



47 lead federal agency for NHPA Section 106, for routine undertakings and emergency recovery  
48 projects identified in this PA ; and  
49

50 **WHEREAS**, County Development reviews conducted by the Columbia River Gorge National  
51 Scenic Area are not Federal undertakings and do not fall under the provisions of this PA; and  
52

53 **WHEREAS**, the Forest Service acknowledges that forests are located on ancestral Tribal lands  
54 and that federally recognized Indian Tribes have reserved rights and may attach religious and  
55 cultural significance to historic properties that may be affected by undertakings covered by this PA  
56 on NFS lands, and has invited the following Tribes with interest in Oregon lands to participate in  
57 consultation on the development of this PA and invited as concurring party signatories to this  
58 agreement document: Burns Paiute Tribe; Confederated Tribes and Bands of the Yakama Nation;  
59 Confederated Tribes of Colville Reservation; Confederated Tribes of the Coos, Lower Umpqua,  
60 Siuslaw Indians; Confederated Tribes of Grand Ronde; Confederated Tribes of Siletz Indians;  
61 Confederated Tribes of Umatilla Indian Reservation; Confederated Tribes of Warm Springs  
62 Reservation of Oregon; Fort Bidwell Indian Community; Coquille Indian Tribe; Cow Creek Band  
63 of Umpqua Tribe of Indians; Elk Valley Rancheria; The Klamath Tribes; Nez Perce Tribe; and  
64 Tolowa Dee Ni. Regardless of whether an Indian Tribe does or does not concur in this PA as a  
65 concurring party, this PA does not alter the existing Government-to-Government relationship  
66 between the Forest Service and any Indian Tribe; and  
67

68 **WHEREAS**, the Forest Service has invited Restore Oregon, the Association of Oregon  
69 Archaeologists, Oregon Black Pioneers, Oregon Chinese Consolidated Benevolent Association,  
70 National Forest Homeowners Association, Oregon Nordic Club, Forest Fire Lookout Association,  
71 Oregon California Trails Association, and Trail Keepers of Oregon to participate in consultation  
72 on the development of this PA and has invited them to be concurring parties; and  
73

74 **WHEREAS**, under the NHPA the responsibilities of the Oregon State Historic Preservation Office  
75 (SHPO) include advising and assisting Federal agencies in carrying out their historic preservation  
76 responsibilities, and cooperating with Federal agencies to ensure that the effects of undertakings  
77 on historic properties are taken into consideration at all levels of planning and development; and  
78

79 **WHEREAS**, in accordance with regulations at 36 CFR 800.6(a)(1)(C) and 800.14(b), the Forest  
80 Service has notified and invited the Advisory Council on Historic Preservation (ACHP) to  
81 participate in the development of this programmatic agreement, and the ACHP has elected to  
82 participate as per their letter to the Forest Service dated November 8, 2018; and  
83

84 **WHEREAS**, execution of this PA by the Regional Forester of Region 6 commits each Forest to  
85 comply with the stipulations contained herein when using this PA; and  
86

87 **WHEREAS**, all consulting parties who participated in the development of this PA and sign or  
88 concur with this PA, do so in good faith with sincere intent to implement the PA with honesty,  
89 integrity, and transparency; recognize and respect the unique and specialized perspectives and  
90 knowledge of historic properties that each party contributes, and shall proactively collaborate and  
91 consult to ensure effective and holistic management of historic properties that fall under the  
92 purview of this PA, and shall assume good intent on behalf of the other parties to this PA; and

93  
94 **WHEREAS**, this Agreement replaces the Programmatic Agreement Among The United States  
95 Department Of Agriculture Forest Service Pacific Northwest Region (Region 6), The Advisory  
96 Council On Historic Preservation, And The Oregon State Historical Preservation Officer  
97 Regarding Cultural Resources Management In The State Of Oregon By The USDA Forest Service,  
98 executed June 2004, and expiring September 30th, 2024; and

99  
100 **NOW, THEREFORE**, the Forest Service, the SHPO, and the ACHP agree that the Forest Service  
101 shall implement Section 106 of the NHPA in accordance with the following stipulations:

102  
103 **STIPULATIONS**

104  
105 This PA is intended to modify the NHPA Section 106 compliance process where routine  
106 management activities are undertaken at Federal installations, facilities, or other land management  
107 units (36 CFR 800.14(b)(1)(iv). Streamlined review will help the Forest Service and Signatories  
108 achieve their responsibilities more efficiently. All undertakings to which this PA is applicable will  
109 be reviewed in accordance with the following stipulations, unless the Forests, at the  
110 recommendation of the Heritage Program Manager (HPM), have determined to utilize the standard  
111 process under 36 CFR 800 Part B.

112  
113 Terms used in this PA are defined within the body of the PA itself and in Appendix G.

114  
115 **I. PARTICIPATION**

116  
117 To participate under this Programmatic Agreement (PA), each of the Forests in Oregon  
118 shall comply with the following:

- 119  
120 A. Employ a professional in the protection of historic properties, hereafter referred to as a  
121 Forest HPM located at the Forest Supervisor's Office (includes the CRGNSA office). The  
122 Forest HPM shall meet professional standards established for historic or archaeological  
123 professionals in the appropriate area(s) of expertise, conduct all actions to the professional  
124 standards referenced in 36 CFR 800.2(a)(1), and meet the Secretary of the Interior's  
125 Professional Qualification Standards.

126  
127 The Forest shall provide immediate notification to the Regional Heritage Program Lead,  
128 the SHPO, and Tribes when a Forest does not meet the aforementioned qualifications, and  
129 shall inform those parties as to how they will meet the Section 106 obligations.

- 130  
131 B. Region 6 PA training for Forest Agency Officials and Heritage Program staff shall be  
132 developed collaboratively with the SHPO. The Agency Official is defined as the  
133 authorizing officer for any undertaking and may be a District Ranger, Forest Supervisor, or  
134 Regional Forester. Tribes will be invited to NHPA Section 106 and PA training. Training  
135 is mandatory to participate in this PA and will include the following:

- 136  
137 1. Forest Agency Officials - Forest Heritage Program Managers and/or Heritage Program  
138 training cadre will provide training for the Forest 's Agency Officials focused on a

139 review of Section 106 of the NHPA and the PA. New Agency Officials shall receive  
140 training within six months of reporting to a Forest, unless they have received it at a  
141 previous duty station. Training will be offered twice a year. Refresher training is  
142 required every five years, or upon amendments to the PA or regulation revisions.  
143

144 2. Heritage Program Staff - The RHPL and SHPO will provide annual PA training for  
145 Forest Heritage staff.  
146

147 3. The Annual Report will include a list of Heritage staff and Agency Officials that have  
148 completed the training and the date of completion.  
149

150 C. Within one year from the date of execution of this PA, each Forest shall develop and submit  
151 a Forest Inventory Plan to the SHPO for review and comment. The FIP should consider  
152 the built environment and historic properties of religious and cultural significance, in  
153 addition to archaeological concerns. Forests shall consult with affected Tribes in  
154 developing the FIP.  
155

156 The Forests will seek concurrence on the FIP. If the SHPO fails to respond within 30 days,  
157 the Forest will assume concurrence. Once concurred upon, the FIP shall become the  
158 Forest's accepted inventory design for all projects and no further consultation would be  
159 required, with the following exception:  
160

161 1. When project circumstances dictate, a project-specific inventory design shall be  
162 completed; in those instances, consultation with the SHPO and affected Tribes is  
163 required.  
164

## 165 166 **II. COMPLIANCE**

167  
168 A. The RHPL shall monitor and evaluate Forest compliance with the terms of this PA through  
169 one or more of the following: Annual Reporting, Forest Heritage Program Reviews,  
170 concerns from Tribes or consulting parties, or questions or reports from Forests. The Forest  
171 Supervisor, the SHPO, the ACHP, or Tribes may also request that the Regional Forester  
172 review a Forest's ability to participate in the PA. Requests for review must be submitted  
173 in writing and include at a minimum the specific reason for the request, supporting  
174 documentation, and goals for the review. Upon the receipt of such request, the following  
175 measures will be taken:  
176

177 1. The Regional Forester will notify the requestor within 45 days to inform them if a  
178 review shall be conducted.  
179

180 2. If it is determined that a review is necessary, the review will be conducted within  
181 90 days of the determination. If a Forest is found not to have maintained the basis  
182 for its participation in this PA, (i.e., consistent failure to meet the staff training and  
183 qualification requirements, not meeting the standards stated in the PA) the review

184 shall include remedial steps to improve performance, and will be submitted to the  
185 Regional Forester.

- 186
- 187 3. The Regional Forester, based upon the results of the Forest review, may place the  
188 Forest in a probationary status for six months. During this time the Forest may  
189 continue to operate using the PA, provided that it is working to correct the issues.  
190 If the Forest fails to improve and continues to be in non-compliance with the PA,  
191 the Regional Forester shall suspend participation of the Forest in the PA. The  
192 Forest will follow standard 36 CFR 800 regulations and shall notify the SHPO,  
193 ACHP, and affected Tribes of the suspension within 10 days. The ACHP/SHPO  
194 may request additional information and make additional recommendations based  
195 on the situation.
- 196
- 197 4. The Regional Forester may choose to suspend a Forest from participating in the PA,  
198 without providing a probationary period, based upon the results of the review. Any  
199 Forest who loses their ability to participate in the Pa will follow standard 36 CFR  
200 800 regulations and will notify the SHPO, ACHP, and affected Tribes of the  
201 suspension with 10 days.

202

203 If the Regional Forester decides to not suspend a Forest that is in non-compliance  
204 with the PA, the SHPO and the ACHP may terminate this PA (Stipulation XVI).

- 205
- 206 5. If a suspended Forest is found to have restored the basis for participation, either  
207 under provisional or full performance levels, the RHPL will recommend that the  
208 Regional Forester allow the Forest to participate. The RHPL will notify the SHPO,  
209 ACHP, or affected Tribe within 10 days of the restoration. If the SHPO, ACHP, or  
210 affected Tribe objects to the Regional Forester's decision to restore a Forest, the  
211 objection will be resolved under Stipulation X.

### 212

### 213

### 214 **III. RESPONSIBILITIES**

#### 215

#### 216 **A. Forest Service**

- 217
- 218 1. The Forest Service remains legally responsible for ensuring that the terms of this  
219 PA are carried out for all findings and determinations made pursuant to this PA,  
220 including undertakings not likely to affect historic properties.
- 221
- 222 2. The Forest Service remains responsible for government-to-government  
223 consultation with the Tribes, but may request assistance from consultants, unless a  
224 Tribe requests otherwise after notification of the assistance.
- 225
- 226 3. The Forest Service shall follow all Oregon State law and regulations when acting  
227 as the NHPA, Section 106 lead on non-NFS lands and utilizing this PA.
- 228

- 229 4. The Forest Service is responsible to report annually on the use of this PA  
230 (Stipulation XI).  
231  
232 5. The Forest Service Agency Official is responsible for official consultation and  
233 coordination among the Forest Service, the SHPO, the ACHP, appropriate Tribes,  
234 and other consulting parties.  
235

236 **B. SHPO**

- 237  
238 1. The SHPO shall advise and assist the Forest Service in meeting Section 106  
239 responsibilities through the terms of this PA.  
240  
241 2. The SHPO shall provide Heritage Professionals employed by the Forest Service  
242 access to the current SHPO online database(s) for information held by SHPO,  
243 regarding historic properties.  
244  
245 3. The SHPO shall review activities carried out pursuant to this PA by review of case-  
246 by-case undertakings and review of the annual report.  
247  
248 4. The SHPO shall participate in the annual meeting to evaluate the implementation  
249 of this PA.  
250

251 **C. ACHP**

- 252  
253 1. The ACHP has a role in dispute resolution and review of Forests application of the  
254 PA.  
255  
256 2. The Forest Service shall invite the ACHP to attend the annual meeting and review  
257 the annual report to evaluate implementation of this PA. The ACHP participation  
258 in the annual meeting is optional.  
259

260  
261 **IV. CONSULTATION, COORDINATION, AND INFORMATION EXCHANGE**  
262

263 Official consultation and coordination among the Forest Service, the SHPO, the ACHP, the  
264 appropriate Tribes, and other interested parties, pursuant to this PA, shall be the responsibility of  
265 the appropriate Agency Official, and shall be documented through the official administrative  
266 record.  
267

268 **A. Consultation With The SHPO**  
269

- 270 1. The Forest Service shall consult with the SHPO on NHPA Section 106  
271 responsibilities pursuant to 36 CFR 800.4, 36 CFR 800.5, and 36 CFR 800.6, to  
272 ensure that historic properties are taken into consideration, and to resolve any  
273 adverse effects to historic properties.  
274



275 2. Consultation information shall be delivered to the SHPO with adequate  
276 documentation (per 36 CFR 800.11) for complete consultation. Forests will submit  
277 all consultation information through Go Digital or the SHPO's current electronic  
278 submission system. The Forests shall follow the SHPO electronic submission  
279 guidelines and submit all GIS spatial data files for undertakings.  
280

#### 281 B. Consultation With Tribes

282

- 283 1. Each Forest shall seek the views of appropriate Tribes (36 CRF 800.2(c)(2))  
284 regarding the identification and evaluation of properties and the assessment of  
285 effects of undertakings on any historic property during the earliest feasible steps of  
286 project planning, in accordance with 36 CFR 800.8(a)(1). The Forest Service shall  
287 involve the Tribes in findings and determinations made during the NHPA Section  
288 106 process and under this PA per 36 CFR 800.2(a)(4).  
289
- 290 2. The Forest Service shall ensure access to decisions made pursuant to this PA and  
291 shall consider comments or objections by Tribes in a timely manner consistent with  
292 the procedures established in this PA, 36 CFR 800.  
293
- 294 3. The Forests are encouraged, and Tribes may request, to enter into a separate  
295 agreement that specifies how they will carry out responsibilities under Section 106  
296 of the NHPA, including concerns over confidentiality of information. An  
297 agreement may cover all aspects of the Section 106 process, provided that no  
298 modifications may be made in the roles of other parties to the Section 106 process  
299 without their consent. An agreement may grant the Tribe additional rights to  
300 participate or concur in agency decisions in the Section 106 process (36 CFR  
301 800.2(c)(2)(ii)(E)).  
302

#### 303 C. Lead Federal Agency

304

305 In the event of undertakings with multiple federal agency involvement, and/or multi-  
306 jurisdictions where the Forest Service has been designated lead federal agency for NHPA  
307 Section 106 for routine undertakings and emergency recovery projects, as presented in this  
308 PA, the following may apply:  
309

- 310 1. Where the Forest Service acts as lead agency on behalf of another federal agency  
311 or agencies pursuant to 36 CFR 800.2(a)(2), the Forest Service shall use the  
312 provisions of this PA, unless an objection is received in writing from the SHPO,  
313 ACHP, or other agencies. In this case the Forest and other agencies shall comply  
314 with 36 CFR 800 in lieu of compliance with this PA. The Forest Service shall notify  
315 the SHPO, affected Tribes, and other consulting parties of the lead agency  
316 designation and method of compliance within 30 days of decision.  
317

#### 318 D. Other Consulting Parties and The General Public

319

320 The Forest Service shall seek the participation and views of consulting parties, Certified  
321 Local Governments, and the public in their efforts to identify historic properties, evaluate  
322 their significance, and assess an undertaking's effects upon historic properties (36 CFR  
323 800.2(d) and 36 CFR 800.2(c)(3-5)), in a manner that reflects the proposed undertaking's  
324 nature, complexity, and potential effects on historic properties, except where appropriate  
325 to protect confidentiality.

326  
327 E. Confidentiality

328  
329 Information about the location and character of historic properties under the control of  
330 Region 6, regardless of ownership of the resource, shall not be disclosed to the general  
331 public (FSM 2360) and such information shall not be stored in documents open to the  
332 general public if doing so may risk harm to those resources. The Forest Supervisor or  
333 Regional Forester, as appropriate, may determine under the authority of Section 304 of  
334 NHPA and/or Section 9 of the Archaeological Resource Protection Act (ARPA), that public  
335 disclosure of the location and character of historic properties or other cultural resources  
336 may risk harm to those resources, which may then qualify such information as exempt from  
337 Freedom of Information Act (FOIA) disclosure.

338  
339 Section 8106 of the Food, Conservation, and Energy Act (FCEA) of 2008 (25 USC 3056)  
340 also exempts from FOIA disclosure of information relating to reburials, sites, or resources  
341 of traditional or cultural importance to Indian Tribes, including human remains and  
342 information obtained from Tribes during consultation relating to traditional and cultural  
343 resources and practices provided in the course of research activities.

344  
345  
346 **V. TRAINING**

347  
348 The Forest Service and the SHPO recognize that staying current in relevant professional literature,  
349 and participation of Heritage Program staff in professional societies and local and regional  
350 meetings and workshops, is required to maintain professional qualifications.

- 351  
352 A. The Region and Forests shall encourage and support their Heritage Program staff in  
353 participating in professional trainings and conferences related to their Heritage positions.  
354  
355 B. The Forest Service Heritage Program staff shall meet yearly to participate in  
356 workshops and trainings; exchange information, and discuss issues concerning the  
357 Heritage Program.  
358  
359 C. The SHPO shall ensure that all SHPO staff working with the PA receive training  
360 on the PA prior to engaging with the Forests.  
361  
362 D. The SHPO shall take advantage of field training and opportunities offered by  
363 Forests to better understand operational activities and their potential to affect  
364 historic properties.  
365



366 **VI. UNDERTAKING REVIEW AND INVENTORY**

367  
368 The Agency Official recognizes that Heritage Professionals are the appropriate agency staff with  
369 the expertise to provide recommendations on the preservation and management of historic  
370 properties and the application of this PA. The Agency Official shall seek and take into  
371 consideration the advice of the Heritage Professional prior to approval or committing of the Forest  
372 to any undertaking that may have the potential to affect historic properties.

373  
374 If the undertaking does not meet the criteria for Exempt or Limited Review (Appendices A-C)  
375 (Figure 1), the case-by-case review process the NHPA Section 106 process outlined in 36 CFR 800  
376 would be followed. All undertakings funded, or technically supported by the Forest Service on  
377 non-federal public and private lands (with the exclusion of county projects within the CRGNSA)  
378 must be performed in compliance with stipulations of this PA. The SHPO will collaborate with  
379 Forests on applicable state statutes and administrative rules.

380  
381 A. Project Review

- 382  
383 1. Within the first year following the execution of this PA, each Forest shall develop  
384 a formal process to ensure that the Forest HPM is informed of all projects,  
385 programs, permits and activities occurring on their forest and shall convey a plan  
386 for that process to the RHPL, SHPO, and affected Tribes. This plan shall be signed  
387 by the Forest Supervisor.  
388  
389 2. The HPM shall provide the responsible Agency Official appropriate  
390 recommendations for use of this PA, but may delegate in writing this responsibility  
391 to other qualified Heritage Professionals (stationed at a Ranger District or Zoned)  
392 on the Forest.  
393  
394 3. In evaluating project proposals, the HPM shall determine if the proposed action is  
395 an “undertaking” as defined in 36 CFR 800.16(y). If the proposed action meets the  
396 definition of an undertaking, the preliminary Area of Potential Effect (APE), as  
397 defined in 36 CFR 800.16(d), shall be determined by the HPM. Comments  
398 received from Tribes or consulting parties shall be considered when determining  
399 the APE, identifying historic properties, determining historic property NRHP  
400 eligibility, and assessing effects (36 CFR 800.4(b)).  
401  
402 4. The HPM shall assess information needs to determine whether field inventory is  
403 required. The HPM is responsible for reviewing and determining the finding of  
404 effect for all undertakings.  
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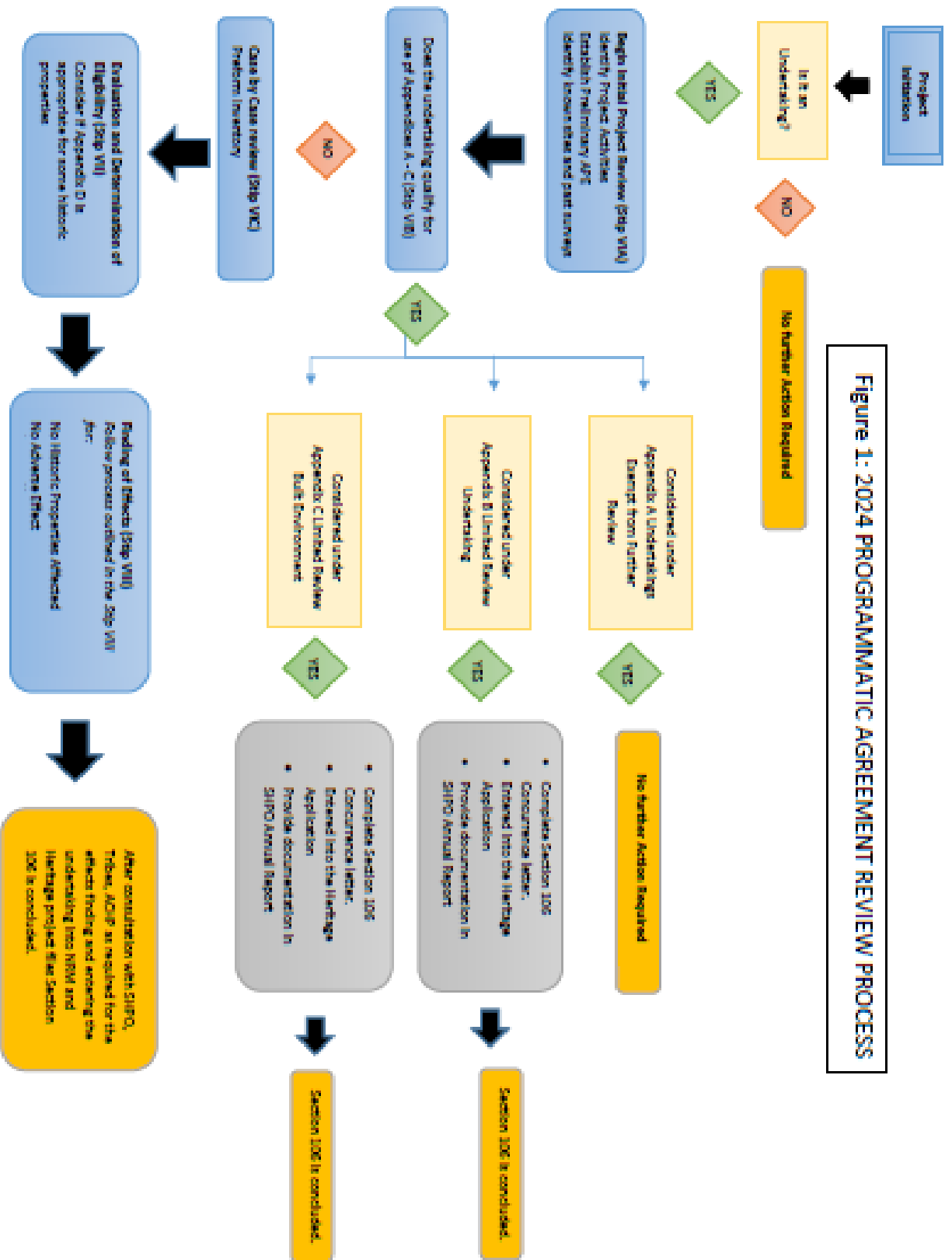


Figure 1: 2024 PROGRAMMATIC AGREEMENT REVIEW PROCESS

414 B. Undertakings Excluded from Further Review

415  
416 The Forest Service has determined that specific types of undertakings listed in Appendices  
417 A-C can be potentially excluded from further review and consultation under the terms of  
418 this PA. The Signatories to this PA agree that the routine Forest Service undertakings  
419 identified in Appendices A-C have either no potential to affect historic properties  
420 (Appendix A) or would have no adverse effect on historic properties (Appendices B & C).

421  
422 1. Undertakings Excluded From Further Review

423  
424 The HPM shall assess each undertaking to determine if it qualifies for Appendices  
425 A-C, or qualifies for use of one of the other appendices. If a HPM determines that  
426 there is a potential to have an effect, they may submit an otherwise excluded  
427 undertaking for review as case-by-case under this PA.

428  
429 a. Exempt From Further Review (APPENDIX A):

430 Undertakings listed in Appendix A are excluded from further review  
431 because they have no potential to affect historic properties, and the Agency  
432 Official has no further obligations under Section 106. The HPM shall advise  
433 the Agency Official whether the project meets the criteria for Exempt from  
434 Further Review.

435  
436 b. Limited Review (APPENDIX B):

437 Undertakings that qualify for Limited Review have no adverse effect on  
438 historic properties when the conditions of the appendix are met. The HPM  
439 shall advise the Agency Official whether the project meets the criteria for  
440 Limited Review.

441  
442 c. Limited Review – Built Environment (APPENDIX C):

443 Undertakings that qualify for Limited Review for Historic Structures and  
444 Other Features have no adverse effect on these types of historic properties  
445 when the conditions of the appendix are met. The HPM shall advise the  
446 Agency Official whether the project meets the criteria for Limited Review.

447  
448 C. Case-by-Case Review

449  
450 The HPM shall determine the applicability of this PA's compliance protocols as defined in  
451 the appendices. If the undertaking does not meet the conditions within Appendices A-C,  
452 then the case-by-case review shall be followed. If the undertaking does not meet the  
453 conditions in the case-by-case review process, then the Forest will follow the NHPA  
454 Section 106 procedures in accordance with 36 CFR 800. For undertakings on non-NFS  
455 lands, the Forest Service shall follow the current Oregon State guidelines for Inventory.

456  
457 1. Inventory

458 The HPM is responsible for recommending the level of inventory needed for  
459 undertakings (utilizing the inventory process under this Stipulation), based upon

460 the result of the pre-field research and review, consultation, and the Forest's  
461 existing FIP. The Forest Service shall ensure that the proposed undertaking is  
462 inventoried in accordance with the guidelines below.

- 463
- 464 a. Forest Service must (48 FR 44176) ensure that project-specific inventories  
465 and other efforts to identify historic properties are consistent with the  
466 Secretary of Interior's Standards and Guidelines for identification,  
467 evaluation and documentation (see National Register Bulletins for  
468 guidance), and applicable standards in Forest Service Manual (FSM) 2360,  
469 the Forest Service Handbook (FSH) 2309, and in consideration of the most  
470 current SHPO Guidelines.
- 471
- 472 b. At a minimum, historic property inventories conducted for NHPA Section  
473 106 compliance, will be conducted only by professionals who meet the  
474 standards established for Archaeologist in the OPM X-118 professional  
475 Archaeologist (GS-0193) or archaeological technician (GS-102) series, or a  
476 professional consultant who meets the professional standards of 36 CFR  
477 296.8, or the Secretary of the Interior's Standards and Guidelines for  
478 Professional Qualifications in Archaeology and Architectural Historians  
479 (GS-0170) OPM P-170-0 as applicable (48 FR 44738-44739).
- 480
- 481 c. The inventory design may include a variety of coverage methods to identify  
482 historic properties throughout the APE, including sub-surface probing.  
483 Based upon existing inventory information and results of consultation, the  
484 Forest Service may determine that further inventory is not necessary for the  
485 APE if an adequate inventory has previously been performed.
- 486
- 487 d. Previous inventories shall be evaluated to determine whether they meet  
488 inventory standards for the purposes of locating and evaluating historic  
489 properties. This determination shall be done in relation to the current  
490 undertaking subject to the terms of this PA. All previous inventory and  
491 associated reports must meet the following standards:
- 492
- 493 1) Inventories were conducted by and/or under the direction of a  
494 qualified professional as per Stipulation VI.C.1.(b).
  - 495
  - 496 2) Transects employed are appropriate to the level of disturbance,  
497 associated with the current undertaking, expected historic property  
498 types, vegetation and topography.
  - 499
  - 500 3) The APE exhibits no significant changes in surface exposure that would  
501 substantially increase surface visibility aiding in the identification of  
502 historic properties.
  - 503
  - 504 4) Historical resources contained in the inventory report are documented  
505 to standard.

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- 5) The evaluation of previous inventories must be documented in the Cultural Resource Inventory Report and Heritage Application to demonstrate the above criteria are met.
  
- e. When reconnaissance or sampling inventory strategies (FSM 2360, FSH 2309.12) are deemed appropriate for an undertaking and they deviate from the FIP, the Forest shall consult with the SHPO and Tribes on the proposed inventory design for a reduced level of inventory. The HPM will document this consultation in writing and maintain a copy of the documentation in the Forest Heritage project files. The HPM will document the inventory design in the resulting Cultural Resource Inventory Report.
  
- f. The Forest Service may use a phased identification process in accordance with 36 CFR 800.4(b)(2) for routine and emergency recovery projects where it is necessary to sign a NEPA decision prior to completion of the NHPA compliance. The phased identification process may not be used on undertakings on non-NFS lands. If the HPM determines that the NHPA compliance can be completed prior to the signing of a NEPA decision, the phased identification process shall not be used. When a phased process is utilized by a Forest the following applies:
  - 1) The Forest shall conduct Tribal consultation as early as possible during the project planning to determine if there are any concerns within the APE.
  - 2) The Agency Official or the HPM shall notify SHPO of their intent to use the phasing process.
  - 3) The Forest shall ensure that a HPM is brought into the process for project implementation and design as early as possible.
  - 4) The Forest shall ensure a system is in place to track implementation of historic property inventory, protection and monitoring requirements, and that necessary communication and coordination between the HPM and the implementation team continues throughout the life of the project.
  - 5) Implementation of the project may not proceed until the HPM certifies that the NHPA Section 106 process has been completed as stipulated in this PA.
  - 6) Historic property inventory, review, and submission for the phased process will follow the Undertaking Review and Inventory (Stipulation VI), the Evaluation and Determination of Eligibility

(Stipulation VII), and the Finding of Effects (Stipulation VIII) processes described in this PA.

## VII. EVALUATION AND DETERMINATION OF ELIGIBILITY

- A. Unevaluated historic properties will be treated as eligible for inclusion in the NRHP, where avoidance or other protection measures will be implemented as the appropriate strategy for managing an undertaking's effects.
- B. The Forest shall evaluate properties for their eligibility for listing in the NRHP that may be affected by an undertaking in accordance with 36 CFR 800.4(c), and taking into consideration the guidance in Appendix D. Properties shall be evaluated and documented in accordance with National Bulletin #15, or by other guidance listed below. All site evaluations on State and private land requiring a permit shall be completed in compliance with State law.
- C. Forest HPMs shall submit all research designs for NRHP eligibility determinations to the HPM for review and approval prior to undertaking any work. The HPM shall ensure that all determinations of eligibility (DOEs) completed under this PA meet appropriate evaluation standards (addressing criteria A through D) and are properly documented.
- D. When evaluating historic properties that may be eligible for the NRHP because of their religious and cultural significance to Tribes, Forests shall consult with the Tribes and SHPO under 36 CFR Part 800. Any unresolved disagreement resulting from such consultation shall be submitted to the Keeper in accordance with 36 CFR 63.2(c).
- E. Traditional Cultural Properties (TCP) shall be documented and evaluated using National Register Bulletin #38. All DOEs shall be submitted to the affected Tribes for comment and review 30 days prior to the submission to the SHPO. The HPM shall consider comments received by Tribes regarding the determination.
- F. All DOEs, with the exception of those submitted under Appendix D, will be submitted to the SHPO for consensus determinations pursuant to 36 CFR 800.4(c)(2). The SHPO shall provide written concurrence/non-concurrence of a Forest's evaluations within 30 days of receipt of adequate documentation.
- G. If the SHPO does not respond within 30 calendar days from submission of the report, the Forest shall assume SHPO's concurrence in determinations of eligibility and proceed accordingly. Lack of response shall be recorded by the HPM in the Heritage Application. Any unresolved disagreement resulting from such consultation shall be submitted to the Keeper in accordance with 36 CFR 63.2(c).



597 **VIII. FINDING OF EFFECTS**  
598

599 The HPM is responsible for recommending the finding of effect for undertakings based upon the  
600 result of the inventory.

601  
602 A. *No Historic Properties Affected:* When inventory is completed and eligible or unevaluated  
603 historic properties are either not present, or are present but will be avoided, and the HPM  
604 determines that the undertaking will avoid such properties, the Forest Service shall  
605 document a finding of “No Historic Properties Affected.” No new eligibility  
606 determinations shall be made when using this finding, with the exception of Appendix D  
607 DOEs. The undertaking may proceed following approval of the Cultural Resource  
608 Inventory Report by the HPM and approval of the undertaking by the Agency Official.  
609 Inventory documentation will be provided to the SHPO and affected Tribes concurrently,  
610 prior to the Forest making a decision to implement the project.

611  
612 B. *No Adverse Effect:* When the Forest Service determines that one or more historic properties  
613 may be affected by an undertaking, it will apply the criteria of adverse effect provided at  
614 36 CFR 800.5(a). If the effect will not be adverse, the Forest Service shall provide  
615 documentation of the inventory and the “No Adverse Effect” finding to the affected Tribes  
616 for review and comment 30 days prior to submission to the SHPO and consulting parties.  
617 The SHPO shall have 30 days from receipt to review the finding and respond.

618  
619 1. If the SHPO concurs with the finding, the Forest Service may proceed with the  
620 undertaking in accordance with the proposed conditions or treatment measures.

621  
622 2. If the SHPO or Tribes fail to respond within the 30-day review period, the Forest  
623 Service may proceed with the undertaking in accordance with the proposed  
624 conditions or treatment measures, provided there are no unresolved objections from  
625 affected Tribes, or consulting parties, as per 36 CFR 800.5(c)(1).

626  
627 3. If the SHPO objects and the objection cannot be resolved, or if the SHPO fails to  
628 respond and unresolved objections from affected Tribes or other consulting parties  
629 exist, the Forest Service shall seek the views of the ACHP to resolve the objection,  
630 as per 36 CFR 800.5(c)(2)(i)

631  
632 C. *Adverse Effect:* If the Forest Service finds, in consultation with the SHPO and affected  
633 Tribes, that the undertaking will have an “Adverse Effect” on historic properties, the Forest  
634 Service shall comply with the NHPA, 36 CFR 800.6, which includes development of a  
635 Memorandum of Agreement (MOA). The SHPO shall have 30 days from receipt of the  
636 draft MOA to provide comments. The SHPO may have an additional 30 days to reply when  
637 needed, provided it notifies the Forest in writing prior to the end of the initial 30-day period  
638 requesting an extension. If the SHPO fails to respond within the 30-day review period, the  
639 Forest Service may proceed with the resolution of adverse effects provided there are no  
640 unresolved objections from Tribes, or consulting parties. If the SHPO does not concur and  
641 the objection cannot be resolved, or if the SHPO fails to respond and unresolved objections

642 from the Tribes, or consulting parties exist, the Forest Service shall seek the views of the  
643 ACHP to resolve the objection.

644  
645 **IX. POST-REVIEW DISCOVERIES**

646  
647 Any discovery of a historic property or unanticipated effect made by a Forest during the  
648 implementation of any undertaking on NFS lands will be treated in accordance with Section 106  
649 (36 CFR 800.13(b)). Forests are encouraged to use their existing inadvertent discovery plans (IDP)  
650 and shall comply with any other agreements with Tribes related to this matter. In cases where this  
651 PA is being used on non-federal lands, then the Oregon Revised Statutes would apply, in addition  
652 to other Oregon Statutes and Rules, and the Forest's IDPs will not be used.

653  
654 A. In the event human remains, funerary objects, sacred objects, and objects of cultural  
655 patrimony are inadvertently discovered during project implementation, all activities shall  
656 cease, and the area will be secured. The Forest shall comply with the provisions of the  
657 Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) as outlined  
658 in 43 CFR 10. The steps for this process are outlined in each Forest's Inadvertent Discovery  
659 Plan. NAGPRA only applies to Federal lands.

660  
661 B. If the undertaking has not been completed at the time the unanticipated discovery or effect  
662 is discovered, all activities in the vicinity of the potential historic property shall cease and  
663 reasonable efforts shall be taken to avoid or minimize harm to the property until the  
664 following consultations are completed:

665  
666 1. The Forest shall consult with SHPO, Tribal Historic Preservation Officers (THPO),  
667 and affected Tribes to agree on a mutually acceptable course of action regarding the  
668 historic property. Consultation shall begin within 48 hours of discovery.

669  
670 2. If agreement cannot be reached with the SHPO, THPOs, and affected Tribes within  
671 10 days of notification of the discovery, the Forest shall consult with the ACHP.  
672 The Forest shall provide the ACHP with summary documentation on the issues and  
673 feasible steps that might be taken, and request the comments of the ACHP before  
674 making a decision on whether, or how, to proceed with the undertaking. The ACHP  
675 shall have ten calendar days following receipt of the documentation to provide the  
676 Forest with comments, which the Forest shall take into account when reaching its  
677 decision.

678  
679 3. The Forest shall notify the ACHP, SHPO, THPOs, the affected Tribes, and any  
680 interested parties of its decision within ten calendar days or agreement, or upon  
681 receipt of ACHP comments.

682  
683 C. If the undertaking has already been concluded when an unanticipated discovery or effect  
684 to a historic property has been discovered, the Forest shall notify the SHPO, ACHP, and  
685 affected Tribes within 10 days of the discovery. The Forest shall consult with the ACHP,  
686 the SHPO, and affected Tribes, to agree on a mutually acceptable course of action, which  
687 the Forest shall implement within a specified time period. This consultation shall not

688 exceed 30 calendar days, unless a different timeframe is agreed to by the consulting parties.  
689 A timeline for submission of the report describing the effects to the historic properties and  
690 the proposed method(s) for resolving the adverse effects will be decided upon by the  
691 consulting parties within the 30 day consultation period.  
692

693 D. If agreement on a course of action cannot be reached within this time frame, the Forest  
694 shall take any comments received into account. The Forest shall notify and submit  
695 appropriate documentation of its decision within ten calendar days to the ACHP, SHPO,  
696 THPOs, affected Tribes, and any interested parties.  
697

## 698 **X. APPENDICES**

700  
701 Listed below are additional protocols for either specific classes of resources or undertakings that  
702 can utilize the exemptions in Appendices A-C. These protocols highlight additional processes for  
703 specific classes of resources or undertakings but involve further processes in order to meet the  
704 conditions of a specific protocol. Appendix G contains a glossary of terms used in this PA.  
705

- 706 • Appendix D – Expedited NRHP Evaluations: This appendix provides NRHP evaluation  
707 and documentation guidance on specific types of sites that are unambiguously eligible and  
708 not eligible.
- 709 • Appendix E - Post-Emergency Restoration: TBD.
- 710 • Appendix F - Heritage Resources Grazing Permit Renewal Protocol: This appendix  
711 provides procedures to address the NHPA Section 106 compliance process for the renewal  
712 of grazing permits on NFS lands.  
713

## 714 **XI. ANNUAL REPORTING**

715  
716 The Annual Report which will reflect the previous federal fiscal year (October 1 through  
717 September 30), shall be submitted by the RHPL to the SHPO, ACHP, and Tribes by February 15th  
718 of the following calendar year, and made available via the Forest Service website. The Forest  
719 Service and the SHPO shall determine the format of the Annual Report. The Annual Report shall  
720 include, at a minimum, the following:  
721

- 722 1. Narrative information summarizing program highlights and major achievements.  
723
- 724 2. A summary of:  
725
  - 726 a. Project reports submitted to SHPO during the previous fiscal year.  
727
  - 728 b. Projects that fall into Appendix B and C, referencing the associated action  
729 exempted from standard 106 review and use of other appendices if applicable.  
730
  - 731 c. Project reports pending submission to SHPO including anticipated completion  
732 dates, such as those projects using phased identification.  
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- d. Forest Service comments, findings, observations, or recommendations relevant to the implementation of this PA, including recommendations for additions, deletions, or modifications to the undertakings designated as exempt under Appendices B and C, case-by-case, or standard NHPA Section 106 review.
  - e. The total number and types of projects utilizing the phased NHPA Section 106 procedures contained in this PA.
  - f. Number of sites determined NRHP eligible and ineligible.
  - g. Other reasonable information requested by the SHPO or the ACHP relevant to implementation of this PA and identified to the Forest Service before the beginning of the FY to be reported.
3. An updated listing of all Forest Service Heritage staff on those forests which utilize this PA and a current Organization Chart for each forest.
  4. List of Agency Officials that have completed NHPA Section 106 and PA training.
  5. Functionality of the PA and recommended modifications.

756 The Annual Report will provide primary information for the Annual Program Review meeting.  
757 The SHPO and the Tribes may request additional information on undertakings documented in the  
758 annual report. Any question the SHPO may have about the information in this report will be  
759 answered by the RO or the appropriate Forest HPM.  
760  
761

## 762 **XII. DISPUTE RESOLUTION**

763

- 764 A. Should the SHPO, the ACHP, or the Tribes object to the adequacy of any plans,  
765 specifications, or actions proposed pursuant to this PA, the Forest Service shall consult with  
766 the objecting party to resolve the objection. If within 30 days, which can be extended by  
767 agreement among the signatories in writing, the Forest Service or objecting party  
768 determines that the objection cannot be resolved, the Forest Service shall forward all  
769 relevant documentation of the dispute to the ACHP within 30 days, after receipt of all  
770 pertinent documentation. Within 30 days the ACHP will either:  
771
- 772 1. Provide the Forest Service with recommendations that the Forest Service will  
773 consider in reaching a final decision regarding the dispute; or  
774
  - 775 2. Notify the Forest Service that it will comment pursuant to Appendix A of 36 CFR  
776 800 and proceed to comment. Any ACHP comment provided in response to such a  
777 request will be considered by the Forest Service with reference to the subject of the  
778 dispute. Any recommendation or comment provided by the ACHP will be  
779 understood to pertain only to the subject of the dispute; the Forest Service's

780 responsibility to carry out all actions under this PA that are not the subject of the  
781 dispute will remain unchanged.

- 782
- 783 B. Should an objection to the implementation of this PA be raised by any member of the  
784 public, the Forest Service shall take the objection into account and consult as needed with  
785 the objecting party, the SHPO, or the ACHP to resolve the objection.
- 786

787

788 **XIII. ANNUAL REVIEW MEETING**

789

790 The Annual review meeting shall be for the purposes of reviewing the terms of this PA, the  
791 information provided in the annual report, and functionality of the PA. The annual review meeting  
792 shall provide the accomplishments based on each federal fiscal year and shall be held with the  
793 SHPO and the Tribes by September of year of report submission.

794

795

796 **XIV. DURATION**

797

798 The term of this PA is 10 years. At least one year prior to expiration, the Forest Service shall notify  
799 all parties in writing of the PA's impending expiration. Such notice shall also include details on  
800 how signatories may object to an extension of the PA. If there are no objections from the  
801 signatories, the term of the PA shall automatically be extended for an additional 5 years and up to  
802 a limit of 20 years from the date of the original signature. If any signatories object to extending  
803 the PA, or propose amendments, the Forest Service shall consult with the signatories to consider  
804 amendments or other actions to avoid termination.

805

806

807 **XV. AMENDMENTS**

- 808
- 809 A. All proposed amendments to the body of the PA shall be sent to all consulting parties for  
810 30 day review. If appropriate, the signatories shall meet to discuss comments with  
811 consulting parties. Comments on the proposed amendments shall be taken into account by  
812 the signatories. This Agreement may be amended when such an amendment is agreed to  
813 in writing by all signatories. The amendment shall be effective on the date a copy signed  
814 by all signatories is filed with the ACHP.
- 815
- 816 B. New protocols may be developed and added to this PA as appendices to address other  
817 resources and undertakings, upon agreement of the signatories and in consultation with the  
818 Tribes and concurring parties. The amendment will be filed with the ACHP.
- 819
- 820 C. Modifications to the appendices may be made upon written agreement of the signatories  
821 and in consultation with the Tribes and concurring parties without amending the body of  
822 the PA. The amendment will be filed with the ACHP.
- 823
- 824 D. The Forest Service will provide a dated and amended copy of the PA, and/or appendices to  
825 signatories and concurring parties.

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**XVI. TERMINATION**

The Forest Service, the ACHP, or the SHPO (signatories) may terminate this PA by providing 60 days written notice to the other signatories. During the period prior to termination, the signatories shall seek agreement on amendments or other actions that would avoid termination. Termination of this PA or failure to abide by its terms shall require non-compliant Forests (Stipulation II) to comply with 36 CFR Part 800 with respect to undertakings that otherwise would be reviewed under this PA.

**XVII. EXECUTION AND IMPLEMENTATION**

Execution and implementation of this Programmatic Agreement satisfies the Forest Service NHPA Section 106 responsibilities for routine and emergency recovery undertakings on lands in the State of Oregon.

- C. This PA becomes effective on the date that the last signatory signs and shall be implemented immediately. The Forest Service shall ensure that each signatory, the Tribes, and concurring parties are provided with a complete, signed copy and that the final PA, updates to any appendices, and any amendments are filed with the ACHP.
  
- D. Nothing in this PA shall obligate the Forest to expend appropriations or to enter into any contract or other obligation. Specific work projects or activities that involve the transfer of funds, services, or property between the parties to this PA will require the execution of separate agreements or contracts, contingent upon the availability of funds as appropriated by Congress. Each subsequent agreement or arrangement involving the transfer of funds, services, or property between the parties to this PA must comply with all applicable statutes and regulations, including those statutes and regulations applicable to procurement activities, and must be independently authorized by appropriate statutory authority.



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918 **APPENDIX A**

919 **Undertakings Exempt from Further Review**

920 The following are undertakings that have no potential to cause effects. If the undertaking is a type  
921 of activity that does not have potential to cause effects on historic properties, the agency official  
922 has no further obligations under Section 106. The HPM, in accordance with Stipulation VI, shall  
923 determine if an undertaking meets the conditions of one or more of the following actions listed  
924 below that has no potential to affect historic properties. These projects will not be incorporated  
925 into the Heritage Application or the Annual Reporting, but shall be documented in a memo.  
926

927 The presence of an activity on this list does not automatically exclude a given project from  
928 consultation with Tribes. If the HPM determines that a project has the potential to affect historic  
929 properties, the project shall not be considered excluded and shall be subject to the provisions of  
930 this PA, or 36 CFR 800, as appropriate. To utilize this appendix, a project must not create new  
931 ground disturbance or change accessibility (Tribal access) or use.  
932

933 The HPM should be aware that in the case of properties of religious and cultural significance to  
934 Indian Tribes, avoiding or limiting visual and auditory impacts to a property may be necessary to  
935 preserve the qualities that make the property eligible for the National Register of Historic Places.  
936 Any decision to exclude a project from case-by-case review shall carefully consider the potential  
937 for visual effects, assuming any historic properties are present.  
938

939 An activity listed under one disciplinary heading in Appendix A does not mean the same activity  
940 cannot qualify as an exempt undertaking when a different discipline is using it.  
941

942 The following types of Forest Service undertakings are exempt from standard Section 106 review:  
943

944 **A. SAFETY**

- 945
- 946 1) Routine removal of trash, objects, and abandoned property (e.g., vehicles, campers) that  
947 are modern deposits and do not qualify as a historic property.  
948

949 **B. NON-DISTURBING ADMINISTRATIVE ACTIONS**

- 950
- 951 1) Designation of Research Natural Areas (RNAs).  
952
  - 953 2) Mineral Withdrawals, which remove specific areas of public lands from the application of  
954 the General Mining Law of 1872.  
955
  - 956 3) Conversion of an existing authorization from one federal authority to another federal  
957 authority (e.g., a road permit under the authority of the Federal Land Policy and  
958 Management Act to an easement under the authority of the Federal Highway Act).  
959
  - 960 4) Administrative Closures, such as Forest Closure Orders or the Cave Closure Order, that  
961 restrict human entry.  
962
  - 963 5) The administrative action of reducing the maintenance level of a road (rated as 1 through  
6) The administrative action of changing the use designation of a trail from motorized to non-  
motorized use.

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**C. GENERAL**

- 1) Undertakings occurring in modern deposits (recent flood plain deposits, recent coastal foredune deposits, etc.) that do not have the potential to contain historic properties or indirectly affect historic properties.
- 2) Research activities involving no destructive actions, ground disturbance, or affects to historic properties.
- 3) Modification of existing fences by replacing wire, or replacing wire fence with buck and pole fencing.
- 4) Stockpiling of materials on existing roads, turnouts, or other disturbed areas.
- 5) Recurrent brushing (hand, machine, chipping) activities to control vegetation within the existing clearing limits of roads, parking lots, airstrips, or heliports, and in plantations around seedlings.

**E. BOTANY**

- 1) Non-commercial native plant material gathering including cultural first foods, seed collection, and restoration materials like willow stakes and shrub cutting.
- 2) Installation and maintenance of seedling protection including mats, nets, shade cards, or other similar treatments.
- 3) Orchard maintenance including mowing, cone collection, tagging, cutting, pruning, and other activities in established orchards.

**F. LANDS AND SPECIAL USES**

- 1) Easement acquisitions.
- 2) Land acquisitions, or transfers of administrative control to another federal agency.
- 3) Special-use permits which would transfer user, or add another user and existing electronic equipment to an approved communication facility or structure, not requiring the vertical or horizontal expansion of the facilities permit area, or add additional lighting.
- 4) Replacing or authorizing new utility lines (power or telephone) to existing pole(s) when there is no change in pole configuration and where no new road construction is authorized.
- 5) Renewals, assignments, and conversions of existing special-use permits, easements, and other agreements where existing stipulations in the permit are sufficient to protect any historic properties that may be involved.
- 6) Inventory and data collection including land use and land cover, (e.g., cadastral surveys, geophysical surveys) and approval of permits for such activities, as long as no ground disturbing activities are involved.

**F. MINERALS AND GEOLOGY**

- 1) Use of existing material source sites where no horizontal expansion of the source or the existing footprint will occur.

- 1010 2) Placing fill material within existing material source sites.  
1011 3) Approval of previously approved Mining Plans of Operations that would add another user,  
1012 or the sale or transfer of an approved operation to other individuals that would not change  
1013 the terms of the Plan of Operations.  
1014

1015 **H. RECREATION AND RECREATION SPECIAL USE PERMITS**  
1016

- 1017 1) Issuance of recreation special-use permits for activities that have no potential to cause  
1018 effects.  
1019 2) Repair or replacement of recreational bulletin boards, information signs, interpretive signs,  
1020 barrier posts, and visitor registers within the existing footprint in both Forest Service  
1021 developed sites and resort complexes.  
1022 3) Routine trail maintenance limited to brushing or removing fallen trees from trail corridor  
1023 with hand tools.  
1024 4) Designation of snowmobile or skiing routes.  
1025 5) Operation and maintenance of campgrounds, organizational camps, and resort operations  
1026 and other developed recreation facilities when no new ground disturbance occurs.  
1027

1028 **I. TIMBER AND VEGETATION MANAGEMENT TREATMENTS**  
1029

- 1030 1) Post-harvest chipping operations in existing landings or skid trails.  
1031 2) Encroachment, post and pole harvesting, and stand improvement, where selected trees  
1032 (where young, small diameter trees are cut and slash is hand scattered and left) are pruned  
1033 with hand saws or chainsaws to improve tree health and resiliency, reduce ladder fuels, and  
1034 create defensible space around structures. Slash is either scattered, hand piled for chipping,  
1035 or bucked up by hand.  
1036 3) Planting on stream sides, modern landslides or flood deposits near streams and rivers.  
1037 4) Broadcast seeding, mulching, and revegetation in disturbed areas using non-disturbing  
1038 methods.  
1039 5) Felling of small diameter trees (no more than 6" in diameter) by hand.  
1040 6) Non-commercial personal use permits for special forest products (e.g., mushroom  
1041 gathering, Christmas trees).  
1042

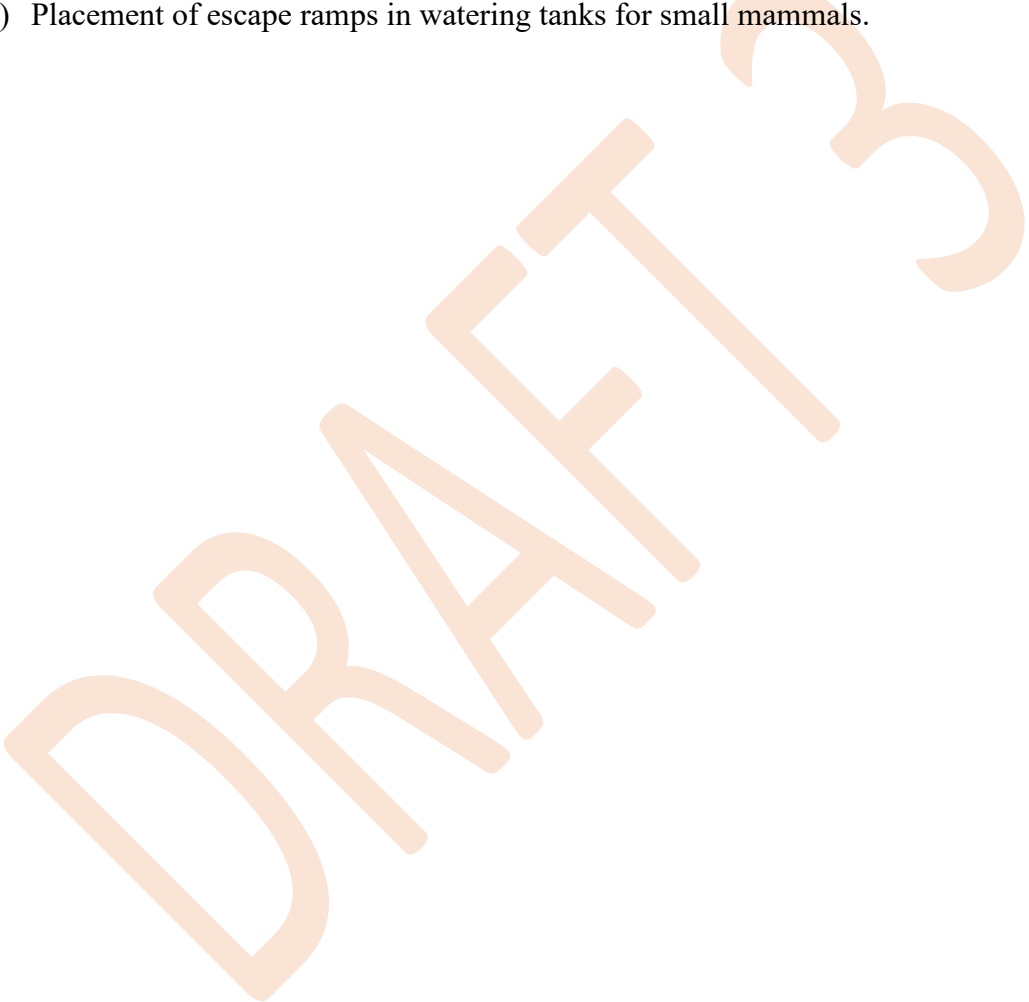
1043 **J. TRANSPORTATION**  
1044

- 1045 1) Off-Highway Vehicle (OHV) trail designations which utilize existing roadways.  
1046 2) Routine maintenance, snow removal, ditch clearing, brushing, base rock repairs and  
1047 resurfacing on paved or graveled road surfaces (does not include native road surfaces)  
1048 when confined to an existing road prism or parking area.  
1049 3) Rocking non-native road surfaces to armor against road surface erosion and maintain  
1050 design drainage configuration against traffic impacts.  
1051 4) Removing and replacing culverts that are located entirely within the road prism.  
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1056 **K. WILDLIFE**

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- 1) Creation of snags that are not considered culturally modified trees, exclusive of tree tipping or root wadding.
- 2) Removal of log jams and debris jams within waterways using hand labor or small hand-held equipment where there is no impact to the stream banks.
- 3) Gopher and squirrel control except those involving surface disturbing activities (i.e., ripping).
- 4) Re-introduction of endemic or native faunal species into their historic habitat.
- 5) Installation and maintenance of nesting platforms and boxes and wildlife cameras.
- 6) Placement of escape ramps in watering tanks for small mammals.



## APPENDIX B

### Limited Review Undertaking

Undertakings listed in this appendix have no adverse effect on historic properties when the conditions noted in this appendix are met, and do not require field inventory, and are excluded from further SHPO review and consultation under the terms of this PA. The HPM shall make the determination as to whether the undertaking meets the conditions of one or more of the actions listed below, in accordance with Stipulation VI.

In certain circumstances, even though an action may meet the following criteria, the HPM may, based on other justifying factors, recommend inspection or monitoring. If the HPM determines that an undertaking has the potential to affect historic properties, the undertaking shall not be considered exempt and shall be subject to the provisions of this PA or 36 CFR 800, as appropriate. At the discretion of the Agency Official, the project may be submitted for a formal review by the signatories at any time.

The HPM should be aware that in the case of properties of religious and cultural significance to Indian Tribes, avoiding or limiting visual and auditory impacts to a property may be necessary to preserve the qualities that make the property eligible for the National Register of Historic Places, keeping in mind the following:

- Any decision to exclude a project from case-by-case review must carefully consider the potential for all effects, including visual effects, assuming any historic properties are present.
- The HPM shall consider if the undertaking will impact access to traditional areas of importance, and the protection of traditional cultural materials on NFS lands.
- All undertakings shall consider the safety of tribal members (i.e., invasive plant eradication in traditional gathering areas)

The HPM shall assign a project number and document the decision indicating that the undertaking will be reviewed under the Appendix B guidelines. The document shall include a description of the undertaking that is retained in each Forest's cultural resource files, entered into the Heritage Application, and included in the annual report.

An activity listed under one disciplinary heading in Appendix B does not mean the same activity cannot qualify as an exempt undertaking when a different discipline is using it.

The following types of Forest Service undertakings qualify for Limited Review:

#### A. GENERAL

- 1) Activities where the APE is entirely within obviously disturbed context, and the disturbance is such that the presence of historic properties is highly unlikely.



- 1146 2) Maintenance or replacement of modern constructed features less than 50 years of age at  
1147 the time of project implementation, and that are not eligible under Criterion G or found not  
1148 eligible through a consensus DOE, and that do not involve new ground disturbance.  
1149 3) Removal of non-historic structures or buildings where there will be no new ground  
1150 disturbance.  
1151 4) Installations of signposts, routine signs or markers, and land survey monuments.  
1152 5) Installation of anti-perching strips on non-historic buildings.  
1153 6) Fence construction and maintenance that does not bisect archaeological sites, require  
1154 blading of the fence line, and that does not disturb rock cairns, features, or cause livestock  
1155 or wild horse trailing through archaeological sites.  
1156 7) Replacement of gates when no new ground disturbance is required.  
1157 8) Any project that involves no more than 1 square meter of disturbance per acre.  
1158 9) Capping abandoned water wells.  
1159

## 1160 **B. AQUATICS AND FISHERIES**

- 1161  
1162 1) Instream structure placement (large wood placement, beaver dam analog, etc.) that does  
1163 not involve ground disturbance activities outside of the stream channel.  
1164 2) Fishery habitat improvements confined to the active stream channel.  
1165 3) Installation of devices, e.g., stream flow gauges, hydrometers, directional felling of trees  
1166 into streams, etc., that are confined to the stream channel and will not disturb adjacent  
1167 stream terraces and/or intact over-bank soil deposits.  
1168 4) Repair and maintenance of head-cuts, fish ladders, irrigation diversions, and fish screens,  
1169 that do not involve ground disturbance activities outside of stream channel.  
1170

## 1171 **D. BOTANY**

- 1172  
1173 1) Vegetation Treatment by herbicide spraying not expected to affect rock art images or  
1174 traditional Native American plant gathering areas, when the effects on traditional food  
1175 resources and rock art images have already been considered through tribal consultation,  
1176 other analyses or agreements.  
1177 2) Removal of non-native, invasive plant species using hand tools (such as shovels to dig up  
1178 roots).  
1179

## 1180 **D. FIRE AND FUELS**

- 1181  
1182 1) Managed wildfires in which the fire is low intensity and where known, fire sensitive  
1183 historic properties are protected.  
1184 2) Low fire intensity, prescribed burns where burning, hand-line construction, or mop-up will  
1185 not impact historic properties that consist of wooden structures or other fire sensitive  
1186 features, or where special and proven protective measures are taken (e.g., wrapping,  
1187 sprinklers, etc.) to preserve such features from fire effects.  
1188 3) Chainsaw felling of trees for annual chainsaw certification.  
1189  
1190  
1191

1192 **E. LANDS AND SPECIAL USE PERMITS**

- 1193
- 1194 1) Installation and maintenance of buried utilities when placed in previously disturbed ground
- 1195 and no new ground disturbance occurs.
- 1196 2) Power pole/tower replacement and guy wire replacement when placed in the same auger
- 1197 hole or location and does not require new ground disturbance.
- 1198 3) Standard maintenance (e.g., felling danger trees, mowing/brushing, access road
- 1199 maintenance) of utility line corridors.
- 1200 4) Reassignment of Land Use Authorization where the action conveys no additional rights
- 1201 beyond those granted in the original authorization.
- 1202

1203 **F. MINERALS AND GEOLOGY**

- 1204
- 1205 1) Approval of modifications to, or variances from, activities described in an approved
- 1206 mineral or exploration plan of operations that do not involve additional surface disturbance.
- 1207 2) Filling abandoned mine shafts, adits, and stopes or other underground workings, using
- 1208 reversible methods.
- 1209 3) Seismic operations or monitoring on maintained roads or trails, including the controlled
- 1210 placement or subsurface use of explosive charges, where no blading, or other land
- 1211 modifications are necessary.
- 1212 4) Restoration of depleted quarries within existing footprint.
- 1213

1214 **G. RANGE**

- 1215
- 1216 1) Cattle guard installation and maintenance within road prisms.
- 1217 2) Repair and maintenance of stock ponds where no new ground disturbance is involved.
- 1218 3) Installation of above-ground water pipelines where no ground disturbance occurs.
- 1219 4) Placement, or replacement, of water tanks, and troughs where historic properties will not
- 1220 be affected.
- 1221 5) Placement of wild horse trap sites within existing disturbance or on existing roads.
- 1222 6) Placement of salt blocks outside of existing historic properties.
- 1223 7) Maintenance of existing spring developments and buried water pipelines where no new
- 1224 ground disturbance is involved.
- 1225 8) Installation of grazing exclusion cages.
- 1226 9) Removal of fence posts and wiring.
- 1227

1228 **H. RECREATION (SPECIAL USES, DEV. REC SITES, TRAILS)**

- 1229
- 1230 1) Renewals, assignments, and conversions of existing special use permits, where existing
- 1231 stipulations in the permit are sufficient to protect historic properties that may be involved.
- 1232 Issuance of recreation special use permits where activities are unlikely to affect historic
- 1233 properties.
- 1234 2) Construction or removal of water-control features including but not limited to water bars
- 1235 and check dams along non-motorized trails where project activities will occur within the
- 1236 existing trail corridor and is limited to hand tools.
- 1237 3) Replacement of pit or vault toilets and septic tanks within the same disturbed footprint.

- 1238 4) Felling of hazardous trees within developed and dispersed recreation areas, adjacent to
- 1239 recreation residences, or in other areas frequented for recreation purposes, for health and
- 1240 safety reasons. Individual trees are to be felled and removed by hand or left in place.
- 1241 5) Routine trail maintenance of existing tread.
- 1242 6) Installation of boot brush stations at trail heads.
- 1243 7) Installation of bear resistant boxes.
- 1244 8) Trail reroutes, reconstruction, and decommissioning.
- 1245 9) Installation of vent caps on outhouses and toilets to exclude wildlife from entering pipe.
- 1246

1247 **I. SOIL**

- 1249 1) Soil mapping activities which do not occur in known sites, and are less than 1 cubic meter
- 1250 disturbance per acre.
- 1251

1252 **J. TIMBER AND VEGETATION**

- 1254 1) Slash piling by hand and burning slash piles outside of historic properties.
- 1255 2) Drill-seeding during vegetation restoration projects.
- 1256 3) Vegetation planting by hand or with hand tools.
- 1257 4) Sanitation cutting where individual trees and brush are felled by hand or by chainsaw,
- 1258 peeled, piled, removed by hand, or bucked up by hand. Vegetation can be left to naturally
- 1259 deteriorate, burned or have insecticide applied.
- 1260 5) Protective chemical spraying or individual pesticide injection of individual trees and small
- 1261 stands of trees, unlikely to affect culturally modified trees, historic landscapes (such as
- 1262 historic orchards), windbreaks, witness trees, and traditional Native American plant
- 1263 gathering areas, when the effects on traditional food resources have already been
- 1264 considered through tribal consultation, other analyses or agreements.
- 1265

1266 **K. TRANSPORTATION**

- 1268 1) Routine maintenance, snow removal, and resurfacing on native surface roads when
- 1269 confined to an existing road prism or parking area.
- 1270 2) Felling and removal of hazard and windthrow trees from road prisms and trails when
- 1271 deemed necessary for health, safety, or administrative reasons (e.g., blocked access), and
- 1272 no historic properties are affected. Equipment must remain within the road/trail footprint
- 1273 and removal of trees must occur in a manner that does not result in ground disturbance
- 1274 outside the road/trail prisms. Use of harvest methods that do not produce ground
- 1275 disturbance outside the existing road/trail prism is allowed (i.e. full suspension log removal
- 1276 with equipment staged in the road/trail prism).
- 1277 3) Maintenance, installation, or replacement of culverts within road prism, but include up to
- 1278 5 meter extent outside the road prism.
- 1279 4) Placement of rip-rap or other material for erosion control.
- 1280 5) Maintenance, installation, or replacement of bridges within original footprint, but include
- 1281 up to a 5 meter extent outside footprint.
- 1282 6) Installation of roadside safety features such as guardrails adjacent to existing forest roads.

- 1283 7) Actions taken for temporary or permanent road closures on authorized or unauthorized
- 1284 roads and trails.
- 1285 8) Road decommissioning that does not involve ground disturbance.
- 1286 9) Rocking of native road surface to armor against road surface erosion and maintain design
- 1287 drainage configuration against traffic impacts.
- 1288 10) The administrative action of increasing the maintenance level of a road (rated as 1
- 1289 through 5) provided it doesn't involve any ground disturbing activities to do so.
- 1290

1291 **L. WILDLIFE**

- 1292
- 1293 1) Authorization of installation of devices to protect raptors from electrocution on power
- 1294 poles or similar structure.
- 1295 2) Activities aimed at controlling or eradicating aquatic non-native species.
- 1296 3) Installation of bat gates.
- 1297 4) Maintenance and replacement of existing wildlife guzzlers where no new ground
- 1298 disturbance is involved.
- 1299 5) Installation of post and pole mounted wildlife devices.
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1329 **APPENDIX C**

1330  
1331 **Limited Review – Built Environment**

1332  
1333 All Forests have Historic Structures and other built features that require maintenance, repair, and  
1334 protection measures that will not adversely affect a historic structure. The undertakings listed in  
1335 this appendix have no adverse effect on historic properties pertaining to the built environment and  
1336 when carried out as described in this appendix, and when the undertakings meet the SOI standards  
1337 for restoration or rehabilitation described in the appropriate Preservation Brief, or applicable NPS  
1338 publication. Projects in this Appendix are excluded from further review and consultation under the  
1339 terms of this PA.

1340  
1341 The HPM shall make the determination as to whether the undertaking meets the conditions of one  
1342 or more of the actions listed below, and if a field inventory is required to assess whether historic  
1343 properties, not associated with the built environment, are present and could be affected by proposed  
1344 undertaking. In certain circumstances, even though an action may meet the following criteria, the  
1345 Heritage Professional may, based on other justifying factors, recommend inspection or monitoring.  
1346 Those historic structure activities that may adversely affect a structure’s character (i.e., adversely  
1347 affect period of significance fabric, materials, workmanship or design) require case-by-case review  
1348 and consultation with the SHPO.

1349  
1350 The HPM shall assign a project number and document the decision indicating that the undertaking  
1351 will be reviewed under the Appendix C guidelines. The document shall include a description of  
1352 the undertaking that is retained in each Forest’s cultural resource files, entered into the Heritage  
1353 Application, and included in the annual report.

1354  
1355 Forests shall emphasize the repair of existing elements, rather than in-kind replacement in order to  
1356 preserve historic fabric where prudent and feasible (i.e. where economical or where materials and  
1357 skills are available). The following list of Limited Review undertakings in no way supersede  
1358 established preservation plans and/or design guidelines for individual buildings and historic  
1359 districts.

1360  
1361 The following types of Forest Service undertakings qualify for Limited Review:

1362  
1363 **A. STRUCTURAL ELEMENTS**

- 1364  
1365 1) Repair or replacement of siding, trim, porches, balustrades, and stairs or hardware, when  
1366 done in kind to match historic material, design and color.  
1367 2) Repair of window frames or shutters by patching, splicing, consolidating or otherwise  
1368 reinforcing or replacing in kind those parts that are either extensively deteriorated or are  
1369 missing.  
1370 3) Replacement of window frames to match original material and design. The same original  
1371 configuration of panes shall be retained.  
1372 4) Replacement of glass, when done in kind to match the original form and design.  
1373 Windowpanes may be double, or triple glazed as long as the glazing is clear, and  
1374 replacement does not alter original window form.

- 1375 5) Maintenance of features, such as frames, hoodmolds, paneled or decorated jambs and  
1376 moldings, through appropriate surface treatments such as cleaning, rust removal, limited  
1377 paint removal, and reapplication of protective coating systems using historic color and  
1378 texture.  
1379 6) Repair or replacement of doors, when done in kind to match historic material and form.  
1380 7) Repair or replacement of roofs or parts of roofs that are deteriorated, when done in-kind or  
1381 where matching historic material and design, or when the material matches form and design  
1382 to the original, but adds a higher level of fire retardation. In areas of high fire danger, fire  
1383 retardant roofing is allowed. If fire retardant materials are used, the materials must match  
1384 the original roofing color and be compatible with design and character of the building.  
1385 Adequate anchoring for roofing material to guard against wind damage and moisture  
1386 penetration shall be provided.  
1387 8) Repair or replacement of lookout catwalks when done in-kind.  
1388 9) Repair or in-kind replacement of exterior lighting.  
1389 10) Masonry repair including repointing and rebuilding chimneys if the joints are done by hand  
1390 and the mortar is matched to original composition, color, texture, and application  
1391 technique.  
1392 11) In-kind repair of foundations when work is done to match existing materials and form.  
1393

## 1394 B. SURFACES

- 1395  
1396 1) Painting or staining interior or exterior surfaces, when the new paint or stain matches the  
1397 existing or historic color. If the existing color is not desirable and the historic color is not  
1398 known, the color should be in keeping with historic color schemes for nearby or similar  
1399 structures. Damaged or deteriorated paint or stain may be removed to the next sound layer  
1400 by hand-scraping or hand-sanding. Use of abrasive methods, such as sandblasting, to  
1401 remove paint or stain is not allowed.  
1402 2) In-kind replacement of caulking and weather stripping around windows, doors, walls and  
1403 roofing.  
1404 3) Removal of hazardous materials or surfaces such as asbestos and lead paint and replacing  
1405 them with nontoxic materials that resemble the historic surfaces as closely as possible.  
1406 4) Replacement of modern appliances and fixtures (e.g. ranges, refrigerators, and bathroom  
1407 fixtures). When associated cabinetry is intact, and the interior, in general, retains its historic  
1408 appearance, the cabinetry will be retained.  
1409

## 1410 C. UTILITY SYSTEMS

- 1411  
1412 1) Installation of mechanical, communication, and security equipment on secondary façade  
1413 that does not affect the visual and physical fenestration of the building .  
1414 2) Replacement, removal, or upgrading of electrical wiring.  
1415 3) Replacement of and enlarging liquid propane gas systems, if tanks are screened with  
1416 landscaping materials and not visible while viewing primary façade.  
1417 4) Replacement of communications equipment, when the same size, shape, and configuration  
1418 are retained, excluding large antenna and communications dishes.  
1419 5) Replacement of lightning rod wiring with new copper wire.  
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**D. SURROUNDING FEATURES**

- 1) Replacement of signs with in-kind material.
- 2) Ongoing maintenance of immediately surrounding landscaping, including but not limited to, modifications to remove hazardous vegetation, adding vegetation that blends with the historic landscape, or adding rocks to define paths, where not otherwise prohibited, so long as historic landscape characteristics are maintained.
- 3) Repair or replacement of driveways, rock walls, fencing, light posts, corrals, and walkways done in-kind to match existing or historic materials and design.
- 4) Tree planting or removal in areas that have been previously disturbed by these activities, including nursery beds and arboreta, provided historic landscaping is maintained.

**E. NEW MATERIALS**

- 1) Installation of dry insulation.
- 2) Installation of fire or smoke detectors or burglar alarms.
- 3) Installation of skirting over a structure’s crawl space, if constructed or painted a color to match or blend with the structure.
- 4) Installation of temporary door or window covers to secure structures from vandalism during the off-season or after visitor use hours.
- 5) Installation of wheelchair ramps meeting building code as long as ramps can be easily removed.
- 6) Installation of handrails, guardrails, and ADA compliant door knobs and door openers to meet building code if not attached to significant detailing and designed in a compatible manner that does not detract from the historic character.

1467 **APPENDIX D**

1468

1469 **NHPA Expedited Evaluations**

1470

1471 This appendix provides guidance on documenting and evaluating certain types of archaeological  
1472 sites for NRHP eligibility. The Forest Service shall follow the Secretary of the Interior’s Standards  
1473 for Evaluation found in National Park Service, Bulletin 15 and Bulletin 38, as appropriate.

1474

1475 Forests shall consult with affected Tribes on evaluations prior to completing the evaluation.  
1476 Forests may also consult with non-federally recognized Tribes, Tribal groups, and other  
1477 communities or organizations as interested parties, to identify similar values that may be associated  
1478 with resources being evaluated. Traditional Cultural Properties and Historic Properties of  
1479 Religious and Cultural Significance to Indian Tribes will not be evaluated using this appendix. All  
1480 DOEs will be submitted to the Tribes for review 30 days before submitting to the SHPO.

1481

1482 **Evaluation of Historic Properties**

1483

1484 **A. Expedited Determination of Eligibility**

1485

1486 To facilitate Region 6’s determinations of eligibility when planning undertakings, or for other  
1487 program activities, expedited evaluation protocols apply for the classes of archaeological sites  
1488 listed below.

1489

1490 Some types of archaeological sites that have frequently been found ineligible for the NRHP  
1491 because of their lack of substantive constituents or features; these sites do not meet the NRHP  
1492 criteria at 36 CFR 60.4 and cannot be linked to a person, event, or district. Standardized  
1493 documentation of such properties provides sufficient information to determine them ineligible  
1494 for the NRHP and/or provides information needed for agency management purposes.  
1495 Properties determined ineligible need no further consideration under the terms of this PA.  
1496 Determinations of Eligibility completed by Forests under Stipulation VII of this PA may use  
1497 the following standards, and when approved by a HPM, these expedited determinations meet  
1498 the consensus requirements of 36 CFR 800.4(c)(2).

1499

1500 **1. Historic Property Documentation Standards**

1501

- 1502 a. The HPM shall determine appropriate data collection procedures  
1503 commensurate with the cultural materials identified.
- 1504
- 1505 b. Historic properties shall be recorded using approved documentation  
1506 standards, or existing records shall be updated to current standards as  
1507 follows:
- 1508
- 1509 1) Provide general location maps, and site location maps using USGS 7.5’  
1510 or comparable maps. Prepare cultural resource site sketch maps, as  
1511 necessary, to show locations of any sampling units, features, or loci, site  
1512 boundaries, diagnostic artifacts, and datum.

- 1513 2) Take digital photographs of archaeological sites, including site  
1514 overviews, any features or loci, and artifacts, as appropriate.  
1515 For historic properties with features, document all features.  
1516 In historic properties with artifacts, document artifacts in small, single  
1517 locus areas. Use sampling strategies for larger sites or sites with  
1518 multiple loci. Use professional judgment to select adequate sample  
1519 sizes, and describe rationale.
- 1520 3) Document artifacts by including provenience information; providing  
1521 descriptions; making illustrations or taking photographs of unique or  
1522 diagnostic artifacts; measuring, illustrating or photographing, and  
1523 describing artifacts only once where there are multiple occurrences in  
1524 sites (or units/loci), and counting thereafter.
- 1525
- 1526 c. Background research shall be conducted to identify meaningful historic  
1527 contexts or the lack of meaningful historic associations. In addition to  
1528 standard historical references, review available and applicable atlases,  
1529 planting records, range condition inventories, historic maps and  
1530 photographs, ethnographies, oral histories, etc. Incorporate brief narratives  
1531 of results of background research into site records.
- 1532

#### 1533 1.1 Property Summary of Findings and Determination

1534

- 1535 a. Forests shall summarize the findings of the determination of eligibility and  
1536 include the following in brief:
- 1537
- 1538 1) Discussion of the methodology of data collection and documentation.
  - 1539 2) Description of the historic property.
  - 1540 3) Justification for eligibility determination to the NRHP, specifically  
1541 why they do or do not meet criterion A, B, C, or D (36 CFR  
1542 800.4(c)(2)), and the consideration of integrity of location, design,  
1543 setting, materials, workmanship, feeling, or association.
- 1544
- 1545 b. Append current site records with general location, site location, and sketch  
1546 maps, photographs, and any other supporting documentation.
- 1547
- 1548

#### 1549 2. The following property types may be considered ineligible.

1550

- 1551 a. Isolated Historic Properties and Artifacts
- 1552 Some isolated historic properties consist of ephemeral cultural remains, lack  
1553 associations meaningful in broader historic contexts (i.e., specific people  
1554 and events), and are not part of a historic district. Examples of isolated  
1555 historic property types include: mining features such as, borrow pits, spoils  
1556 piles, or adits/shafts; isolated historic ditches; hunters camps/dispersed  
1557 recreation camps; fire rings (this does not include a fire hearth feature);  
1558 minor trails and associated features not part of identified systems or

1559 historically significant trails; minor roads and associated features not part  
1560 of identified systems or historically significant roads; log decks, landings,  
1561 sawdust piles, and mill debris; logging stumps/high cut stumps not  
1562 associated with other logging sites or are not features or parts of cultural  
1563 landscapes in districts or sites; skid trails; fences and fence posts; and utility  
1564 lines and associated features unconnected to identified or historically  
1565 significant systems.

1566  
1567 Isolated artifacts, meaning a single artifact that is spatially discrete from any  
1568 other artifacts; a single artifact broken into two or more pieces and not  
1569 associated with any other artifact or feature., will not be evaluated as  
1570 historic properties under this PA and will not constrain management of areas  
1571 where found unless the HPM recommend otherwise. Isolated artifacts will  
1572 be recorded to Forest standards. Examples of isolated artifacts are wire  
1573 rope/logging cable, logging maintenance related cans or jars , glass or  
1574 ceramic shard, etc.

## 1575 1576 2.1 Categorically Ineligible Property Types

1577 The property types listed below lack associations meaningful in broader  
1578 historic contexts (i.e., specific people, and events), and are not part of a historic  
1579 district. Once appropriately documented and certified by the HPM, they may  
1580 be determined ineligible for the NRHP under Stipulation VII.

### 1581 1582 a. Historic Refuse Deposits

1583 Isolated historic refuse deposits are small trash scatters unassociated with  
1584 other historic remains, that contain only refuse materials with no features  
1585 suggesting other functions.

### 1586 1587 b. Historic Prospect Pits and Trenches

1588 Isolated historic prospect pits are small pits dug in exploration for valuable  
1589 minerals. These are small in size, unassociated with other historic remains,  
1590 contain only excavated pits and associated spoils piles with no artifacts or  
1591 features suggesting other functions, and date throughout the historic period  
1592 up to the 1960s, but are generally impossible to date because of lack of  
1593 associated diagnostic materials. Isolated prospect pits are considered  
1594 ineligible for the NRHP under this PA.

### 1595 1596 c. Isolated Historic Ditches

1597 Isolated historic ditches are small earthen ditches unassociated with other  
1598 historic remains, artifacts, associated features such as rock work or flumes,  
1599 and with contiguous segments totaling no more than 500 meters in length,  
1600 and little remaining integrity.

### 1601 1602 d. Culverts

1603 Culverts over 50 years old, regardless of construction material, including  
1604 wood, metal, or repurposed material, which are not associated with a larger  
1605 historic complex other than the road or trail they are under.  
1606

### 1607 3. Expedited Evaluations for Eligible Historic Properties 1608

1609 Certain types of historic properties are eligible for the NRHP because they  
1610 obviously meet at least one of the NRHP criteria at 36 CFR 60.4. Some have visible  
1611 constituents or features with known historic values. Some classes of properties  
1612 already have historic contexts established. The key to eligibility for these properties  
1613 is often integrity. Thus, the primary goal of recording and evaluating such  
1614 properties is determining if they retain sufficient integrity of location, design,  
1615 setting, materials, workmanship, feeling, and/or association to be eligible.  
1616

1617 Standardized documentation of such properties, without test excavating subsurface  
1618 deposits or conducting specialized analyses, provides sufficient information to  
1619 determine them eligible. Determinations of Eligibility completed by Forests under  
1620 Stipulation VII of this PA, may use the following standards; and when verified by  
1621 a HPM, these determinations meet the consensus requirements of 36 CFR  
1622 800.4(c)(2).  
1623

#### 1624 3.1 Historic Properties Eligible for Expedited NRHP Evaluations 1625

1626 Historic properties that qualify for Expedited NRHP Evaluations that contain  
1627 visible constituents or features, are generally considered to meet the eligibility  
1628 criteria at 36 CFR 60.4 are listed below:  
1629

- 1630 a. Pre-contact archaeological sites with visible structural remains (e.g., house  
1631 pits, rock rings).
- 1632 b. Rock art sites, including those with accompanying archaeological deposits.
- 1633 c. Pre-contact quarries or procurement locations with distinct geochemical  
1634 source signatures demonstrated through trace element studies.
- 1635 d. Pre-contact midden sites.
- 1636 e. Pre-contact/ethno-historic archaeological sites with ethnographic names
- 1637 f. Battlefields with a documented historic record, oral history, or traditional  
1638 knowledge, and/or archaeological features and artifacts related to the battle.
- 1639 g. Emigrant wagon roads related to the influx of Euro-Americans into Oregon  
1640 Territory.
- 1641 h. Historic townsites dating prior to 1930 with a documented historic record.
- 1642 i. Ditches with historic names that are over a mile in length and have a  
1643 documented historic record.  
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**APPENDIX E**

**Post-Emergency Recovery**

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1698 **APPENDIX F**  
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1700 **Allotment Review Procedures for**  
1701 **Livestock Grazing Permit Renewals**  
1702

1703 The purpose of this appendix is to address the National Historic Preservation Act (NHPA) Section  
1704 106 compliance procedures for processing grazing permit/lease (hereafter “permit”) renewals.  
1705 This amendment shall cover grazing permit renewals for livestock as defined in 36 CFR 222.1 as  
1706 “animals of any kind kept or raised for use or pleasure.” The following procedures will allow for  
1707 renewal of the permits while maintaining compliance with the NHPA. Alternative approaches to  
1708 this amendment may be developed by individual Forests, but such approaches shall fall under the  
1709 Section 106 regulations of the NHPA (36 CFR Part 800) and shall require individual Forest  
1710 consultation with the SHPO. These procedures shall allow for renewal of an existing grazing  
1711 permit prior to completing all NHPA compliance needs as long as PA direction, the FSM 2360  
1712 guidelines, FSH 2309.12 and the following specific procedures are followed:  
1713

1714 **A. Planning**  
1715

1716 Grazing permit renewals of any acreage size shall be scheduled for cultural resource compliance  
1717 coverage, which shall include scheduling for inventory, evaluation, treatment, and monitoring, as  
1718 appropriate. Schedules for inventories of all renewals to be covered by this amendment shall be  
1719 delineated by each participating Forest and submitted to the SHPO and Tribes at the start each  
1720 federal Fiscal Year.  
1721

1722 These procedures shall only apply to the reissuance of grazing permit authorizations and existing  
1723 range improvements. All new proposed undertakings for range improvements shall follow the  
1724 established procedures within this PA or 36 CFR 800.  
1725

1726 **B. Tribal Consultation**  
1727

1728 The Forest Service will contact and consult with Tribes in the earliest stages of the planning  
1729 process. At a minimum, consultation shall include the following:  
1730

- 1731 1. Information requested by Tribes.
- 1732 2. Identification of culturally sensitive and traditional use areas that may be associated  
1733 with important plants or plant communities and their habitats, and game habitats,  
1734 which may be impacted by grazing.
- 1735 3. Provide existing information on the condition of known culturally sensitive areas  
1736 and resources, historic properties and effects from grazing, if available.  
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1741 **C. Inventory Methodology**

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1. To address the impacts of grazing on historic properties, a sampling or reconnaissance inventory strategy shall be developed by the Heritage Professional in consultation with range staff, which focuses inventory efforts on areas where livestock are likely to congregate, within areas of high sensitivity for the presence of historic properties. Livestock congregation areas where it has been shown that the greatest levels of impact are likely to occur are generally around springs, water courses, meadows, and range improvement areas, such as troughs and salting areas.
2. Background research shall also be conducted for each allotment to ascertain previously recorded historic property locations and areas of prior inventory coverage, which can be accepted as meeting current standards. Historic properties located within livestock congregation areas will be visited to evaluate grazing impacts.
3. All existing range improvements within areas of high sensitivity for the location of historic properties shall be inventoried. However, due to the fact that cattle trailing occurs along fence lines and the area of impact is limited to a one meter wide swath, and impacts to historic properties are generally restricted to this corridor, existing linear improvements will not be inventoried except in areas of high sensitivity for the location of historic properties.
4. Salting areas may change from season to season making locating these areas problematic. Salting locations will be assessed by the Heritage Professional in consultation with range staff and the permittee. The permittee will be asked to provide a map designating salting areas and these locations will be inventoried if they occur in areas where the probability for the occurrence of historic properties is high. All livestock loading and unloading areas and corral areas will also be inventoried within areas of high sensitivity for the location of historic properties.
5. All areas identified for inventory in the survey strategy shall be covered intensively. All unrecorded historic property locations will be recorded, and a report of findings for each allotment will be completed. These investigations shall only address lands administered by the grazing permit.

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1773 **D. Evaluation**

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Determinations of eligibility to the National Register of Historic Places shall only be undertaken on historic properties where it can be reasonably ascertained, or it is ambiguous, that range activities will continue to impact sites and further consultation with SHPO and Tribes could be required.

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1780 **E. Effect**

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Range undertakings will be reviewed in accordance with the stipulations for Finding of Effects (Stipulation VIII) in this PA. These undertakings shall be documented in the PA Annual Report.

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1786 **F. Inventory Report**

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The inventory report shall contain the following information:

1. A brief description of the allotment including number of acres, type and number of livestock, season of use, and general vegetation.
2. A summary of previous cultural inventories with types of historic properties discovered.
3. Identification of culturally sensitive areas based on pre-field research and Tribal consultation, if known, and proposed remedies if degrading trends are identified.
4. A tabular listing of sites in the allotment.
5. Brief description of impacted historic properties, protection measures implemented, changes to grazing strategy/administration, if any, and their proposed incorporation into an allotment monitoring strategy.
6. A map identifying allotment boundaries, and areas of heavy grazing use, along with historic property locations, including culturally sensitive areas.
7. Forms for newly identified historic properties and updates for historic properties with significant changes from previous visits.

### **G. Protection Measures**

The protective measures defined below may be used to halt or minimize on-going damage to historic properties. If the protection measures can be effectively applied, then no evaluation or further consultation with SHPO on effects will be necessary. However, Forests shall continue consultation with Tribes regarding protection measures being implemented. The adopted protective measures shall be added to grazing permit “Terms and Conditions” as appropriate for each grazing permit issued or reissued as fully processed permits (completed NEPA analysis, consultation, and decision). The “Terms and Conditions” for each permit may be modified by the addition, deletion, or revision of protective measures.

1. Fencing or enclosure of livestock from the historic property sufficient to ensure long-term protection, according to the following specifications:
2. The area within the enclosure must be inventoried to locate and record all historic properties; and
3. The enclosure (i.e.) fence must not divide a cultural resource so that a portion is outside of the fence; and
4. The Heritage Professional will determine the appropriate buffer to be provided between the cultural resource and it’s enclosing fence.
5. Relocation of livestock management facilities and improvements at a distance from historic properties, sufficient to ensure their protection from concentrated grazing use.
6. Removal of natural livestock attractants at historic properties when such removal, in the judgment of the Heritage Professional, will create no disturbance to the historic properties (e.g. removing vegetation that is providing shade).
7. Removal of the area(s) containing historic properties from the allotment.
8. Livestock herding away from historic properties.

- 1832 9. Use salting and/or dust bags or dippers placement as a tool to move concentrations
- 1833 of cattle away from historic properties.
- 1834 10. Locating sheep bedding grounds away from known historic properties.
- 1835 11. Changing season and duration of grazing use.
- 1836 12. Reduction in number of AUMs.
- 1837 13. Other protective measures established in consultation with and accepted by the
- 1838 SHPO and the Tribes.
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1840 **H. Monitoring**

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1842 Forests shall develop an allotment monitoring plan if historic properties are located within the

1843 allotment. Monitoring may occur over one to ten years depending on the nature and extent of the

1844 impact. Allotment monitoring plans need to take into consideration changes in historic property

1845 conditions due to grazing impacts (i.e., site condition inspections), effectiveness of protective

1846 measures, and permitted compliance with historic property protection measures contained in

1847 permit stipulations.

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1849 **I. Reporting**

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1851 Inventory reports shall be submitted to the SHPO and Tribes 30 days after completion of report.

1852 Annual monitoring reports shall be submitted to the SHPO and Tribes no later than February 15th.

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## APPENDIX G

### Glossary of Terms and Acronyms Defined

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1882 **Advisory Council on Historic Preservation (ACHP)**, The ACHP promotes the preservation,  
1883 enhancement, and sustainable use of the nation's diverse historic resources, and advises the  
1884 President and Congress on national historic preservation policy.  
1885 **Area of Potential Effects (APE)**, the geographic area(s) within which an undertaking may directly  
1886 or indirectly cause alterations in the character or use of historic properties, if any such properties  
1887 exist. An APE is influenced by the scale and nature of an undertaking and may be different for  
1888 different kinds of effects caused by the undertaking.  
1889 **Agency Official** (also Responsible (FS) Official, or Federal Land Manager FSM 2360.4 and FSH  
1890 2309.12 (05 Definitions)). means, with respect to any public lands, the Secretary of the  
1891 department, or the head of any other agency or instrumentality of the United States, having  
1892 primary management authority over such lands (16 USC 470bb(2)). In the context of this  
1893 Agreement, a Federal Land Manager is an Agency Official (District Ranger, Forest Supervisor,  
1894 Regional Forester, or the Chief of the Forest Service). The Agency Official has approval authority  
1895 for the undertaking and can commit the Federal agency to take appropriate action for a specific  
1896 undertaking as a result of Section 106 compliance.  
1897 **Archaeologist**, an archaeologist that meets specific professional qualifications.  
1898 **Archaeological technician** (FSH 2309.12 Chapter Zero Code 06.2.), in the GS-102 Social Science  
1899 Aid and Technician Series must have at least one year of specialized experience, academic study,  
1900 or a combination of experience and study in archaeology (including a field school), anthropology,  
1901 history, or closely related fields. Archaeological technicians are generally working toward  
1902 undergraduate or graduate degrees in those respective fields. A Heritage Professional must assign  
1903 specific duties, approve reports, and accept professional responsibility for the technician's work.  
1904 **Cultural Resources** (FSH 2309.12 (05 Definitions)), an object or definite location of human  
1905 activity, occupation, or use identifiable through field survey, historical documentation, or oral  
1906 evidence. Cultural resources are prehistoric, historic, archaeological, or architectural sites,  
1907 structures, places, or objects, and traditional cultural properties. Cultural resources include the  
1908 entire spectrum of resources for which the Heritage Program is responsible from artifacts to  
1909 cultural landscapes without regard to eligibility for listing on the National Register of Historic  
1910 Places (see Historic Property).  
1911 **Cultural Resource Inventory Report**, the record of cultural resources known to occur within a  
1912 defined geographic area. An inventory includes a compilation and synthesis of existing  
1913 information and field surveys for evidence of past human activity. Additionally, the report makes  
1914 professional determinations regarding effects on cultural resources for an undertaking.  
1915 **Determination of Eligibility (DOE)**, a finding of a historic property's eligibility for listing in  
1916 the National Register of Historic Places.  
1917 **Fenestration**, the arrangement of doors and windows on the elevations of a building.  
1918 **Ground Disturbance**, is any activity that compacts, disturbs or modifies the surface or subsurface  
1919 soil within a project area.  
1920 **Heritage Application**, the Forest Service internal database for tracking historic properties,  
1921 projects and other relevant data to the management of cultural resources.  
1922 **Heritage Professional (HP)**, a professional cultural resource Professional who meets the standards  
1923 established for Archaeologist in the OPM X-118 professional Archaeologist (GS-0193), Historian

1924 (GS-0170), or Architectural Historian, or a consultant who meets the professional standards of 36  
1925 CFR 296.8, or the Secretary of the Interior's Standards and Guidelines for Professional  
1926 Qualifications in Archaeology and Architectural Historians as applicable (48 FR 44738-44739).  
1927 **Heritage Program Manager (HPM)**, is the lead position on each Forest that is responsible for:  
1928 directing and administering the Forest's complex and multifaceted Heritage Program; planning,  
1929 developing, and implementing the Forest's cultural resources inventory, evaluation, preservation,  
1930 and enhancement activities; delegating professional and technical responsibilities to heritage  
1931 specialists pursuant to this PA; providing professional and technical advice to the Forest  
1932 Leadership Team; coordinating the Heritage Program internally, and with external agencies,  
1933 organizations, and the public; curating and controlling access to cultural resource records and  
1934 collections; and meeting other program management responsibilities under this PA. The HPM  
1935 shall: meet the professional standards established for either archaeologist, historian or architectural  
1936 historian, as outlined in 36 CFR 296.8 or in the Secretary of the Interior's Standards and Guidelines  
1937 for Professional Qualifications (48 FR 44738-44739); or meet at least Office of Personnel  
1938 Management X118 GS-170/193-11 journeyman level qualifications; and have the experience and  
1939 skills pertinent to his or her job duties and responsibilities under this PA.  
1940 **Historic Properties of Religious and Cultural Significance to Indian Tribes (HPRCSIT)**, one  
1941 kind of traditional cultural property. Unlike a TCP, to which any group or organization can ascribe  
1942 significance, the term "historic properties of traditional religious and cultural significance to an  
1943 Indian tribe" is used in Federal law and regulation to describe a historic property to which  
1944 specifically an Indian tribe attaches spiritual or cultural value.  
1945 **Historic Property**, means any prehistoric or historic district, site, building, structure, or object  
1946 included in, or eligible for inclusion in, the National Register of Historic Places maintained by the  
1947 Secretary of the Interior. This term includes artifacts, records, and remains that are related to and  
1948 located within such properties. The term includes properties of traditional religious and cultural  
1949 importance to an Indian tribe or Native Hawaiian organization and that meet the National Register  
1950 criteria.  
1951 **In-Kind**, the replacement of material that must match the original, both physically and visually  
1952 (e.g., white oak wood with white oak wood). In kind materials match the scale, size material and  
1953 design.  
1954 **Intensive Survey**, is a pedestrian survey to locate historic properties within a defined area using  
1955 identification strategies appropriate to the geomorphology, vegetation, and potential for the  
1956 existence of cultural resources (FSH 2309.12 32.23).  
1957 The Secretary of the Interior's Guidelines for Identification further define intensive survey as  
1958 "most useful when it is necessary to know precisely what historic properties exist in a given area  
1959 or when information sufficient for later evaluation and treatment decisions is needed on individual  
1960 historic properties. Intensive survey describes the distribution of properties in an area; determines  
1961 the number, location, and condition of properties; determines the types of properties actually  
1962 present within the area; permits classification of individual properties; and records the physical  
1963 extent of specific properties. An intensive survey should document: The kinds of properties looked  
1964 for; The boundaries of the area surveyed; The method of survey, including an estimate of the extent  
1965 of survey coverage; A record of the precise location of all properties identified; and Information  
1966 on the appearance, significance, integrity, and boundaries of each property sufficient to permit an  
1967 evaluation of its significance."  
1968 **Inventory** (FSH 2309.12 (05 Definitions)). In the context of the FS Handbook, inventory is  
1969 referred to as survey and is field work to identify and record cultural resources. Field survey may



1970 be of different intensities (reconnaissance, sampling, or intensive) depending on variables such as  
1971 existing knowledge of the area and the management goals for the identification. In areas where  
1972 the ground surface is difficult to see, field survey may include subsurface probing to determine the  
1973 presence or absence of cultural material.

1974 **Inventory Design**, A process developed on how to survey for historic properties within an  
1975 identified area

1976 **Keeper**, the individual who has been delegated the authority to decide on the eligibility of historic  
1977 properties for inclusion in the National Register of Historic Places.

1978 **Land Use Authorization (LUA)**, An easement, lease, permit, or license to occupy, use, or traverse  
1979 public land granted for a particular purpose.

1980 **National Register Criteria**, means the criteria established by the Secretary of the Interior for use  
1981 in evaluating the eligibility of properties for the National Register.

1982 National Register of Historic Places (NRHP) the National Park Service through the authority of  
1983 the Secretary of the Interior maintains the National Register of Historic Places. Sites are  
1984 determined eligible for listing on the National Register using criteria defined in 36 CFR 60.4.

1985 **National Environmental Policy Act (NEPA)**, is a law that assures the government gives proper  
1986 consideration to the environment prior to a federal undertaking.

1987 **Official Administrative Record** means a public record that an agency is required by law to accept  
1988 or maintain, including, but not limited to, permits, correspondence, project files.

1989 **Predictive Model**, establishing statistically valid causal or covariable relationships between  
1990 natural proxies such as soil types, elevation, slope, vegetation, proximity to water, geology,  
1991 geomorphology, etc., and the presence of archaeological material. "Predictive Model" can be used  
1992 interchangeably with probability model.

1993 **Programmatic Agreement (PA)**, a document that allows the agency to govern the implementation  
1994 of the National Historic Preservation Act.

1995 **Regional Heritage Program Leader (RHPL)** (FSH 2309.12 (04.12 Regional Heritage Program  
1996 Leader)), is a Heritage Professional who advises the Regional Forester on matters concerning the  
1997 program at the Washington Office and Regional level and provides Program Leadership to the  
1998 National Forests and Grasslands within a Region.

1999 **Resources Natural Areas (RNA)**, are areas that the Forest Service has designated to be  
2000 permanently protected and maintained in natural condition. These protected natural areas include  
2001 unique ecosystems or ecological features; rare or sensitive species of plants and animals and their  
2002 habitat; and/or high-quality examples of widespread ecosystems.

2003 **Reconnaissance Survey**, are conducted to gather general information about the presence,  
2004 location, distribution, and condition of cultural resources across a landscape for broad-scale  
2005 planning and research purposes. Use probabilistic and non-probabilistic sampling methods in  
2006 reconnaissance surveys. A reconnaissance survey may be the first step in addressing NHPA  
2007 Section 106 compliance within a project planning area, but it is not a complete survey (FSH  
2008 2309.12 32.21).

2009 **Sampling Survey**, using either probabilistic or non-probabilistic sampling methods to obtain  
2010 statistical representations of cultural resource distributions in a planning or research area.

2011 **Secretary of Interior (SOI) Standards**, The minimum professional qualifications in archeology  
2012 are a graduate degree in archeology, anthropology, or closely related field plus: (1) At least one  
2013 year of full-time professional experience or equivalent specialized training in archeological  
2014 research, administration or management; (2) At least four months of supervised field and analytic  
2015 experience in general North American archeology; and (3) Demonstrated ability to carry research



2016 to completion. In addition, to these minimum qualifications, a professional in prehistoric  
2017 archeology shall have at least one year of full-time professional experience at a supervisory level  
2018 in the study of archeological resources of the prehistoric period. A professional in historic  
2019 archeology shall have at least one year of full-time professional experience at a supervisory level  
2020 in the study of archeological resources of the historic period.

2021 **State Historic Preservation Officer (SHPO)**, means the official appointed or designated pursuant  
2022 to section 101(b)(1) of the act to administer the State historic preservation program or a  
2023 representative designated to act for the State historic preservation officer.

2024 **Traditional Cultural Property (TCP)**, is a property that is eligible for inclusion in the National  
2025 Register of Historic Places based on its associations with the cultural practices, traditions, beliefs,  
2026 lifeways, arts, crafts, or social institutions of a living community.

2027 **Tribal Historic Preservation Officer (THPO)**, means the tribal official appointed by the tribe's  
2028 chief governing authority or designated by a tribal ordinance or preservation program who has  
2029 assumed the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands  
2030 in accordance with section 101(d)(2) of the act.

2031 **Undertaking**, means a project, activity, or program funded in whole or in part under the direct or  
2032 indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal  
2033 agency; those carried out with Federal financial assistance; and those requiring a Federal permit,  
2034 license or approval.

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