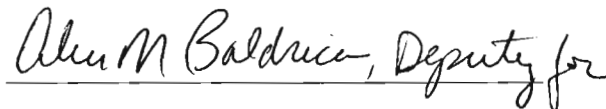
U.S.D.A. Inyo National Forest



JIM UPCHURCH
Forest Supervisor

Date: 6/16/09

State of Nevada, Office of Historic Preservation



RONALD M. JAMES
State Historic Preservation Officer

Date: 7/6/09

ATTACHMENT A: STANDARD RESOURCE PROTECTION MEASURES FOR HISTORIC PROPERTIES WITHOUT STRUCTURES

The following protection measures shall be implemented as appropriate for the Undertaking managed under this PA. When these protection measures are effectively applied, the Forest will have taken into account the effects of the Undertaking on historic properties, and no consultation under 36 CFR §800 is required.

These protection measures are low to no impact and are designed to protect any characteristics or values that may make properties eligible for inclusion in the NRHP. These protection measures will be implemented prior to the designation of new system routes where warranted (i.e., implemented as conditions of designation).

Where protection measures are needed that may have effects on historic properties, evaluation efforts may be confined to identified APEs.

Whenever possible, at a minimum, historic properties shall be excluded from areas where activities associated with the Undertaking will occur. Where they cannot be excluded from APEs, specialized protection measures may be used.

Forest HRMs may provide written approval for the work specified below within the boundaries of historic properties, under carefully controlled conditions. All activities associated with the prescription and implementation of standard resource protection measures must be documented in the HRR, pursuant to this PA.

- A. The following activities may be approved under the conditions detailed below:
 1. Felling and removal of hazard, windthrow, and salvage trees within historic properties under the following conditions:
 - a. Felled trees may be removed using the following techniques:
 - i. hand bucking and carrying;
 - ii. rubber tired loader;
 - iii. crane/self-loader;
 - iv. helicopter; or
 - v. other non-disturbing, HRM-approved methods;
 - b. equipment operators shall be briefed on the need to reduce ground disturbances (e.g., minimizing turns);
 - c. no skidding nor tracked equipment shall be allowed within historic property boundaries; and
 - d. all such activities must be monitored by qualified heritage specialists at the time of tree removal, or as soon as safely permitted after removal.
 2. Adoption or implementation of use controls:
 - a. Closures: temporary closure of area (e.g., during wet season), or long-term closure;
 - b. Signage: use restrictions, informational, etc.;

- c. Access Exclusion: installation of gates when placed where the HRM determines there will be no effect, such as placement in disturbed contexts, road prisms, or at site boundaries;
 - d. Adaptive Management: a protocol that proceeds through stages managed to reduce or eliminate any effect. It may include monitoring, education, signage, and closure in a sequential process, each step predicated on the results of the previous step.
- 3. Installation of physical barriers and protection devices within the boundaries of historic properties:
 - a. Non-intrusive barriers:
 - i. wooden and other barriers anchored with rebar;
 - ii. rocks/boulders or other items placed on the surface;
 - iii. certified weed-free straw bales/straw bales anchored with rebar;
 - b. Fencing:
 - i. T-post fencing;
 - ii. snow fencing;
 - iii. orange highway-type fencing; and
 - iv. other fencing with limited ground disturbance approved by HRMs.
- 4. Adoption or implementation of use controls:
 - a. Closures -- temporary closure of area (e.g., during wet season), or long-term closure;
 - b. Signage (use restrictions, informational, etc.);
 - c. Access Exclusion such as installation of gates when placed where HRMs determine there will be no effect, such as placement in disturbed contexts, road prisms, or at site boundaries;
 - d. Adaptive Management (protocol that proceeds through stages managed to reduce or eliminate any effect) that includes monitoring, education, signage, and closure in a sequential process.
- 5. Use of vegetative screening or surface treatments:
 - a. Broadcast seeding;
 - b. Broadcast slash/straw, etc.; and
 - c. Planting of vegetation to promote screening/natural fencing.

Any such specified activities within the boundaries of historic properties shall be reviewed in the Annual Report to assess continuation of or need for changes in the protection measure.

ATTACHMENT B: HERITAGE RESOURCES STRATEGY FOR THE DESIGNATION OF A NATIONAL FOREST TRANSPORTATION SYSTEM ON INYO NATIONAL FOREST LANDS IN NEVADA

I. INTRODUCTION

Definition of terms used in this Attachment are provided in Attachment C.

Off-highway vehicle (OHV) use has grown substantially since the early 1970s. Much of this use is on designated roads, trails, and specifically defined areas. The Inyo National Forest (Forest) has determined that unmanaged motor vehicle use—largely the result of user-created roads, trails, and other off-route use areas—is adversely affecting soils, water quality, wetlands, sensitive habitats, historic properties, and other resource values and public uses. In an effort to address unmanaged motor vehicle use, the U.S.D.A. Forest Service is developing a new motorized recreation management policy that provides for quality motor vehicle recreational uses on national forest lands and meets its responsibilities to manage and protect natural and cultural resources.

The centerpiece of this policy is the designation of a National Forest Transportation System (NFTS) of roads, trails, and specifically defined areas (routes); it includes the prohibition of motor vehicle use off these designated routes. To accomplish this policy objective, the Inyo National Forest plans to designate system routes and close all roads, trails, and off-route use areas to motorized vehicular use that are not designated part of the Forest System routes.

This Heritage Resources Strategy for the Designation of a National Forest Transportation System on Inyo National Forest Lands in Nevada (Strategy) has been developed to provide details to the PROGRAMMATIC AGREEMENT AMONG THE U.S.D.A. INYO NATIONAL FOREST AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER, REGARDING THE PROCESS FOR COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR DESIGNATING A NATIONAL FOREST TRANSPORTATION SYSTEM ON INYO NATIONAL FOREST LANDS IN NEVADA (PA), to meet National Historic Preservation Act (NHPA) Section 106 compliance needs, and to provide for the timely integration of historic property information into environmental planning under the National Environmental Policy Act (NEPA). Inventory, evaluation, assessment, and protection strategies developed as part of this Strategy are based upon the assumption that motor vehicle use can be predicted from past experience and managed in ways that protect historic properties and reduce the threat that motor-vehicle uses may have on historic properties. Effective management can be achieved through short- and long-term measures, such as system redesign, monitoring, treatment measures, seasonal closures, and public outreach efforts. This Strategy will be applied only to routes that are studied for possible designation as part of the NFTS.

The objectives of this Strategy are to establish heritage resource inventory, evaluation, assessment, and protection requirements needed for NHPA Section 106 compliance for the development of a NFTS.

A. Background

The uncontrolled use of motor vehicles on Forest system lands in Nevada, and the impacts from such use, are receiving increasing attention by the USDA Forest Service and the public. Cross-country OHV use is often cited as an example of

“unmanaged recreation,” one of the key threats to National Forest identified by the Chief of the Forest Service.

All the current direction and authority regarding permitting or prohibiting motor vehicle use off roads on NFTS lands is tiered from Executive Order 11644, signed by President Nixon in 1972, and modified by Executive Order 11989 in 1977. Executive Order 11644 states:

It is the purpose of this order to establish policies and provide procedures that will ensure that the use of off-road vehicles on public lands will be controlled and directed so as to protect the resources of those lands, to promote the safety of all users of those lands, and to minimize conflicts among the various uses of those lands.

Section 3 of Executive Order 11644 further states that:

1. Each agency head shall develop and issue regulations and administrative instructions...to provide for administrative designation of the specific areas and trails on public lands on which the use of off-road vehicles may be permitted, and areas and trails in which the use of off-road vehicles may not be permitted, and set a date by which such designation of all public lands shall be completed.
2. Forest Service regulations governing OHV use are found at 36 CFR §295. Additional direction is found in sections 2352, 2353, and 2355 of the Forest Service Manual. The Forest currently restricts OHV use. Restricted use is defined as:
 - a. Areas and trails on which motorized vehicle use is restricted by times or season of use, types of vehicles, vehicle equipment, designated areas or trails, or types of activities specified in orders issued under the authority of 36 CFR Part 261.

B. Laws, Regulations, and Policy

The various laws, regulations, and Forest Service policies regarding or affecting motor vehicle use on National Forest System lands are identified in the Route Designation Guidebook, National Forest in California (USDA Forest Service 2004) (Route Designation Guidebook). These provide important direction and guidance when analyzing potential roads, trails, systems and off-route use and specifically defined areas for decisions regarding the designation of motor-vehicle routes. The following list contains particularly relevant direction.

1. Forest Service policy is to apply the minimum restrictions required to protect resources and provide for user safety while continuing to provide wheeled-OHV opportunities (FSM 2350.3 (5)).
2. All roads, trails, and areas that are managed for wheeled, motorized, OHV use must be: (1) system roads, system trails, or specifically defined areas, (2) listed as forest transportation facilities, and (3) included in the Forest Transportation Atlas.
3. Unclassified roads should be converted to system roads or system trails, or decommissioned, depending on local objectives, in site-specific project decisions (36 CFR Part 212 Sec, 5 (b)(2)).

4. All areas and trails off roads must be designated to allow, restrict, or prohibit use by specific vehicle types (36 CFR Part 295 Sec. 2(a)).
5. Designation of trails and specifically defined areas for motor vehicle use requires environmental analyses and decision documents signed by Forest Supervisors.
6. Forest Orders must be issued to make prohibitions resulting from route designation enforceable.

II. ROUTE DESIGNATION PROCESS

Region 5 has developed recommended guidelines for the Forest to follow in their assessments of routes for possible designation (see Route Designation Guidebook). These guidelines envision a five-step process leading to the designation of system routes. These five steps are:

- Map (Geographic Positioning System, GPS) existing unclassified roads, OHV trails (both system and non-system), and off-route use areas, and enter the data in GIS (Geographic Information System) and INFRA (Infrastructure database).
- Issue temporary Forest Orders prohibiting wheeled motor vehicle use in areas other than mapped roads, trails, and off-route use areas. Involve the public.
- Evaluate inventoried roads, trails, and areas; collaborate with the public in developing proposed systems of roads, trails, and specifically defined areas for use by wheeled motor vehicles; complete surveys of information and data gaps. Involve the public.
- Complete analyses and prepare NEPA documents designating all system routes for wheeled motor vehicle use. Involve the public.
- Issue Forest Orders to prohibit motor vehicle use off system routes. Involve the public. Install appropriate signing, publish maps of approved motor vehicle systems for public distribution, and implement any mitigation measures.

A. Heritage Resources

This Strategy allows the Forest to coordinate the requirements of the NEPA and the NHPA when analyzing the effects of possible route designations. The Forest has already identified and mapped the locations of unclassified roads, non-system trails, and off-highway use areas that are to be the focus of the environmental assessment and Forest decisions on designating the NFTS. This Strategy is designed to provide a standardized process for conducting needed cultural resources inventories, assessing the nature of any identified effects or risks to historic properties, prescribing agreed-on protection measures where necessary, and providing timely input for an environmental assessment in the form of an Environmental Impact Statement (EIS).

This strategy envisions a multiphased approach to compliance with NHPA's Section 106. This approach is tailored to the process identified by the Pacific Southwest Region's Route Designation Guidebook. Early steps in this process include the mapping of non-system trails and unclassified roads, the identification of known resource impacts and conflicts with other public uses, and the preparation of proposed systems that include National Forest System roads and trails, unclassified

roads, non-system trails, and specifically defined areas. The proposed systems are based on known resource impacts, FLRMP direction, OHV user needs, and motor vehicle system design principles. The proposed system is then analyzed in greater detail as part of the environmental analysis process leading to decisions about which routes will become part of Forest designated route systems, and which will be closed to such uses. This strategy includes recommended procedures for identifying known cultural resource conflicts as part of the process for determining the proposed systems to be studied further, and procedures for inventorying the proposed systems, evaluating historic properties, assessing potential effects to historic properties, identifying standard protection measures that would lessen or reduce effects to acceptable levels, and other management measures.

B. Compliance with Section 106 of the NHPA

The following procedures apply to the Forest's efforts to identify, evaluate, assess, and protect historic properties as part of their assessments of proposed system routes. The following Strategy is designed to provide historic property information in a timely manner for consideration under NEPA. Unless cancelled or modified in accordance with stipulations in the PA, this Strategy shall remain in effect until the Forest has completed all prescribed cultural resources inventories and assessments. The management of historic properties, subsequent to route designations, will be accomplished under Section 106 of the NHPA or other subsequent programmatic agreements applicable to Inyo National Forest lands located in the State of Nevada.

In order to meet current NEPA schedules for completing assessments of proposed OHV systems and designating OHV routes and specifically defined areas (i.e., summer 2009), this strategy must focus on allocating available resources where needed the most. To do this, the Forest must set priorities. All of the proposed NFST roads and trails, unclassified roads, non-Forest Service System trails, and off-route use areas on Inyo National Forest lands in Nevada cannot be equally considered for inclusion in the NFTS. Some can, and have been, excluded early in the planning process based on known resource conflicts, economics of mitigating resource damage, FLRMP direction, and NFTS design principles. The ultimate objective should be to designate a comprehensive NFTS that supports OHV motorized recreation use to the extent practicable after considering conflicts with other resources and long-term land management objectives.

The following criteria are some of those that may be used to help set Forest planning priorities: (1) Forest schedules for proposing OHV route systems for study; (2) miles of non-system roads and trails; (3) acres of off-route use areas needing inventory; (4) levels of motorized use on the Forest; and (5) Forest schedules and ability to complete NEPA analysis before summer 2009. Information helpful during the first steps in this process have been obtained from: (1) maps of currently designated OHV systems; (2) maps of non-system roads, trails, and off-route use areas; (3) maps and information regarding known or potential resource conflicts (i.e., soils, biological, botanical, cultural, tribal, etc.) on non-system routes and specifically defined areas; and (4) direction found in FLRMPs (i.e., Backcountry Areas, Inventoried Roadless Areas, Northwest Forest Plan NWF-FLRMP Key Watersheds), Roads Analyses, and elsewhere.

C. OHV Use Levels

To help predict potential effects to historic properties arising from decisions to designate roads, trails, or off-route use areas for OHV use, OHV use-level categories (Route Designation Guidebook) have been incorporated in this Strategy. These use levels will assist in setting resource survey priorities and estimating potential risks to historic properties. Where use levels are unknown, recreation and motorized recreation specialists can estimate use based on mapped route and area characteristics and other known use levels throughout the forest.

Use level categories are:

Heavy Use: 1501 or more OHVs per week maximum.

High Use: 501 – 1500 OHVs per week maximum.

Medium Use: 101 – 500 OHVs per week maximum.

Low Use: 25 – 100 OHVs per week maximum.

Light Use: fewer than 25 OHVs per week maximum.

III. HERITAGE RESOURCES INVENTORY OF PROPOSED ROUTES

The proposed routes subject to NEPA and NHPA's Section 106 analyses will likely be the product of the Forest's interdisciplinary scoping and information obtained from tribes and the public. The proposed systems should be based on preliminary analyses of the inventoried non-system trails, unclassified roads, and off-route use areas, designated trails and classified roads, system design principles, in addition to tribal and public input. Various resource and program area specialists (e.g., from biology, botany, fisheries, soils, hydrology, cultural resources, tribal relations, transportation engineering) should assist recreation program managers and planning staff during the Forest-level scoping to identify known resource concerns and potential resource conflicts in the early development of proposed motorized route systems. As inventories of Forest non-system roads, trails, and specifically defined open areas are completed and entered into Forest GIS systems, comparisons with designated systems and other resources already mapped in GIS will be an effective method of identifying potential resource conflicts, and developing proposed motor vehicle route systems for further analysis.

Once Forests develop their proposed systems that will be the subject of NEPA analysis, Forest Heritage Resources Managers (HRMs) will identify inventory needs based on the priorities prescribed in this strategy. Coordination with Forest Motorized Recreation specialists may be necessary to identify which roads, trails, or off-route use areas should receive the greatest priority for inventory wherever there are redundant systems or whenever system design principles or needs may be paramount.

Certain roads, trails, or off-route use areas may be closed to motorized use as part of these assessments by excluding them from designated systems. Decisions to close roads, trails, or off-route use areas do not necessarily prohibit non-motorized uses (e.g., hiking, horseback riding, mountain bicycling). If the ways in which specific roads, trails, or open areas shall be removed or decommissioned are part of NEPA decisions on designating routes, Forest HRMs shall determine whether those decisions constitute undertakings under 36 CFR §800. If they are undertakings, then appropriate cultural resource inventories of the areas of potential effects (APEs) shall be completed, and heritage

strategy or Motorized Recreation PA procedures shall be followed. Where no decisions are made on the ways (i.e., other than exclusion in system route designation) in which routes will be removed or decommissioned, cultural resource inventory and historic property treatments can be deferred until such time as specific closure or removal options that might be undertakings will be considered.

A. Inventory Priorities

For the purposes of this Strategy, priority and deferred heritage resource survey strategies are defined below. These strategies (in descending order) will help guide decisions at the Forest level.

1. Priority Survey:

- a. Includes unclassified roads, non-system trails, and off-route use areas that are:
 - i. needed to connect desirable routes or areas to existing, approved (i.e., currently designated system), motorized trails and roads;
 - ii. identified by the Forest as priorities for possible system route designation based on preliminary analysis, internal multidisciplinary scoping, or public input;
 - iii. selected by the Forest for study and have known or likely heritage resource conflicts or heavy to low OHV use (as defined in II.C above);
- b. Includes National Forest System roads, trails, and specifically defined areas without previous Section 106 consultation that are selected by the Forest for inventory in conjunction with the route designation planning process:
 - i. because of possible heritage resource concerns along heavy to low use routes; or
 - ii. to assess potential effects of system maintenance needs (e.g., use of mechanized groomers for trail maintenance or graders along road cuts where historic properties may be located).

2. Deferred Survey:

- a. Survey may be deferred for unclassified roads, non-system trails, and off-route use areas, and for National Forest System roads, trails, and specifically defined areas without previous Section 106 consultation that:
 - i. have critical resource values, likely adverse effects with high or unacceptable mitigation costs, or other management or policy conflicts that make them less likely to be designated as OHV system routes or specifically defined areas and more likely to be candidates for closure or removal;
 - ii. receive light OHV use (as defined in II.C above);
 - iii. are existing system roads, trails, or specifically defined use areas, except as selected in priority survey item "1.b", above;

- iv. are surfaced roads or facilities (e.g., trailheads), except as selected in priority survey item “1.b”, above;
 - v. have no decisions made on the ways (i.e., other than exclusion in system route designation) in which routes will be removed or decommissioned.
- b. Routes initially considered to be deferred for heritage resource survey may be elevated during the planning process to priority depending on system needs, public input, or other reasons.

B. Inventory Strategies

Under the current planning schedule, the Forest should complete their cultural resources inventory and related assessments, and provide information regarding the effects that proposed undertakings would have on historic properties for analysis under NEPA, as follows:

1. Priority Survey: Complete inventory prior to making NEPA decisions to designate the NFTS.
2. Deferred Survey:
 - a. Heritage resource inventory of proposed routes may be deferred pursuant to the above priorities when approved by Forest HRMs.
 - b. Where heritage resource inventory was deferred prior to route designation, Forests shall conduct periodic monitoring of designated routes to identify any changes that could result in effects to historic properties if they are present. If use or maintenance change in ways that could have effects on historic properties, the Forest shall complete inventories of designated routes to identify at-risk historic properties.
 - c. At-risk historic properties within deferred inventory routes shall be considered when developing route monitoring plans.
 - d. If deferred inventory roads, trails, or off-route use areas are elevated to priority survey during the planning period, they shall be inventoried for heritage resources prior to completion of NEPA analyses and decisions about designation.
 - e. No heritage resource inventory is required if roads, trails, or off-route use areas are excluded from consideration for designation.

C. Inventory Methods

Intensive inventories of APEs, regardless of land ownership, generally will be performed under this strategy. Coverage methods will be based on information obtained from reviews of pertinent literature and historic records, existing cultural resources data, American Indian consultation, and predicted or expected historic property sensitivity of APEs. Non-intensive survey methods may be used where appropriate under conditions approved by Forest HRMs (e.g., less intensive coverage methods in road cuts, for surfaced roads, on steep hills, in areas with severe observational restrictions (e.g., impenetrable brush), or in areas of low or no cultural resource probability).

D. Documentation Standards

All historic properties identified during inventories will be documented meeting current USDA Forest Service Region 5 requirements and Nevada SHPO standards, as specified in the PA. If documentation for previously recorded historic properties within APEs does not meet current or agreed on standards, then it will be updated to meet those standards.

If historic properties extend beyond APEs, the following documentation standards will be followed:

1. If sites are linear properties or are properties greater than one acre in size, documentation can be limited to areas within 30 meters of the APE.
2. If they are non-linear properties or less than one acre in size, sites will be documented using the above standards.

IV. EVALUATION OF HISTORIC PROPERTIES

For the purposes of this Strategy, all cultural resources within APEs are considered historic properties, even if they have not been formally evaluated using National Register of Historic Places (NRHP) Criteria (36 CFR §60.4), unless they already have been determined not eligible in consultation with the SHPO or through other agreed on procedures (36 CFR §60.4; 36 CFR §800; etc.). If designation of routes may diminish historic property prospective NRHP values, the Forest shall follow the provisions of 36 CFR §800 regarding evaluation and determination of effects, except as provided below.

NRHP evaluation can be deferred for historic properties where:

- no physical damage or reasonable potential for physical damage exists.
- effects are ambiguous and monitoring is prescribed.
- Standard Resource Protection Measures (cf., PA) can be prescribed to ensure that the values or potential values of the historic properties can be protected.

If effects are ambiguous (i.e., origin, agent, age, severity, etc.), then limited-term monitoring (see Monitoring of Historic Properties, below) may be employed to more fully characterize the nature of any effects, the need for evaluation, or whether additional management measures might be implemented in lieu of NRHP evaluation or other procedures under 36 CFR §800. NRHP evaluation is required at sites where physical damage from past motorized use is noted, and Forest cannot or will not protect properties from new or ongoing effects using prescribed protection or treatment measures listed in this Strategy, the PA, or other measures identified in consultation with the SHPO.

If protection measures are not feasible or practical, or are unlikely to be effective, the Forest shall collect information sufficient to apply the NRHP criteria to heritage resources subject to potential effects. This may require returning to those sites that were only partially recorded pursuant to Section III.D.1 above to obtain data sufficient in quality and quantity to apply eligibility criteria pursuant to 36 CFR §800.4(c). The Forest shall consult with SHPO when applying these criteria. Evaluation shall be conducted in a manner consistent with the Secretary of Interior's Standards and Guidelines for Evaluation (48 Federal Register 190:44729-44738), 36 CFR §63, and How to Apply the National Register Criteria for Evaluation (National Register Bulletin 15).

Existing roads, trails, and specifically defined areas that bisect or contain historic properties may be used as is without NRHP evaluation if the HRM determines that on-going use and maintenance are unlikely to further affect possible NRHP values. Where such use or maintenance may have effects, but standard resource protection measures (see Attachment A) would likely provide effective protection of potential NRHP values, the HRM may prescribe those protection measures as a condition of designating and using routes. Effectiveness monitoring should be a condition of their use. Where there is uncertainty regarding the risk or threat to possible NRHP values associated with use or maintenance of existing roads, trails, or off-route use areas, NRHP evaluation may be necessary prior to their designation as system routes if site protection measures may not be effective. Monitoring can be used to define potential risks or threats to historic properties in lieu of NRHP evaluations if prescribed by the HRM.

When additional information about the subsurface nature or characteristics of historic properties may be needed prior to implementing prescribed protection or treatment measures, subsurface assessments (e.g., test excavation, shovel probes, auger samples) within APEs may be limited and proportional to the affected areas of the properties and to the nature of the effects treated. When these limited subsurface examinations provide requisite data for NRHP eligibility determinations, evaluation should be completed as part of the planning process. If these subsurface assessments do not yield adequate information for NRHP eligibility determinations, this information may still be used in consultations with SHPO to assess the likely effect that proposed protection or treatment measures might have on prospective NRHP values.

V. EFFECTS ON HISTORIC PROPERTIES

For the most part, only those roads, trails, and off-route use areas inventoried and mapped by June 2006 will be considered under this Strategy (this inventory includes public input to identifying existing roads, trails, or off-route use areas). Since these are existing unauthorized routes, however, it is likely that some measure of disturbance or damage has already occurred to any historic properties that are located in APEs. During the inventory phase, past effects from motorized recreation and other uses shall be described. Potential risks or threats to historic property values arising from the continued use and maintenance of these routes or areas should also be assessed. These assessments should be considered when determining whether application of Standard Resource Protection Measures might be effective management options.

Standard Resource Protection Measures can be prescribed to ensure that the values or potential values of historic properties can be protected. If the Forest cannot or will not protect historic properties that might be affected as a result of route designations, then the Forest shall apply the Criteria of Adverse Effect (36 CFR §800.5), in consultation with the SHPO. Where the nature of effects is problematic, ambiguous, or indeterminate (e.g., past effects vs. on-going effects), then effects determinations may be deferred until monitoring determines whether additional degrading effects are likely, and if so, whether measures are available to protect properties. If Standard Resource Protection Measures are identified that would likely be effective in protecting historic properties, effects determinations may be deferred. Monitoring shall be prescribed to assess the effectiveness of the identified protection measures.

A. Treatment of Historic Properties

The standard resource protection measures listed in the PA may be used without additional consultation with SHPO. Where standard resource protection measures

are prescribed for any historic property that might be affected in APEs, or where no protection or treatment measures are needed, system routes may be designated without further consultation with SHPO.

Other treatment measures may be identified and approved by SHPO as specified in the PA when adverse effects have been identified. Where treatment measures recommended by the SHPO are adopted, system routes may be designated as planned.

B. Monitoring of Historic Properties

Within one year of designating routes, the Forest shall develop and implement a monitoring plan that focuses on identifying at-risk historic properties, or those historic properties that appear to be threatened or may be affected by motor vehicle system use. Where there is uncertainty regarding the risks or threats to historic properties associated with the use or maintenance of routes, or where it is unclear whether previous disturbances or effects might be ongoing, periodic monitoring should provide information needed to assess site condition and identify appropriate protection or management measures. A copy of the monitoring plan will be provided the signatories.

At a minimum, monitoring plans should include the following elements:

1. The monitoring plan shall be based on levels of use, types of resources, potential risks, and anticipated effects.
2. Concentrate on those resources where effects are clearly identified (e.g., erosion, down cutting, rutting, off-trail tracks, etc.), and where historic properties may be at-risk. All at-risk historic properties in designated routes shall be monitored over a two-year period following designation. In the third year, Forest may reassess the need to continue monitoring at-risk historic properties, and adjust monitoring objectives and frequency accordingly.
3. Annually monitor at least 10% of the not at-risk historic properties within medium to heavy-use routes. At least 5% of the not at-risk historic properties within light to low use routes and specifically defined areas will be monitored annually. After three years, Forest may revise monitoring plans if results indicate that certain types of properties or routes no longer require prescribed monitoring. If so indicated, monitoring thereafter may be subsumed under the PA.
4. Where monitoring indicates effects are ongoing, develop appropriate resource protection or treatment measures (e.g., barriers, fencing, trail reroutes, padding, signing, site mitigation etc.) to minimize or eliminate effects. Monitor the effectiveness of any resource or treatment measures implemented for two years. After two years, assess the need for continued monitoring.

ATTACHMENT C: DEFINITIONS OF TERMS USED IN THE HERITAGE RESOURCES STRATEGY

Selected OHV Glossary

(excerpted from OHV Route Designation Guidebook, pages 9-13)

Designated Use: NFS lands are “designated” to allow, restrict or prohibit specific types of off-road vehicle use as follows (FSM 2355.13):

Open: Areas and trails on which all types of motorized vehicles may be operated off roads without restriction.

Restricted: Areas and trails on which motorized vehicle use is restricted by times or season of use, types of vehicles, vehicle equipment, designated areas or trails, or types of activity specified in orders issued under the authority of 36 CFR Part 261.

Closed: Areas and trails on which all motorized vehicle use is prohibited, except by permit, under authority of 36 CFR Part 261 or by law.

National Forest System Road

A road wholly or partly within or adjacent to and serving a part of the NFS and which has been included in a Forest Transportation Atlas (36 CFR Part 261 Sec. 2).

National Forest System Trail (NFS Trail)

A trail wholly or partly within or adjacent to and serving a part of the NFS and which has been included in a Forest Transportation Atlas (36 CFR Part 261 Sec. 2).

Non-system (or Unauthorized) Trail

Any route 50 inches or less in width which is not a National Forest System trail.

Off-Highway Vehicle (OHV)

Any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes (A) any registered motorboat, (B) any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and (C) any vehicle whose use is expressly authorized by the respective agency head under a permit, lease, license, or contract (EO 11644, Sec. 2). The terms off-highway vehicle (OHV) and off-road vehicle (ORV) are nearly synonymous. ORV implies use only off of roads and OHV does not. Since OHV is generally accepted among States and user groups, this term is preferred to better describe the situation on the National Forest (FSH 7709.55, 34).

Off-Highway Vehicle System [or National Forest Transportation System]

The roads, trails and areas that make up the System of authorized OHV use opportunities on a Forest.

Road decommissioning

Activities that result in the stabilization and restoration of unneeded roads to a more natural state (36 CFR Part 212 Sec. 1).

Route

A generic term for roads, trails, travelways, and corridors, regardless of their classification or designation, that are being used for motorized or non-motorized travel.

Specifically Defined Area

An area clearly delineated with identifiable boundaries where OHVs may travel off NFS roads and designated NFS trails (i.e., cross-country). The area may be an Open Zone of Use or a Restricted Zone of Use.

Trail

A trail is a linear feature constructed for the purpose of allowing the free movement of people, stock, or OHVs. (Recreation, Heritage & Wilderness Resources Integrated Business Systems Web Site – www.fs.fed.us/r3/measures)

Unclassified [or Unauthorized] Road

Roads on National Forest System lands that are not managed as part of the forest transportation system, such as, unplanned roads, abandoned travelways, and off-road vehicle tracks that have not been designated and managed as a trail; and those roads that were once authorized under permit or other authorization and were not decommissioned upon the termination of the authorization.

ATTACHMENT D: TENTATIVE TIMETABLE

TENATIVE TIMETABLE	
Date	Task
Late January 2009	Release of DEIS
Mid-July 2009	Submit Historic Resources Report to SHPO
September 2009	Final EIS and Record of Decision
(To be determined based on previous timetable, appeals, and litigation.)	
December 2009	Publication of Motor Vehicle Use Map (Routes with prescribed protection measures will not be shown on Motor Vehicle Use Map until those measures are implemented.)
Starting in Spring 2010	Implementation of Protection Measures (this will be accomplished prior to the respective routes being added to the Motor Vehicle Use Map)
	Monitoring and additional survey as per Strategy

ATTACHMENT E: PUBLIC PARTICIPATION

The Forest will seek information and advice from state, local, and tribal governments, public and private organizations, Native Americans, and other interested parties likely to have knowledge of or concern about historic properties, as recommended in the ACHP's guidelines for 36 CFR §800 public consultation, Public Participation in Section 106 Review: A Guide for Agency Officials (1989), and incorporate such information into identification, evaluation, and treatment of historic properties.

I. NEPA PUBLIC COMMENT PROCESS

Forest shall use the NEPA public notification and scoping processes (see 40 CFR §1508), as implemented through Forest Service Manual 1950 policy and Forest Service Handbook 1909.12 procedures (57 FR 43180-43213), to comply with 36 CFR §800 provisions for public notification, identification of interested parties, and public participation in decision-making. The NEPA scoping process affords interested parties the opportunity to comment on Forest undertakings, including those measures taken to identify, evaluate, protect, and manage historic properties. These comments are taken into account as part of NEPA decisions.

- A. Interested parties shall be notified of proposed undertakings through quarterly mailings of schedules of proposed actions. Schedules include all proposed undertakings, even those anticipated to be categorically excluded from documentation in environmental impact statements or environmental assessments (Forest Service Handbook 1909.15(07.1)). Thus, interested parties are notified of and given the opportunity to comment on all proposed undertakings. Schedules of proposed actions include the following information about proposed undertakings:
 - 1. Descriptions and locations;
 - 2. Estimated dates of public scoping and decisions;
 - 3. Agency contact persons;
 - 4. Processes for receiving information;
 - 5. Status of environmental analyses; and
 - 6. Estimated implementation dates.
- B. As necessary, other notification procedures may be used to supplement quarterly mailings of schedules of proposed actions. These additional procedures may include project specific letter notifications, public meetings, and other venues. Forest may negotiate consultation protocols with tribal governments that detail procedures.
- C. Interested parties who have commented during the NEPA process receive notifications of undertaking decisions and administrative appeal rights.
- D. If interested parties raise timely objections to specific undertakings, Forest receiving the objections shall follow administrative appeal rights pursuant to Stipulation IX.A.3 and 36 CFR §215. Timely objections are those raised within the public notification and review procedures specified under Forest Service NEPA appeal regulations, 36 CFR §215.

II. IDENTIFYING INTERESTED PARTIES

- A. The NEPA process for public notification established in Forest Service Manual 1950 and Forest Service Handbook 1909.15 will be used to identify parties interested in how effects of undertakings on historic properties are being taken into account pursuant to this PA.
- B. Interested parties shall include at a minimum:
 - 1. Individuals, groups, or organizations interested in undertakings implemented under this PA;
 - 2. Adjacent local, state, and tribal governments;
 - 3. Adjacent Native American communities;
 - 4. Native American groups or individuals known to have interests in historic properties; and
 - 5. Others who notify the Forest of their interest in receiving information about particular undertakings or historic properties.

III. INTERESTED PARTY CONCERNS

Forest shall ensure that the concerns of Native Americans and interested parties are taken into consideration in the NEPA process when making decisions affecting historic properties of interest to those groups.

- A. Native American concerns are given specific recognition in Section 101(d)(6) of the NHPA, and in 36 CFR §800.

Native American tribes, organizations, and individuals, and other interested parties who express concerns regarding historic properties related to the Undertaking covered by this PA shall be consulted regarding identification, evaluation, treatment, and management of historic properties for those undertakings, pursuant to this PA.