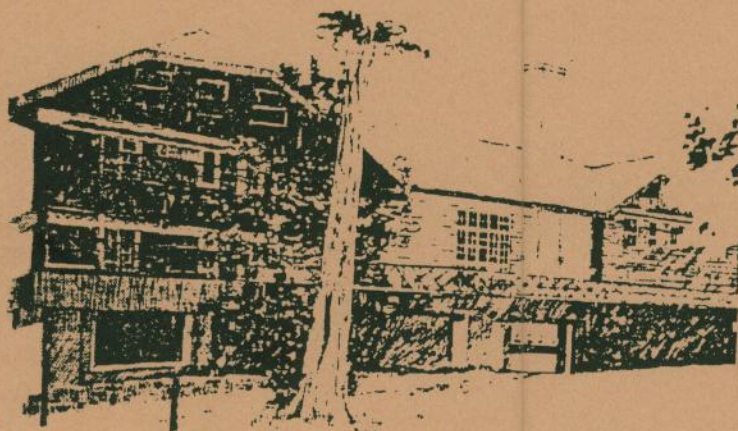

Intermountain Region
Technical Assistance Manual

Compliance with § 106 of the
National Historic Preservation Act



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Intermountain Region
TECHNICAL ASSISTANCE MANUAL
Compliance with §106 of the
National Historic Preservation Act

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INTRODUCTION

Compliance is not only the law -- it makes good sense. Compliance helps us make better decisions.

The technical assistance manual is designed to provide user-friendly information, advice, and guidance for superintendents and their staffs to complete their responsibilities of resource protection and meet their obligations under §106 of the National Historic Preservation Act (NHPA). Written in simple terms, the manual contains a flow chart, sample letters and forms, bibliography, glossary, and text of laws and regulations. The manual, however, is only part of the Intermountain Region's §106 tool kit, developed to improve understanding and familiarity with §106. The tool kit also includes

- An electronic bulletin board on cc:Mail (NEPA/106 Consultation); used to distribute information and guidance, as well as to pose/answer questions;
- Standard assessment of effect form;
- Directory of resources and contacts in the Intermountain Region;
- NEPA/§106 workshops. The 2½- day workshop covers both National Environmental Policy Act (NEPA) and §106, with class exercises.
- Software program (in development). The goal for the software program is to create a user-friendly cultural compliance computer program that meets the obligations of §106 and facilitates open communications with partners. We have mapped out a brief schematic of the program, which will be further refined.

Because of our changing organizational environment, responsibilities, and authorities, we need to change our perceptions of the §106 compliance process. We must embrace the §106 compliance process as a constructive means of encouraging balanced, resource based decision-making, while discarding the concept of compliance being a time-consuming process or regulatory mandate.

Rules, regulations, mandates, and policies are tools of the modern world used to conduct business. Ignoring the negative connotations these words have taken on, they can be valuable guides for consideration of cultural and natural resources when project plans and designs affect the environment. Ultimately all regulations provide for a safer, healthier environment that considers the effects of present and future actions.

The National Park Service (NPS) integrates the §106 process into project planning, design development, and decision-making, because it ensures early and systematic consideration of cultural resource preservation issues. Interdisciplinary involvement and consideration, from the earliest stages of project conception and development, provides decision-makers with a broad range of perspectives and alternatives for resource use. This interdisciplinary involvement also includes our non-NPS partners, such as other federal, state, and county agencies, state and tribal historic preservation offices, local governments, and historical societies. These partners have valuable information, resources, and expertise that can help us make good resource based decisions.

The NHPA also requires NPS to consider what effects our undertakings² may have on cultural resources³ listed in or eligible to be listed in the National Register of Historic Places. Many actions taken in parks are undertakings. That makes the key element to be concerned with whether our action will affect listed or eligible cultural resources.

The law also requires that agencies discuss their actions, *before taking them*, with the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO), the Advisory Council on Historic Preservation (ACHP), if necessary, as well as other consulting parties, such as certified local governments.

WHAT IS §110?

The focus of §110, for purposes of this manual, is surveying for cultural resources, evaluating the significance of the cultural resources found, and nominating eligible cultural resources to the National Register of Historic Places. Before we can preserve cultural resources or evaluate the effects of proposed actions on them, we have to know where the resources are and how important they are.

Section 110 of the NHPA sets out the broad historic preservation responsibilities of federal agencies. Under §110, each federal agency must:

- Assume responsibility for the preservation of cultural resources owned or controlled by the agency.
- Establish a preservation program for the identification, evaluation, and nomination of cultural resources to the National Register of Historic Places, as well as for resource protection.
- Use cultural resources available to it, to the maximum extent feasible, in carrying out agency responsibilities.
- Minimize the harm any action may have on National Historic Landmarks (NHL). Prior to the approval of any undertaking that may directly and adversely affect a NHL, the ACHP must be afforded an opportunity to comment on the undertaking.
- Consult with the Secretary of the Interior, acting through the NPS Director, in establishing its preservation programs.

Section 110 also establishes specific benchmarks for federal agency preservation programs:

²Undertaking means a project, activity, or program funded in whole or part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; those requiring a Federal permit, license or approval; and those subject to state or local regulation administered pursuant to a delegation or approval by a Federal agency [36 CFR Part 800.16 (y)].

³NPS management policies characterize cultural resources as archeological resources, structures, cultural landscapes, ethnographic resources, and museum objects. The National Historic Preservation Act and ACHP refer to historic properties rather than cultural resources. Historic properties is an umbrella term for all entries in the National Register of Historic Places (any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register). This includes artifacts, records, and remains that are related to and located within such properties, as well as properties of traditional religious and cultural importance to Native Americans that meet National Register criteria. Due to the familiarity of NPS personnel with the term cultural resources, cultural resources rather than historic properties will be used throughout this manual.

§106: The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

16 U.S.C. §470f

WASHINGTON OFFICE

The Washington Office establishes servicewide policy for cultural resources management activities. They work closely with the ACHP on reviewing and implementing new or revised regulations. The office also has the lead on developing/revising the servicewide Programmatic Agreement. The most recent servicewide programmatic agreement was issued July 17, 1995.

STATE HISTORIC PRESERVATION OFFICER

The State Historic Preservation Officer is appointed "at the pleasure of the governor." The duties include consultation with federal agencies during §106 and §110 review. The SHPO administers the national historic preservation program at the state level, reviews National Register nominations, and maintains file data on cultural resources that are identified but not yet evaluated.

Federal agencies must seek the views of the appropriate SHPO(s) while identifying cultural resources and assessing effects of undertakings on them. The SHPO should also be involved early in the planning process, before decisions are made regarding cultural resources.

Findings of *no historic properties affected*, *no adverse effect*, and *adverse effect* are all submitted to the SHPO for review and comment. Agencies and SHPOs may also develop memoranda of agreement to implement plans and projects.

TRIBAL HISTORIC PRESERVATION OFFICER

The Tribal Historic Preservation Officer is the tribal official appointed by the tribe's chief governing authority, or designated by a tribal ordinance or preservation program, who has assumed SHPO responsibilities for §106 compliance on tribal lands (tribal lands means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities). In the Intermountain Region there are three park units on tribal lands: Navajo National Monument, Canyon de Chelly National Monument, and Hubbell Trading Post National Historic Site.

Federal agencies must seek the views of the appropriate THPO while identifying cultural resources on tribal lands and assessing effects of undertakings on them. The THPO should also be involved early in the planning process, before decisions are made regarding cultural resources. In addition, findings of *no historic properties affected*, *no adverse effect*, and *adverse effect* are submitted to THPO for review and comment. Agencies and THPOs may also develop memoranda of agreement to implement plans and projects.

As always, we consult with Indian tribes who attach religious and cultural significance to cultural resources that are off tribal lands but on National Park Service lands.



ADVISORY COUNCIL ON HISTORIC PRESERVATION

The Advisory Council on Historic Preservation (ACHP) was created as an independent federal agency in 1966 by the National Historic Preservation Act. A 20-member executive board, appointed by the President, oversees ACHP functions. Offices staffed by resource professionals in Washington, D.C. and Denver, Colorado provide technical advice and assistance to all federal agencies. Other efforts focus on coordinating federal, state, and local preservation efforts; recommending new regulations and legislation; encouraging training and education in related disciplines; and generally advising the President and Congress on historic preservation issues.

HOW TO DO §110

As noted earlier, §110 of the NHPA directs federal agencies to identify cultural resources, evaluate the resources for their eligibility to be listed in the National Register of Historic Places, and to nominate eligible cultural resources to the National Register.

§110(a)(1): The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency. Each agency shall undertake, consistent with preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(f), any preservation, as may be necessary to carry out this section.

§110(a)(2): Each Federal agency shall establish...a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure—

- (A) that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the National Register;
- (B) that such properties under the jurisdiction or control of the agency as are listed in or may be eligible for the National Register are managed and maintained in a way that considers their preservation of their historic, archaeological, architectural and cultural values in compliance with §106 and gives special consideration to the preservation of such values in the case of properties designated as having National significance;
- (C) that the preservation of properties not under the jurisdiction or control of the agency, but subject to be potentially affected by agency actions are given full consideration in planning;
- (D) that the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and with the private sector; and
- (E) that the agency's procedures for compliance with §106—
 - (i) are consistent with regulation issued by the Council pursuant to §211;
 - (ii) provide a process for the identification and evaluation of historic properties for listing in the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on such properties will be considered; and
 - (iii) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with §3(c) of the Native American Grave Protection and Repatriation Act (25 U.S.C. §3002(c)).

16 U.S.C. §470h-2

Identification of cultural resources should be considered a separate process that is initiated well in advance of the §106 process. When you have a comprehensive evaluation of the resources in your park you can quickly determine if your undertaking will impact cultural resources. Often the identification and evaluation of cultural resources is seen as the first step in the §106 process, but it is cleaner to perform these steps under §110. Although you must identify cultural resources to consider the effects of an undertaking, waiting until the project is funded and then doing surveys can result in unacceptable delays. It is in the park's best interest to initiate §110 to facilitate future projects and effect determinations. We cannot responsibly manage cultural resources unless we know which resources are important.

APPENDIX A TO PART 61—PROFESSIONAL QUALIFICATION STANDARDS

Although these regulations are being revised [draft standards were published in the Federal Register on June 30, 1997 (Vol. 62, No. 119, pages 33707-33723)], these are the standards presently in effect:

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

(a) *History.* The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

- (1) At least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or
- (2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

(b) *Archeology.* The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

- (1) At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
- (2) At least four months of supervised field and analytic experience in general North American archeology; and
- (3) Demonstrated ability to carry out research to completion.

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

(c) *Architectural history.* The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:

- (1) At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
- (2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

(d) *Architecture.* The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a State license to practice architecture.

(e) *Historic Architecture.* The minimum professional qualifications in historic architecture are a professional degree in architecture or State license to practice architecture, plus one of the following:

- (1) At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
- (2) At least one year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

REVIEW CHECKLIST

Check Yes or No box to complete checklist.

FULFILLING YOUR PARK'S §110 OBLIGATIONS

	Yes	No
1. Has the area been recently inventoried for cultural resources?	_____	_____
2. Have you talked to the SHPO and/or THPO?	_____	_____
3. Has an ethnographic overview and assessment been done?	_____	_____
4. Is the cultural resource on the List of Classified Structures*?	_____	_____
5. Is the cultural resource included in the Cultural Sites Inventory*?	_____	_____
6. Is the cultural resource included in the Cultural Landscape Inventory*?	_____	_____
7. Is the cultural resource a traditional cultural property?	_____	_____
8. Was a Determination of Eligibility completed?	_____	_____
9. Is the cultural resource listed in or eligible to be listed in the National Register of Historic Places?	_____	_____

If you answered no to questions 1-3, you will need to complete the §110 process. If you answered yes to questions 1-7 but no to 8, you will need to complete the §110 process. If, after completing steps 1 to 8, you answered yes or no to question 9, your §110 obligations have been met.

*See Glossary

REVIEW CHECKLIST

Check Yes or No box to complete the following checklist.

IS YOUR PROJECT OR ACTION AN UNDERTAKING FOR §106?

	Yes	No
1. Is NPS or another federal agency responsible for the action?	_____	_____
2. Does the project use federal funds?	_____	_____
3. Do we need to approve a permit or license?	_____	_____
4. Can we otherwise influence the action or project if being undertaken by someone else?	_____	_____

If the answer to any of the above questions is yes, the project or action is considered an undertaking.

Who do I need?

Many cultural resource professionals (see Glossary) can be involved in projects; but they must meet certain professional standards. Following is a list of actions and the types of professionals that are typically consulted:

Ground-disturbing activities (e.g. pipelines, vault toilets, ditches, etc.)

archeologist
ethnographer
historian
historical architect
historical landscape architect

Activities involving prehistoric and historic structures or sites (e.g. new roofs or windows, additions to buildings, re-surfacing roads, etc.)

archeologist
ethnographer
historian
historical architect
historical landscape architect

Activities involving ethnographic resources (e.g. religious sites, properties with ethnic or cultural affiliations)

archeologist
ethnographer
historian
historical architect

Activities involving ethnographic resources also require that you consult with the contemporary peoples associated with the resources, such as tribes, to identify and evaluate traditional cultural properties.



Where do I get the people I need?

The first place to check is in your own park. Some staff members may meet the criteria listed in the Secretary's Standards for professionals and could help with the evaluation of resources. Nearby parks may also be of assistance and might be willing to share the services and time of one of their staff members.

The NPS guideline for cultural resources management, DO-28, may also serve as a means of locating assistance. The support office division of cultural resources and archeological centers also have professionals on staff to provide any needed expertise.

The SHPO, THPO, and ACHP may also be in a position to assist you with, either with their own staff expertise, or with lists and contacts they have put together of qualified contractors.

REVIEW CHECKLIST

Beginning with question 1, answer Yes or No to questions and go to next question or action as indicated by the number.

Options for Completing §106 Compliance

Questions	Yes	No
1. Is project part of an approved plan or action?	2	4
2. Was §106 compliance completed for the plan or action?	3	4
3. If stipulations were included, were they followed?	9	4
4. Does the park have a park programmatic agreement (PA)?	5	6
5. Is this action addressed in the terms of the park PA?	10	6
6. Is the project a programmatic exclusion under the terms of the NPS servicewide Programmatic Agreement?	11	7
7. Are you required by the National Environmental Policy Act to prepare an environmental document (EA or EIS) for this project?	12	8
8. Is this a natural disaster or public health or safety threat as a result of a natural disaster [e.g. flood, tornado, fire]?	13	14

Actions

9. Complete stipulations (from question 3) as described in plan containing action. Document to files (refer to *Record Keeping* section).
10. Document to files.
11. Document on assessment of effect form for review/signature by qualified resource professionals. You need only send this form to SHPO/THPO for their information, **not** for formal review.
12. Prepare combination NEPA/§106 document.
13. Consult with SHPO/THPO and follow process as outlined in 36 CFR Part 800.12 (Emergency Situations).
14. Follow standard §106 procedures as described in 36 CFR Part 800 (refer to Standard 4-Step Process flowchart on page 23).

Adverse effects on historic properties include but are not limited to:

- (i) Physical destruction of or damage to all or part of the property;
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines;
- (iii) Removal of the property from its historic location;
- (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- (v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;
- (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- (vii) Transfer, lease, or sale of a historic property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance

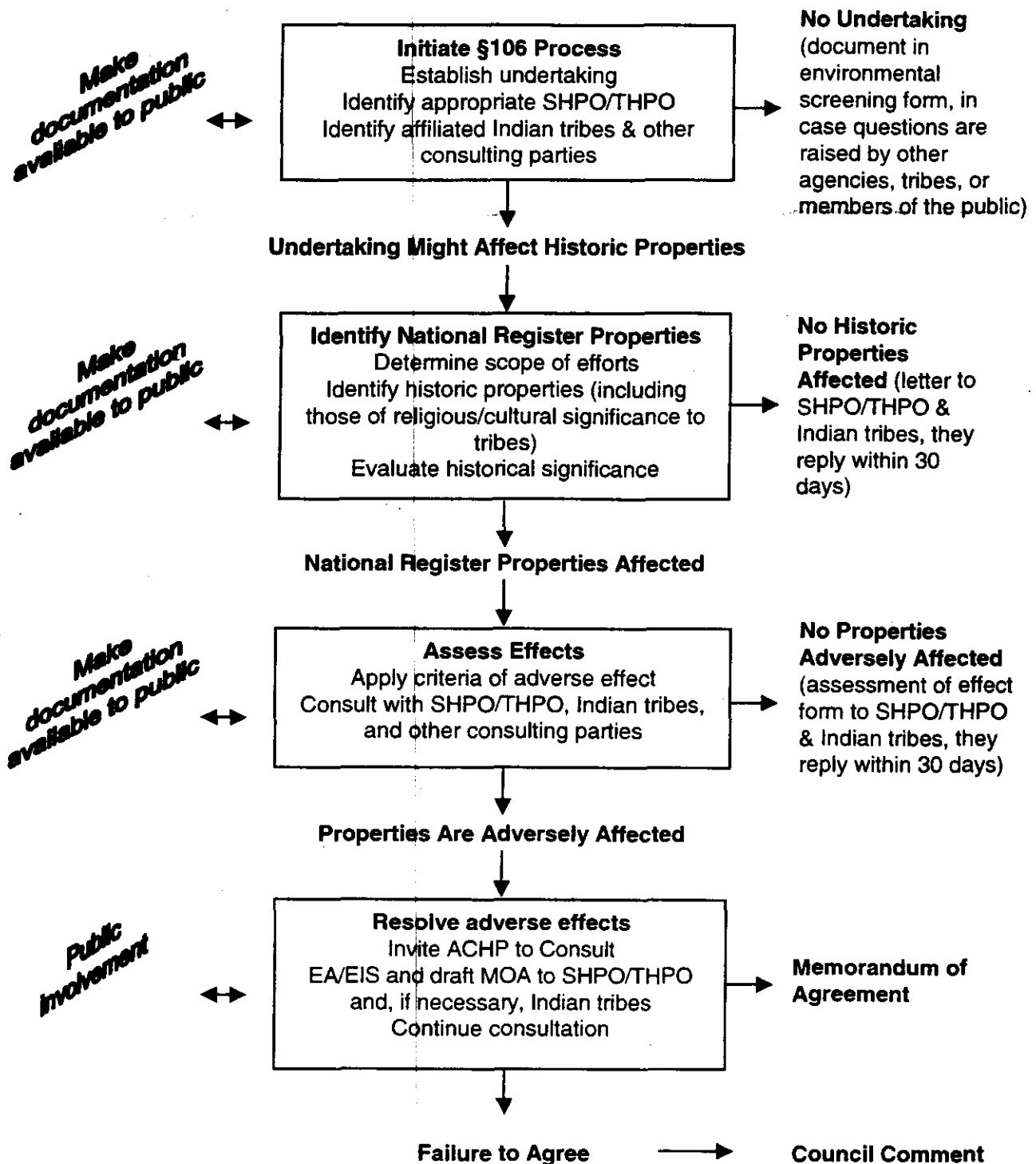
36 CFR §800.5(a)(2)

In applying the criteria of adverse effects you must also consider direct and indirect effects, as well as all reasonably foreseeable effects (also known as cumulative impacts). In addition, you must consider the impacts of an undertaking on all of the characteristics that qualify a historic property for listing in the National Register of Historic Places. For example, an archeological site may be important both for its informational potential and its religious or cultural association with a contemporary Indian tribe.

If you determine that the proposed undertaking would *not* adversely affect cultural resources, then a *no adverse effect* determination is documented on an Assessment of Effect form and forwarded to the appropriate SHPO/THPO for review.⁷ The SHPO/THPO has 30 calendar days after receipt of the determination to reply. Lack of a reply within the 30-day period means SHPO/THPO agrees with your determination and that you have completed your §106 responsibilities. The public need not be directly involved at this point, but NPS must make all documentation regarding the determination available to the public on request.

⁷ Using the Assessment of Effect form (AEF, but also known as the XXX form) is the most common means of documenting a finding of no adverse effect. You may use any format you wish to document the determination of no adverse effect, as long as the information needed is effectively conveyed. A letter to SHPO/THPO will do if it includes all information needed. The AEF provides a useful checklist that describes the proposed project or activity, the affected environment, and potential impacts on resources as well as possible mitigating actions. It also documents changes in historic fabric or character of a resource and, as a result, needs to be maintained in park files. Additionally, the AEF serves to document the decision-making process and the completion of the §106 process. Just as importantly, the AEF documents that decisions were reached through interdisciplinary discussions and partnership consultations. See appendix 4 (page 105) for a discussion on how to prepare an AEF.

SECTION 106 PROCESS FLOWCHART



	Yes	No
11. Consult with SHPO/THPO to see if changes can be made to satisfy concerns. Does SHPO/THPO agree? <i>[If it is apparent that agreement may be difficult to reach, it is time, or past time, to call for help or advice from your support office.]</i>	22	12
12. Send <i>no adverse effect</i> letter with documentation (AEF, surveys, DOE, etc.) to ACHP, who has 15 calendar days from receipt to respond (correspondence should be sent return receipt requested, in order to track review time). If no response within time period allowed, call to see if response will be sent. Does ACHP concur?	22	13
13. Project is an <i>adverse effect</i> . An EA or EIS must be prepared for undertakings that adversely affect cultural resources. Preparation of an EA or EIS also allows park to meet public involvement obligations at this stage of §106 process. An MOA is also prepared. Involve consulting parties, notify ACHP of adverse effects, and invite ACHP to participate in consultations and negotiation of MOA. Does ACHP want to participate?	14	15
14. MOA negotiated among NPS, SHPO/THPO, ACHP, and other consulting parties invited to be signatories. Do all parties agree?	21	16
15. MOA negotiated among NPS, SHPO/THPO, and other consulting parties invited to be signatories. Do all parties agree?	21	16
16. Did SHPO terminate consultations?	18	17
17. Did THPO terminate consultations?	20	
18. Seek ACHP comments (ACHP must comment within 45 calendar days). ACHP and NPS may conclude MOA. Do NPS and ACHP agree?	21	19
19. No MOA is agreed to. NPS sends letter to ACHP indicating <i>failure to agree</i> . NPS notifies ACHP of final decision, indicating that ACHP advisory comments have been considered. Process complete. Project may begin.		
20. Seek ACHP comments (ACHP must issue formal comments). Under these circumstances there can be no MOA for actions on tribal lands (this respects the tribe's unique sovereign status with regard to its lands). The head of the agency will take into account ACHP comments in reaching a final decision on the undertaking.		
21. MOA signed. §106 process complete. Project may begin as agreed to in MOA.		
22. §106 process complete. Project may begin.		

What is consultation?

According to ACHP regulations, consultation is "...the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters in the section 106 process" (36 CFR Part 800.16(f)). The goals of consultation are (1) the identification of cultural resources potentially affected by an undertaking; (2) assessing the effects of the undertaking on cultural resources; and (3) seeking ways to avoid, minimize or mitigate any adverse effects on cultural resources.

With whom do I consult?

We should use the knowledge and expertise of professional and avocational historians, architectural historians, historical architects, landscape architects, and archeologists to obtain information about important cultural resources and the effects of our actions on them. We are also required to consult with Native Americans about actions that could affect them and/or resources important to them.

Depending on the type and magnitude of the undertaking, consulting parties include SHPO and/or THPO; federally recognized Indian tribes; local governments; and applicants for federal assistance, permits, licenses, or other approvals. Non-federally recognized tribes, other documented ethnographic groups, as well as other individuals and organizations with a demonstrated interest in the undertaking, such as property owners directly affected by the undertaking, non-profit organizations with a direct interest in the issues, or affected businesses, may request in writing to be consulting parties. However, NPS has the final say, after consulting with the SHPO/THPO, as to whether or not they may participate in the §106 process as consulting parties. The viewpoints of consulting parties should be considered both as an aid in information gathering and as a basis for decision-making.

When do I consult?

There are several stages in the process when consultation is necessary. First, you should talk to qualified professionals, SHPO/THPO, Native Americans, local governments, local historical societies and anyone else who might have information to determine what cultural resources are in the area and whether further survey or inventory is needed. These professionals also can help to evaluate resource significance. If you already know what and where your significant resources are, then you should consult with qualified professionals, SHPO/THPO, Native Americans, and ACHP and others as necessary, to determine the effects of our actions on those resources.



Consultation is an exchange of ideas not just information, and needs to happen early in the planning stage of any action that might affect cultural resources.

As previously discussed, we are to consult with SHPO/THPO, and other consulting parties as necessary, on *no historic properties affected*, *no adverse effects*, and *adverse effects* determinations. ACHP no longer routinely reviews findings of *no adverse effect* on cultural resources, as well as most *adverse effect* findings and Memoranda of Agreement agreed to by NPS and SHPO/THPO. You must, however, invite ACHP to consult whenever an undertaking will adversely affect cultural resources, and you must seek ACHP review in event of a disagreement with the SHPO/THPO. ACHP may elect to enter the §106 process at anytime, however, if requested by a consulting party,

- *Both federal agencies and members of the public have responsibilities in a public participation program.* It is our responsibility to make the public aware of the opportunity to participate in §106 review. Members of the public concerned about cultural resources have the responsibility to participate actively and cooperatively. Theoretically the process should emphasize good-faith information sharing and exploration of alternatives to promote agreement on measures acceptable to all involved.
- *Public participation objectives should be approached with flexibility.* This means we have the flexibility to adapt our procedures to what works best for each situation.
- *The level and type of public participation should be appropriate to the scale and type of undertaking and to the likelihood that cultural resources could be affected.* This means we don't have to do the same thing for every type of project. If a proposed project will have no effect on cultural resources, it is okay just to send the appropriate information to SHPO/THPO and other consulting parties, as necessary. If, for example, we propose to remove national historic landmark structures, we should arrange for extensive public review. This is why it is especially useful to use the planning/NEPA process and its documents to complete §106 compliance; the public review for the plan can be used to fulfill §106 public involvement requirements.



ACHP regulations encourage integrating §106 review with environmental reviews required by NEPA. This is a good way to do public involvement only once, and in a format with which most of our publics are already quite familiar.

If you choose to do public review only via the §106 process, you should not use the Assessment of Effect form as your vehicle for public involvement. Use of the AEF can be (and has been) interpreted by the public as if we have already made a decision on the project. You should probably prepare some other type of document to be sent to the public to solicit comments.



Park Programmatic Agreements

A programmatic agreement (PA) is typically developed between an agency, the appropriate SHPO and/or THPO, and ACHP. A PA can fulfill §106 requirements for a large or complex project or a class of undertakings that would otherwise require numerous standard §106 consultations.

For NPS, PAs are negotiated and signed by the superintendent, SHPO/THPO, and ACHP. These PAs can either supplement the servicewide programmatic agreement described in the next section or they can be prepared whenever you have a series of actions that are similar and could be combined. For example, Grant-Kohrs Ranch National Historic Site and Yellowstone National Park have park PAs that streamline the §106 review process (see Appendix 5, page 115). Other examples for situations that might be best dealt with through a PA include:

- when effects on cultural resources are similar and repetitive or multi-state or national in origin
- when effects on cultural resources cannot be fully determined prior to approval
- when non-federal parties are delegated major decision-making responsibilities
- that involve development of regional or land management plans
- that involve routine management activities

Do's and Don'ts for MOAs:

- Signatories to a MOA (usually at a minimum NPS, SHPO/THPO, and, if participating in the consultations, ACHP) contribute to the process or solution or have some responsibility under the MOA. Other consulting parties may be invited to sign and concur in the MOA, but only the signatories, including invited signatories, can amend or terminate the MOA.
- Remember that some of your readers will not be familiar with the project; make sure the document is written for the "cold" reader.
- A MOA can address §106 and Native American Grave Protection and Repatriation Act obligations.
- Describe mitigation measures in detail.
- If a national historic landmark is going to be adversely affected, ACHP must be part of the agreement (you must also notify the Department of the Interior and formally invite them to participate in the §106 consultation process).
- Be consistent with terms. Historic properties is used in regulations, even though we may call them cultural resources.
- Define unusual or arcane terms.
- Always designate paragraphs and subparagraphs by number.
- Present information logically.
- Send all MOAs between NPS and SHPO/THPO to ACHP for informational purposes only.
- Build in mechanisms for new personnel to implement.
- Everything in an MOA should be negotiated.
- Always advise ACHP of an adverse effect situation, prior to developing a MOA.
- Do not assume!
- If a project determination is *no historic properties affected*, an MOA is never used. If a project has multiple levels of effect, *no historic properties affected* determinations can be part of the MOA.
- Do not include obligations you have no intention of carrying out.
- Do not use shorthand or acronyms without first spelling them out.
- Do not use standard or template language to meet specific situations unless it fits. Adjust language if necessary for special situations.
- Do not use subjective statements or words like "avoid" (instead state how will you avoid), "may", or "should."

NPS Servicewide Programmatic Agreement

The Park Service has a servicewide programmatic agreement (Appendix 6, page 138) that tailors the §106 process to our program needs. The PA recognizes that NPS has qualified cultural resource specialists, as well as policies and guidelines in place that protect cultural resources. The PA has two major implications to the way we do business: planning and programmatic exclusions.

Planning

The PA provides a framework for coordinating §106 review with NPS planning processes. Planning documents, especially general management plans (GMP) and development concept plans (DCP), may serve as a basis for §106 consultation, if we have enough information for the key points for §106 consultation: resource identification, National Register eligibility, and assessment of an undertaking's effects.

In order to do this, SHPO/THPO and ACHP are invited to comment on GMPs and DCPs at the early planning stages (task directive/project agreement). As the planning process proceeds, NPS may consult

1. preservation maintenance (housekeeping, routine and cyclic maintenance, and stabilization) as defined in DO-28;
2. routine grounds maintenance, such as grass cutting and tree trimming;
3. installation of environmental monitoring units, such as those for water and air quality;
4. archeological monitoring and testing and investigations of historic structures and cultural landscapes involving ground disturbing activities or intrusion into historic fabric for research or inventory purposes (see also Stipulations II and IX.C);
5. acquisition of lands for park purposes, including additions to existing parks;
6. rehabilitation and widening of existing trails, walks, paths, and sidewalks within previously disturbed areas;
7. repaving of existing roads or existing parking areas within previously disturbed areas;
8. placement, maintenance, or replacement of utility lines, transmission lines, and fences within previously disturbed areas;
9. rehabilitation work limited to actions for retaining and preserving, protecting and maintaining, and repairing and replacing in kind materials and features, consistent with the Secretary of the Interior's Standards for Rehabilitation and the accompanying guidelines;
10. health and safety activities such as radon mitigation, and removal of asbestos, lead paint, and buried oil tanks;
11. installation of fire detection and suppression systems, and security alarm systems, and upgrading of HVAC systems;
12. erection of signs, wayside exhibits, and memorial plaques;
13. leasing of historic properties consistent with NPS38, if proposed treatments are limited to those consistent with IV.B(1) and (9) and other activities excluded under IV.A and B.

Combination NEPA/§106 Document

Similar to the National Historic Preservation Act, the goal of the National Environmental Policy Act is to ensure that decision-makers consider the effects of proposals on resources prior to making decisions (more information on NEPA can be found in DO-12, Conservation Planning, Environmental Impact Analysis, and Decision Making). There are four basic levels of NEPA compliance: (1) memo to the files; (2) actions which, because of the negligible extent of their impact, can be categorically excluded from NEPA compliance (see DO-12 for list); (3) actions that require the preparation of an environmental assessment (EA); or (4) actions which, because of potentially significant effects on the human environment, require the preparation of an environmental impact statement (EIS).

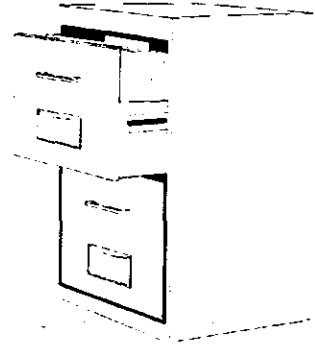
Categorical exclusions (CE) can only be applied if there are no adverse effects to cultural resources listed in or eligible for listing in the National Register of Historic Places. Therefore, a review of potential effects on cultural resources is needed before documenting a categorical exclusion. ***Although an undertaking may be categorically excluded, that does not necessarily mean that §106 consultation is not needed.***

An EA or EIS *must* be prepared for those undertakings that could adversely affect cultural resources either listed in or eligible to be listed in the National Register. If an EA or EIS is needed, both processes can be simplified by preparing a combination NEPA/§106 document. Combining these documents is also a good way to meet the public involvement requirements as well as secure §106 consultation/compliance with SHPO and, if needed, ACHP. Appendix 7, page 150 contains an outline of a typical NEPA/§106 document. It is also important to use a different cover letter when transmitting

RECORD KEEPING

It is important to ensure retention of the following materials:

- Assessment of effect forms (photographs, drawings, maps)
- Letters documenting consultation and public involvement, including responses from SHPO/THPO and other consulting parties
- Memoranda of agreement, programmatic agreements
- Survey reports
- Determinations of eligibility and National Register nominations
- Memoranda to file documenting decisions
- Documentation of changes in building fabric or character



Parks should follow guidance found in general records schedule for current record keeping. Building files, central files, or cultural resource management files can be used to maintain records.

Any information documenting ground-disturbing actions or changes to historic character or fabric should be added to park archives.

not part of the area surveyed, you should re-evaluate §106 needs as if it were a new project (i.e. check to see if area was surveyed at another time; check LCS, CSI, National Register listings; determine if cultural resources are present; make determination of effect; etc.). Be sure to document changes and findings with SHPO/THPO.

There is disagreement regarding the effects of a proposed action between SHPO/THPO and NPS. How is this resolved?

Consult with ACHP.

The project is a NEPA categorical exclusion...Do we still need to do §106 consultations?

Determine if the project is an undertaking. If it is, you need to do §106.

The Virgin River has flooded and the sewer line ruptured. I need to replace the line for health and safety reasons. Do I need to do §106?

Yes, but, repair the sewer line and contact SHPO/THPO as soon as possible. Follow up with documentation.

I don't know what the effects will be of installing a fence line through an area with documented sites, but I do know the site boundaries?

If you avoid the sites, then you document a *no historic properties affected* determination with the SHPO/THPO. The SHPO/THPO has 30 calendar days after receipt of the determination to reply. Lack of a reply within the 30-day period means that the SHPO/THPO is in agreement with the determination and you have completed your §106 responsibilities (however, if you have not received a reply within the 30 day review period, call to see if a response will be sent).

I don't know the effects of installing a fence line through an area with documented sites and I can't avoid impacting National Register eligible sites?

The effect is adverse and you must complete §106 consultation. Also, you will have to complete NEPA and should consider doing an EA or EIS.

I am repairing a road, and the work is confined to overlay material. The road is already paved. It was determined that the road is ineligible for listing on the National Register. Is this an undertaking?

Yes, but the undertaking meets the criteria of programmatic exclusion #7 in the servicewide Programmatic Agreement (repaving of existing roads or existing parking areas within previously disturbed areas). Document the undertaking in either the park's environmental screening form or on an assessment of effect form and send a copy to the SHPO/THPO, for informational purposes only. A reply from SHPO/THPO is not needed.

My park has a 49-year-old maintenance building full of asbestos. We want to tear down the building because of the health hazard. Is there a 50-year rule that make the structure automatically eligible for National Register listing?

TRAINING

Because there are varying levels of expertise, no one method of training will work for all people.



To reasonably succeed in completing §106 consultation/compliance, it is valuable to have a program in place with staff trained and knowledgeable in the process, procedures, and laws. The list below offers recommendations and suggestions for sources to get assistance. The brief descriptions of the training course offerings should help guide selection of the most useful opportunities that fit your park's needs and program.

- Intermountain Region NEPA/§106 workshop: call your Denver support office if you need one for your park, area, or state (Chris Turk 303-969-2832 or Greg Cody 303-969-2377).
- National Park Service §106 training: targeted at different audiences (contact Washington Office).
- National Park Service and Bureau of Land Management: 3-day course - American Indians and Cultural and Natural Resource Management, the Law and Practice Regarding Federal Lands - offered annually at various locations across the country.
- Park- and resource-specific training can be developed in consultation with your SHPO/THPO.
- Advisory Council on Historic Preservation: 3-day course - Introduction to Federal Projects and Historic Preservation Law - offered annually at various locations across the country.
- Advisory Council on Historic Preservation: 3-day course - Preparing Agreement Documents - offered annually at various locations across the country.
- Detail assignments to your state historic preservation office, support office, Washington office, and Advisory Council on Historic Preservation.
- Consultation with support office technical experts to help plan/design/recommend a §106 program or staff training.

Archives: the non-current records of an organization or institution preserved for their historic value. Official records of NPS are managed according to NPS-19, *Records Management Guideline*, National Archives and Records Administration standards and are outside the scope of this guideline. The term "archives" is often used to refer to the repository where archives and other historic documents are maintained. See also *historic document*.

Area of potential effect: the geographic area or areas within which an undertaking may cause changes in the character or use of cultural resources, if any resources exist there. This area always includes the actual site of an undertaking, but may also include other areas where the undertaking will cause changes in land use, traffic patterns, or other aspects that could affect cultural resources, including visual, atmospheric, or audible changes.

Assessment of Effect form (AEF): "Assessment of Actions Having an Effect on Cultural Resources" form, also known as a XXX form, is used to describe and document proposed actions that may affect cultural resources.

Association: the relationship between a historic event, activity, or person and a cultural resource. Association is one of the seven aspects of integrity.

Building: an enclosed structure with walls and a roof, consciously created to serve some residential, industrial, commercial, agricultural, or other human use.

Categorical exclusion (CE/CX): one of the compliance documentation types for National Environmental Policy Act (NEPA) compliance. Routine projects that have little or minor effects are excluded from compliance under NEPA.

Certified Local Government: A certified local government is a local government whose historic preservation program has been certified in accordance with Section 101(c)(1) of the National Historic Preservation Act:

"...Any local government shall be certified to participate under the provisions of this section if the applicable State Historic Preservation Officer, and the Secretary, certifies that the local government-

- (A) enforces appropriate State or local legislation for the designation and protection of historic properties;
- (B) has established an adequate and qualified historic preservation review commission by State or local legislation;
- (C) maintains a system for the survey and inventory of historic properties that furthers the purposes of subsection (b);
- (D) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register;
- (E) satisfactorily performs the responsibilities delegated to it under this Act."

Character-defining feature: a prominent or distinctive aspect, quality, or characteristic of a historic property that contributes significantly to its physical character. Structures, objects, vegetation, spatial relationships, views, furnishings, decorative details, and materials may be such features.

Places (any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register). This includes artifacts, records, and remains that are related to and located within such properties, as well as properties of traditional religious and cultural importance to Native Americans that meet National Register criteria. Due to the familiarity of National Park Service personnel with the term cultural resources, cultural resources rather than historic properties was used throughout this manual.

Cultural resource management: the range of activities aimed at understanding, preserving, and providing for the enjoyment of cultural resources. It includes research related to cultural resources, planning for actions affecting them, and stewardship of them in the context of overall park operations. It also includes support for the appreciation and perpetuation of related cultural practices, as appropriate.

Cultural resource specialist: a person professionally trained in one of the cultural resource fields. Included are anthropologists (applied cultural anthropologists, archeologists, ethnographers, and ethnohistorians), architectural historians, architectural conservators, archivists, curators, historians, historical architects, historical landscape architects, landscape historians, and object conservators.

Cultural resource technician: a technically trained person who works directly on or with cultural resources. Included are preservation specialists, historical crafts-persons, historical maintenance persons, and museum technicians.

Cultural Sites Inventory (CSI): information documenting location, description, significance or cultural meaning, condition, threats to, and management requirements of park archeological and ethnographic resources. The CSI is compiled and maintained for all parks and provides necessary information for resource planning, interpretation, preservation, and protection. Consultation is required with traditionally associated groups. Original documents and records, including field notes, forms, reports, maps, and other related materials, are developed and maintained at regional offices or archeological centers with copies provided to parks. Data are entered into the CSI-Archeology's computerized database. The Ethnographic Resources Inventory (ERI) database is in the initial planning stages.

Cultural system: a group's interrelated set of learned behavioral, knowledge, and belief patterns in addition to social, economic, spiritual, and political arrangements for adapting to particular settings. Associated technology and expressive elements such as folklore and performing and graphic arts are included. Popular synonyms include lifeways, customs, and traditions.

Culture: a system of behaviors (including economic, religious, and social), values, ideologies, and social arrangements.

Curator: a person professionally responsible for the management, preservation, and use of museum objects/specimens. Collection management responsibilities include acquisition and disposal, documentation and cataloging, preventive conservation, storage, access, interpretation and exhibition, and research and publication. Often the curator is a discipline or material culture specialist (e.g., archeology, history, biology, fine arts, Civil War weapons). Curators on park staffs who work directly with collections are known as museum curators; curators in other offices generally are known as staff curators. In the absence of archivists, curators are normally responsible for historic documents.

Feature (historic): (1) a prominent or distinctive aspect, quality, or characteristic of a historic property; and (2) a historic property.

Feeling: a property's expression of the aesthetic or historic sense of a particular period of time. Feeling is one of the seven aspects of integrity.

Field records: notes of measurements taken, field photographs, and other recorded information intended for producing documentation.

Finding of No Significant Impact (FONSI): one of the decision documents for compliance with the National Environmental Policy Act. A FONSI is the decision document for an environmental assessment.

Historian: specialist with advanced training in the research, interpretation, and writing of history.

Historic American Buildings Survey (HABS)/Historic American Engineering Record (HAER): architectural and engineering documentation programs that produce a thorough archival record of buildings, engineering structures, and cultural landscapes significant in American history and the growth and development of the built environment.

Historic character: the sum of all visual aspects, features, materials, and spaces associated with a property's history.

Historical context: an organizing structure created for planning purposes that groups information about cultural resources based on common themes, time periods, and geographical areas.

Historic district: a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, landscapes, structures, or objects, united by past events or aesthetically by plan or physical developments. A district may also be composed of individual elements separated geographically but linked by association or history.

Historic document: any recorded information in any medium-paper, magnetic tape, film, etc. -that has a direct, physical association with past human event, activity, observation, experience, or idea.

Historic landscape: a cultural landscape associated with events, persons, design styles, or ways of life that are significant in American history, landscape architecture, archeology, engineering, and culture; a landscape listed in or eligible for the National Register of Historic Places.

Historic property: a district, site, structure, or landscape significant in American history, architecture, engineering, archeology, or culture; an umbrella term for all entries in the National Register of Historic Places.

Note: National Park Service management policies use the term cultural resource rather than historic property, and characterize cultural resources as archeological resources, structures, cultural landscapes, ethnographic resources, and museum objects. The National Historic Preservation Act and ACHP refer to historic properties rather than cultural resources. Historic properties is an umbrella term for all entries in the National Register of Historic Places (any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National

Integrity: the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during its historic or prehistoric period; the extent to which a property retains its historic appearance. According National Register of Historic Places criteria, there are seven aspects of integrity:

1. Location – the place where the historic property was constructed or the place where the historic event occurred;
2. Design – the combination of elements that create the form, plan, space, structure, and style of a property;
3. Setting – the physical environment of a historic property;
4. Materials – the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property;
5. Workmanship – the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
6. Feeling – a property's expression of the aesthetic or historic sense of a particular period of time.
7. Association – the direct link between an important historic event or person and a historic property.

Intensive survey: a systematic, detailed examination of an area designed to gather information about cultural resources sufficient to evaluate them against predetermined criteria of significance within specific historic contexts.

Inventory: a list of cultural resources, usually of a given type and/or in a given area.

Library: a collection of published materials associated with the theme or purpose of a particular park, center, region, or office and organized to provide bibliographic, electronic, intellectual, and physical access to staff and visitors for reference and research use. Materials may include, but are not limited to, books, reports, journals, pamphlets, electronic media, microforms, and photographic, graphic, and audio documents.

List of Classified Structures (LCS): a computerized, evaluated inventory of all historic and prehistoric structures with historical, architectural, or engineering significance in which NPS has or plans to acquire any legal interest. Included are structures that individually meet the criteria of the National Register or are contributing elements of sites and districts that meet the National Register criteria. Also included are other structures - moved, reconstructed, and commemorative structures, and structures achieving significance within the last 50 years - that are managed as cultural resources because of decisions reached through the planning process. The LCS assists park managers in planning, programming, and recording decisions of appropriate treatment. The LCS forms, including attachments, are completed and maintained at the regional offices, with copies provided to the parks. The LCS data base may also be given to a park.

Local government: a city, county, parish, township, municipality, borough, or other general purpose political subdivision of a state.

Location: the place where the historic property was constructed or the place where the historic event(s) occurred. Location is one the seven aspects of integrity.

Native Hawaiian also mean any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

No adverse effect (NAE): one of the three categories of effect under §106. There could be an effect, but the effect would not be harmful to those characteristics that qualify the property for inclusion in the National Register of Historic Places.

No historic properties affected (NHPA): one of the three categories of effect under §106. There are no cultural resources present in the area of potential effects or there are cultural resources present but the undertaking will have no effect on them.

Period of significance: the span of time in which a property attained the significance for which it meets National Register of Historic Places criteria.

Prehistory: the course of events in the period before recorded history.

Preservation: the act or process of applying measures to sustain the existing form, integrity, and material of a historic structure, landscape or object. Work may include preliminary measures to protect and stabilize the property, but generally focuses upon the ongoing preservation maintenance and repair of historic materials and features rather than extensive replacement and new work. For historic structures exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Preservation maintenance: action to mitigate wear and deterioration of a historic property without altering its historic character by protecting its condition, repairing when its condition warrants with the least degree of intervention including limited replacement in-kind, replacing an entire feature in-kind when the level of deterioration or damage of materials precludes repair, and stabilization to protect damaged materials or features from additional damage. For archeological sites it includes work to moderate, prevent, or arrest erosion. For museum objects it includes actions to prevent damage and to minimize deterioration by practicing preventive conservation or by performing suitable treatments on objects themselves. Types of preservation maintenance are:

Housekeeping: the removal of undesirable deposits of soil in ways that minimize harm to the surfaces treated, repeated at short intervals so that the gentlest and least radical methods can be used.

Routine maintenance: usually consists of service activities such as tightening, adjusting, oiling, pruning, etc.

Cyclic maintenance: maintenance performed less frequently than annually; usually involves replacement or at least mending of material.

Stabilization: action to render an unsafe, damaged, or deteriorated property stable while retaining its present form.

Programmatic agreement (PA): a special type of memorandum of agreement typically developed for a large or complex project or a class of undertakings that would otherwise require numerous

Officers/Tribal Historic Preservation Officers and, as necessary, the Advisory Council on Historic Preservation a reasonable opportunity to comment on the proposed undertakings.

Section 110 (§110): refers to §110 of the National Historic Preservation Act. §110 requires NPS to preserve and use cultural resources. Another primary focus of §110 is on surveying for resources, evaluation of the resources found, and nomination of eligible cultural resources to the National Register of Historic Places.

Setting: the physical environment of a historic property; the character of the place in which the property played its historical role. Setting is one of the seven aspects of integrity.

Significance: see *historical significance*.

Stabilization: : interventive treatment action taken to increase the stability or durability of an object when preventive conservation measures fail to decrease its rate of deterioration to an acceptable level or when it has deteriorated so far that its existence is jeopardized.

State historic preservation officer (SHPO): an official within each state appointed by the governor to administer the state historic preservation program and carry out certain responsibilities relating to federal undertakings within the state.

Structure: a constructed work, usually immovable by nature or design, consciously created to serve some human activity. Examples are buildings of various kinds, monuments, dams, roads, railroad tracks, canals, millraces, bridges, tunnels, locomotives, nautical vessels, stockades, forts and associated earthworks, Indian mounds, ruins, fences, and outdoor sculpture. In the National Register of Historic Places program "structure" is limited to functional constructions other than buildings.

Subsistence: the traditional use of natural plants and wild animals for personal or family consumption, for the making and selling of handicraft articles out of the non-edible byproducts of fish and wildlife resources taken for personal or family use or consumption, and for customary trade. In Alaskan and Pacific parks, subsistence is the significant economic and cultural dependence on the harvest of wild natural resources by local rural residents through traditional hunting, fishing, and gathering activities. In the Southwest and elsewhere, subsistence also can include mixed agricultural, pastoral, and wild-resource harvest techniques. The legislation for some parks defines what constitutes subsistence there.

Traditional: pertains to recognizable but not necessarily identical cultural patterns transmitted by a group across at least two successive generations. Also applies to sites, structures, objects, landscapes, and natural resources associated with those patterns. Popular synonyms include ancestral and customary.

Traditional cultural property (TCP): a property associated with cultural practices or beliefs of a living community that are rooted in that community's history or are important in maintaining its cultural identity. Traditional cultural properties are ethnographic resources eligible for listing in the National Register of Historic Places.

Traditional resource use: a subsistence or other consumptive use usually but not always based on customary low-energy technology. Ceremonial uses, involving particular places and plant and animal

BIBLIOGRAPHY

LEGISLATION

Abandoned Shipwreck Act of 1987, P.L. 100-298, 102 Stat. 432, 42 U.S.C. §§2101-6: Asserts U.S. title to three categories of abandoned shipwrecks: those embedded in a state's submerged lands; those embedded in coralline formations protected by a state on its submerged lands; and those located on a state's lands that are included or determined eligible for inclusion on the National Register of Historic Places. The law then transfers title for a majority of those shipwrecks to the respective states, and provides that states develop policies for management of the wrecks so as to protect natural resources, permit reasonable public access, and allow for recovery of shipwrecks consistent with the protection of historical values and environmental integrity of wrecks and sites.

Act of August 25, 1916 (National Park Service Organic Act), P.L. 64-235, 16 U.S.C. §1 et seq: Establishes the National Park Service, allows for administration of Yellowstone and Sequoia national parks, and provides for criminal penalties if certain infractions occur.

The Service thus established shall promote and regulate the use of the Federal areas known as National Parks, Monuments, and Reservations . . . by such means and measures as to conform to the fundamental purpose of the said Parks, Monuments, and Reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.

Authorized the Secretary of Interior to make rules and regulations for the use and administration of NPS areas. Sale and disposal of timber under certain conditions was allowed, as was destruction of animal and plant life detrimental to the use of the park. Concessioners could be granted leases, and livestock grazing permits could be issued if not detrimental to the area, except there was to be no grazing in Yellowstone.

Act to Improve the Administration of the National Park System, August 18, 1970, P.L. 91-383, 84 Stat. 825, as amended by P.L. 94-458, P.L. 95-250, and P.L. 95-625; 16 U.S.C. 2§1a1 et seq.: With this act, Congress recognized that NPS had grown considerably and now included a great variety of natural, historic, and recreation areas in every major region of the US and its territories. The purpose of this act was to " . . . include all such areas in the System and to clarify the authorities applicable to the System." Authorizes administrative activities such as providing employee transportation, recreational facilities, purchasing special equipment for employees, provide air-conditioning in vehicles, etc. It also authorizes advisory committees regarding functions of NPS. Many of the provisions and authorities of this act were substantially amended by the General Authorities Act.

Act amending the Act of October 2, 1968 (commonly called Redwoods Act), P.L. 95-250, 92 Stat. 163, 16 U.S.C. §§1a-1, 79a-q: Primary purpose is to amend 1968 Redwood NP enabling legislation. However, also provides additional guidance on National Park System management:

Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System shall be consistent with and founded in the purpose established by the first section of the Act of August 25, 1916, to the common benefit of all the people of the United States. The authorization of activities shall be construed and the protection, management, and administration of these areas shall be conducted in light of the high public value and integrity of

private/governmental/ professional community in order to facilitate enjoyment/education of present and future generations. Regulates excavation and collection on public and Indian lands. Defines archeological resources to be any material remains of past human life or activities that are of archeological interest and are at least 100 years old. Requires notification of Indian tribes who may consider a site of religious or cultural importance prior to issuing permit. Amended in 1988 to require development of plans for surveying public lands for archeological resources and systems for reporting incidents of suspected violations.

Architectural Barriers Act of 1968, P.L. 90-480, 82 Stat. 718, 42 U.S.C. §4151 et seq.: Buildings or facilities constructed, altered, leased, or financed by the federal government or a federal grant since August 12, 1968 are subject to the statute. Standards are established for design/construction or alteration of buildings to insure physically handicapped persons will have ready access to and use of such buildings. Historic structures are not subject to the standards until they are altered.

Arizona Desert Wilderness Act, P.L. 101-628, 16 U.S.C. §§1a-5, 460ddd, 460fff, etc.: Expands San Antonio Mission NHP; establishes Amistad and Lake Meredith as NPS units; authorizes Underground Railroad Study of Alternatives; includes Civil War Sites Study Act; revises NPS Advisory Board by increasing from 12 to 16 and expanding disciplines, requires recommendations on designation of NNLs and NHLs; establishes NPS Advisory Council to provide advice to Advisory Board; requires NPS prepare boundary report; requires development of boundary adjustment criteria; requires consultation with state, local governments, affected landowners and private national, regional, and local organizations; requires cost estimates and priorities by area and by NPS for boundary adjustments.

Department of Transportation Act of 1966, P.L. 89-670, 80 Stat. 931, 49 U.S.C. §303: Restricts the use of park lands for federally supported highways and other projects requiring DOT approval. Section 4(f) mandates that no project that requires use of land from public park, recreation area, or wildlife or waterfowl refuges of national, state, or local significance will be approved unless there is no feasible or prudent alternative and all possible planning is done to minimize the harm to such an area.

General Authorities Act of 1976 P.L. 94-458, P.L. 94-458, 90 Stat. 1939, 16 U.S.C. §1a-1 et seq: This act amends or repeals many provisions from previous acts and provides additional improvement and authorization for the administration of the NPS. This act is often considered mainly for its provisions clarifying law enforcement authority. The act repeals virtually all previous arrest authority, authorizes law enforcement officers, and provides these officers with the authority to carry firearms, make arrests without warrant, execute warrants, and conduct investigations. However, the act also addresses boating and other water regulations, meals and lodging, moving expenses for dependents, and uniform allowance. The act amends the Freedom of Information act in terms of exceptions. Requires the Secretary of Interior to transmit to Congress a detailed program for the development of facilities, structures, or buildings of each unit of the NPS consistent with general management plans no later than January 15 of each year. The act also requires NPS to investigate, study, and monitor areas of national significance. At the beginning of each fiscal year, NPS is required to submit to Congress a list of not less than 12 areas that appear to qualify for inclusion in NPS. Allows the secretary of the interior "to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects."

Historic Preservation Certifications Pursuant to the Tax Reform Act of 1976, the Revenue act of 1978, the Tax Treatment Extension Act of 1980, and the Economic Recovery Tax Act of 1981, 36 CFR 67: establishes procedures whereby owners or holders of long-term leases or old

establishes a Pine Barrens Commission, purchases concession facilities at Yellowstone, extends program for recovery of historic and archeological data, and requires the secretary to review all federal lands proposed for sale or disposal to ensure values for recreation is considered.

NPS Resources, improve ability to manage, P.L. 101-337, 16 U.S.C. §19jj: Establishes liability for any person who destroys, causes loss of, or injures and park system resource; if finding of damage to resource, or absent response, damage would have occurred, may commence civil action to recover damages; requires undertaking of all necessary actions to prevent/minimize destruction; requires assessment/monitoring of damages; response costs and damages recovered may only be used to reimburse response costs or to restore/replace/acquire equivalent of resources damaged; requires annual report to Congress on funds expended pursuant to act; authorizes acceptance of donations.

National Trust Act of 1949, P.L. 81-408, 63 Stat. 927, 16 U.S.C. §468c-e: Facilitates public participation in preservation of sites, buildings, and objects of national significance or interest. Creates National Trust for Historic Preservation and empowers it to acquire and hold property for historic preservation purposes.

Native American Grave Protection and Repatriation Act, P.L. 101-601, 104 Stat. 3049, 25 U.S.C. §§3001-3013: Assigns ownership or control of Native American human remains, funerary objects, sacred objects and objects of cultural patrimony that are excavated or discovered on federal lands or tribal lands after passage of the act to lineal descendants or culturally affiliated Native American groups; establishes criminal penalties for trafficking in remains or objects obtained in violation of the act; provides that federal agencies and museums that receive federal funding shall inventory Native American human remains and associated funerary objects in their possession or control and identify their cultural and geographical affiliations within 5 years, and prepare summaries of information about Native American unassociated funerary objects, sacred objects, or objects of cultural patrimony. This is to provide for repatriation of such items when lineal descendants or Native American groups request it.

Protection of Historic and Cultural Properties, E.O. 11593; 36 CFR 60, 61, 63, 800; 44 FR 6068: Instructs all federal agencies to support the preservation of cultural properties; directs them to identify and nominate to the National Register cultural properties under their jurisdiction and to "exercise caution...to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished, or substantially altered."

Public Buildings Cooperative Use Act of 1976, P.L. 94-541, 90 Stat. 2505, 42 U.S.C. §§4151-4156: Requires the General Services Administration to acquire space for federal agencies in buildings of architectural or cultural significance where feasible; amends the Architectural Barriers Act relating to the accessibility of certain buildings to the physically handicapped.

Rehabilitation Act of 1973, P.L. 93-112, 87 Stat. 357, 29 U.S.C. §701 et seq. as amended by the Rehabilitation Act Amendments of 1974, 88 Stat.: Sets forth a broad range of services and basic civil rights for handicapped individuals. Establishes the architectural and transportation barriers compliance board to ensure compliance with standards set by GSA and other federal agencies. Contains data-gathering and reporting requirements. Prohibits discrimination (§504) against persons with visual, hearing, mobility, and mental impairments.

36 CFR 65 (Historic Sites Act of 1935), "National Historic Landmarks Program," establishes criteria and procedures for identifying properties of national significance, designating them as national historic landmarks, revising landmark boundaries, and removing landmark designations.

36 CFR 67, "Historic Preservation Certifications Pursuant to the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, and the Economic Recovery Tax Act of 1981," establishes procedures whereby owners or holders of long-term leases for old and/or historic buildings may obtain certifications to gain federal tax credits for rehabilitation; describes tax deductions for owners who donate interests in cultural resources for preservation purposes.

36 CFR 68 (NHPA) contains the secretary of the interior's standards for historic preservation projects, including acquisition, protection, stabilization, preservation, rehabilitation, restoration, and reconstruction.

36 CFR Part 79 (NHPA and ARPA), "Curation of Federally Owned and Administered Archeological Collections," provides standards, procedures and guidelines to be followed by Federal agencies in preserving and providing adequate long-term curatorial services for archeological collections of prehistoric and historic artifacts and associated records that are recovered under §110 of the NHPA, the Reservoir Salvage Act, ARPA and the Antiquities Act.

36 CFR Part 800 (NHPA), "Protection of Historic Properties" are the regulations of the Advisory Council on Historic Preservation that implement §106 of the National Historic Preservation Act, as amended, and presidential directives issued pursuant thereto.

DIRECTIVES

The following directives pertaining to cultural resource management remain in effect.

Special Directive 80-1, "Guidance for Meeting NPS Preservation and Protection Standards for Museum Collections," requires that all parks and centers conduct a self-assessment every three years to record progress in correcting identified storage, environmental, security, fire protection, housekeeping, and planning deficiencies.

Special Directive 82-12, "Historic Property Leases and Exchanges," elaborates on the leasing and exchange of historic properties under §111 of the National Historic Preservation Act.

Special Directive 87-3, "Conservation of Archeological Resources," requires that archeological activities directly support NPS missions and that initial curation costs be included in the costs of projects generating collections.

Special Directive 90-1, "Policies and Procedures for Handling Requests to Search for Treasure Trove," describes how NPS responds to requests for permission for such searches in connection with the General Services Administration authority under §310 of 40 U.S.C. to administer treasure-trove search requests; it emphasizes that archeological and other park cultural resources are not treasure trove.

Special Directive 91-4, "Ensuring that Natural Resource Projects Fund the Curation of Collections," outlines actions to be taken by parks on all research projects that could result in the permanent retention of natural resource specimens and associated project documentation.

identification principles, how to design and identification effort, and how to report and preserve identification results.

Working with Section 106, The Section 110 Guidelines: Annotated Guidelines for Federal Agency Responsibilities under Section 110 of the National Historic Preservation Act. Advisory Council on Historic Preservation and National Park Service, November 1989. Annotated text of §110 guidelines as published in February 1988 Federal Register. Notes identify sections and cross-references to other publications.

Cultural Landscapes

Cultural Landscape Bibliography: An Annotated Bibliography on Resources in the National Park System. by Katherine Ahern, National Park Service, Washington, DC, 1992. Contains a wide variety of reports prepared since 1940, including those devoted solely to a cultural landscape or feature of a landscape, as well as other reports with specific sections addressing landscapes.

Guidelines for the Treatment of Cultural Landscapes. National Park Service, Heritage Preservation Services, Washington, DC, 1996. Describes how to use the Secretary's Standards and Guidelines for treatment of cultural landscapes. Contains recommended and not recommended actions for various categories.

"Pamphlets: America's Landscape Legacy and Historic American Engineering Record." National Park Service, Washington, DC. Brief description of cultural landscapes and the Historic American Engineering Record.

Preserving Historic Landscapes: An Annotated Bibliography. National Park Service, Preservation Assistance Division, Washington DC, 1990.

Native American Consultations

Intermountain Region American Indian Consultation Guidebook and Directory, Intermountain Region-National Park Service, March, 1997.

The guidebook is being revised and will only be available on the intranet (im.den.nps.gov). No hard copies of the revised guidebook will be distributed. The contact list section of the guidebook is already available at the above intranet site (click on Native American Contact List).

National Park Service Manuals

Cultural Resources Management Guideline (DO-28). Release No. 5. National Park Service, 1997.

Conservation Planning, Environmental Impact Analysis, and Decision Making (DO-12). National Park Service, 2000.

Secretary of Interior's Standards

Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines, 48 Federal Register 44716, September 29, 1983.

"Draft Guidelines for the Treatment of Historic Landscapes." National Park Service, Preservation Assistance Division, Washington, DC, 1992. Describes how to use the Secretary's Standards and Guidelines for treatment of historic landscapes. Contains recommended and not recommended actions for various categories.

Manual of Mitigation Measure, Advisory Council on Historic Preservation

"Pamphlets: America's Landscape Legacy and Historic American Engineering Record." National Park Service, Washington, DC. Brief description of cultural landscapes and the Historic American Engineering Record.

Systemwide Archeological Inventory Program. National Park Service, Anthropology Division, Washington, DC, 1992. Describes NPS long-term approach to inventory archeological resources on park lands.

APPENDIX I: SAMPLE ENVIRONMENTAL SCREENING FORM

Most parks have something similar to the following form, which is taken from the National Environmental Policy Act Guidelines (DO-12), to track projects from beginning to end and ensure that compliance is completed. Maps or drawings are often attached to the form.

11. Unique ecosystems, biosphere reserves, World Heritage sites			
12. Unique or important wildlife or wildlife habitat			
13. Unique or important fish or fish habitat			
14. Introduce or promote non-native species (plant or animal)			
15. Recreation resources, including supply, demand, visitation, activities, etc.			
16. Visitor experience, aesthetic resources			
17. Cultural resources including cultural landscapes, ethnographic resources, sacred sites			
18. Socioeconomics, including employment, occupation, income changes, tax base, infrastructure, etc.			
19. Minority and low income populations, ethnography, size, migration patterns, etc.			
20. Energy resources			
21. Other agency or tribal land use plans or policies			
22. Resource, including energy, conservation potential			
23. Urban quality, gateway communities, etc.			
24. Long-term management of resources or land/resource productivity			
25. Pollution prevention (greening the parks)			
26. Other important environment resources (e.g. geothermal, paleontological resources)?			
27. Concessions			

D. MANDATORY CRITERIA (A-S): WOULD THE PROPOSAL, IF IMPLEMENTED...

	Yes	No	Data Needed to Determine
A. Have material adverse effects on public health or safety?			
B. Have adverse effects on such unique characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, national natural landmarks, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecological significant or critical areas, including those listed in the National Register of Natural Landmarks?			
C. Have highly controversial environmental effects?			
D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?			
E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?			
F. Be directly related to other actions with individually insignificant, but cumulatively significant, environmental effects?			
G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?			
H. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?			
I. Require compliance with E. O. 11988 (Floodplain Management), E. O. 11900 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?			
J. Threaten to violate a federal, state, local, or tribal law or requirement imposed for the protection of the environment?			
K. Involve unresolved conflicts concerning alternative uses of available resources?			
L. Have a disproportionate, significant adverse effect on low-income or minority populations?			

F. SIGNATORY (All ID Team Members Need To Sign)

In signing this form, you are saying you have completed a site visit or are familiar with the specifics of the site, have consulted with affected agencies and tribes, and that the answers to the questions posed in the checklist are, to the best of your knowledge, correct.

_____ Interdisciplinary Team Leader	_____ Date
_____ Technical Specialist	_____ Field of Expertise
_____ Technical Specialist	_____ Field of Expertise
_____ Technical Specialist	_____ Field of Expertise
_____ Technical Specialist	_____ Field of Expertise
_____ Technical Specialist	_____ Field of Expertise

G. This section may be filled out either as the project progresses or when environmental documentation is complete.

National Environmental Policy Act

Data entered by: _____

(Choose one and fill in blanks)

____ CE	Complete sections A-F before checking this box.	____ CE Citation (from 3-4 of DO-12)
	Any answers in section C yes? ____ Yes ____ No	If yes, do EA or EIS.
	Any conditions in section 3-6 of DO-12 apply? ____ Yes ____ No	If yes, do EA or EIS
____ EA	Public scoping date _____	IMR Review date _____
	EA release to public _____	FONSI date _____
____ EIS	NOI in FR _____	NOA for DEIS _____
	NOA for FEIS _____	ROD date _____

National Historic Preservation Act

Data entered by: _____

Has the area been surveyed and NHRP resources identified? ____ Yes ____ No

Ground disturbance involved? ____ Yes ____ No

Historic structures involved? ____ Yes ____ No

Cultural landscapes involved? ____ Yes ____ No

Ethnographic concerns involved? ____ Yes ____ No If yes, interested parties contacted? ____ Yes ____ No

(Choose one and fill in blanks)

____ No historic properties affected

____ Programmatic exclusion	Citation _____	Is it an adverse effect? ____ Yes ____ No (If yes, do standard §106 process)
Date AEF to SHPO/THPO _____		

H. MITIGATING MEASURES TO BE INCLUDED IN PROJECT:

(Specify here or attach appropriate pages from EA, EIS, FONSI, or ROD)

I. ADMINISTRATIVE RECORD**Location** _____**Contact** _____

J. *On the basis of the environmental impact information in the statutory compliance file, with which I am familiar, as well as in this environmental screening form, environmental documentation for the subject project is complete.*

Recommended:_____
Park Compliance Specialist_____
Date_____
Phone Number**Approved:**_____
Superintendent_____
Date

Texas

F. Lawrence Oaks
State Historic Preservation Officer
Texas Historical Commission
P.O. Box 12276
Austin, Texas 78711-2276
512-463-6100
FAX: 512-475-4872
E-Mail: l.oaks@thc.state.tx.us

Dr. James E. Bruseth
Deputy State Historic Preservation Officer
Director Antiquities Protection
512-463-6096
FAX: 512-463-8927
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Terry Colley
Deputy State Historic Preservation Officer
512-463-6100
FAX: 512-475-3122
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Stanley O. Graves
Deputy State Historic Preservation Officer
Director Architecture Division
512-463-6094
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E-Mail: stan.graves@thc.state.tx.us

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Max J. Evans
State Historic Preservation Officer
Utah State Historical Society
300 Rio Grande
Salt Lake City, Utah 84101
801-533-3551
FAX: 801-533-3503
E-Mail: mevans@history.state.ut.us

Wilson G. Martin
Deputy State Historic Preservation Officer
801-533-3552
Fax: 801-533-3503
E-Mail: wmartin@history.state.ut.us

Wyoming

Richard Currit
State Historic Preservation Officer
Wyoming State Historic Preservation Office
2301 Central Avenue, 4th Floor
Cheyenne, Wyoming 82002
307-777-7013
FAX: 307-777-3543
E-Mail: rcurrit@state.wy.us

Mary M. Hopkins
Deputy State Historic Preservation Officer
307-766-5324
FAX: 307-777-3543
E-Mail: hopkins@uwoyo.edu

Scott Brooks-Miller
Deputy State Historic Preservation Officer
307-777-6312

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Mr. Don L. Klima
12136 W. Bayaud Ave
Suite 330
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303-969-5110
FAX: 303-969-5115
E-Mail: dklima@achp.gov

Historic Preservation Specialists

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Margie Nowick
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mnowick@achp.gov

Alan Stanfill
303-969-5111
astanfill@achp.gov

LOCATION	NAME	POSITION/TITLE	AREA OF EXPERTISE	PHONE	LOTUS NOTES	\$110	\$106
Big Thicket NPr	Roy Zipp*	Resource Management Specialist		409-839-2690 x225	Zipp, Roy		Yes
Bighorn Canyon NRA	Rick Lasko*	Chief of Resources		307-548-2251 x305	Lasko, Rick		Yes
Black Canyon of the Gunnison NP	Ken Stahlnecker*	Chief, Resources Stewardship & Science	Section 106	970-461-2337 x225	Stahlnecker, Ken		Yes
Black Canyon of the Gunnison NP	Forest Frost	Archeologist	Archeology, history	970-240-2337 x250	Frost, Forest		Yes
Bryce Canyon NP	Jeff Stock*	Exhibit Specialist	Historic preservation	435-834-4225	Stock, Wm Jeff		Yes
Bryce Canyon NP	Rick Wallen	Chief, Resource Management	Resource management	435-834-4900	Wallen, Rick		Yes
Canyon de Chelly NM	Tom Workman*	Chief Ranger	Archeologist	928-674-5518	Workman, Tom		Yes
Canyon de Chelly NM	Scott Travis	Superintendent	Landscape archeology, prehistoric Southwest	928-674-5500 x224	Travis, Scott	Yes	Yes
Canyonlands NP	Eric Brunnemann	Cultural Resource Specialist	Archeology	435-719-2134	Brunnemann, Eric	Yes	Yes
Capitol Reef NP	Lee Kreutzer*	Cultural Resources Program Manager	Archeology	435-425-3791 x146	Kreutzer, Lee	Yes	Yes
Capulin Volcano NM	Maggie Johnston*	Superintendent	Park management	505-278-2201 x21	Johnston, Maggie		Yes
Carlsbad Caverns NP	Jeff Denny*	Curator, CRM Program Leader	Curation, NAGPRA, history	505-785-2232 x457	Denny, Jeff		Yes
Carlsbad Caverns NP	David Kayser	Museum Technician	Archeology, historic preservation, curation	505-785-2232 x437	Kayser, David	Yes	
Carlsbad Caverns NP	Bob Hoff	Historian	History	505-785-2232 x438	Hoff, Bob		
Casa Grande Ruins NM	Don Spencer*	Superintendent	Park management	520-723-3172	Spencer, Don		Yes
Casa Grande Ruins NM	Jolene Johnson	Chief, Resources & Visitor Services	Natural science & Hohokam ethnobiology	520-723-3172	Johnson, Jolene		Yes

LOCATION	NAME	POSITION/TITLE	AREA OF EXPERTISE	PHONE	LOTUS NOTES	\$110	\$106
Devils Tower NM	Jim Cheatham*	Chief, Resource Management		307-467-5283 x12	Cheatham, Jim		Yes
Dinosaur NM	Wayne Prokopetz*	Archeologist	Archeology	970-374-3501	Prokopetz, A. Wayne	Yes	Yes
El Malpais NM	Herschel Schulz*	Resource Management Specialist		505-285-4641 x25	Schulz, Herschel		Yes
El Morro NM	Larry Villalva*	Chief Ranger	Cultural resource protection	505-783-4226	Villalva, Larry		
El Morro NM	Brian Quigley	Park Ranger	Cultural resource protection	505-783-4226	Quigley, Brian		
Flagstaff Area Office	Jeri DeYoung*	Museum Curator	Archeology, curation, Section 106 compliance	928-526-1157 x233	DeYoung, Jeri	Yes	Yes
Flagstaff Area Office	Helen Fairley	Archeologist	Archeology	928-526-1157 x234	Fairley, Helen	Yes	Yes
Flagstaff Area Office	Lloyd Masayumptewa	Archeologist	Ruins preservation	928-526-1157 x236	Masayumptewa, Lloyd		Yes
Flagstaff Area Office	Todd Metzger	Supervisory Resource Management	Resource management, ruins preservation	928-526-1157 x222	Metzger, Todd	Yes	Yes
Flagstaff Area Office	Al Remley	Archeologist	Archeology	928-526-1157 x236	Remley, Al	Yes	Yes
Florissant Fossil Beds NM	Tom Ulrich*	Chief Ranger		719-748-3253	Ulrich, Tom		Yes
Florissant Fossil Beds NM	Dr. Herbert W. Meyer	Paleobotanist	Curation	719-748-3253	Meyer, Herb		
Fort Bowie NHS	Larry Ludwig	Unit Manager	Southwest history, archeology	520-847-2500	Ludwig, Larry		
Fort Davis NHS	Jeffrey Rust	Cultural Resource Manager	Historic archeology, historic preservation, military history. Section 106 coordinator	915-426-2315 x33	Rust, Jeffrey	Yes	Yes

LOCATION	NAME	POSITION/TITLE	AREA OF EXPERTISE	PHONE	LOTUS NOTES	\$110	\$106
Grand Canyon NP	Steve Moffitt	Archeologist	Archeology	928-638-7784	Moffitt, Steve		
Grand Canyon NP	Melissa Schroeder	Archeologist	Archeology, Section 106, fire	520-638-7754	Schroeder, Melissa	Yes	Yes
Grand Canyon NP	Mae Franklin	Tribal Liaison	Tribal consultation	928-283-4598	Franklin, Mae		
Grand Canyon NP	Amy Horn	Archeologist	Archeology, ruins preservation, fire	928-638-7742	Horn, Amy		
Grand Canyon NP	Colleen Hyde	Museum Technician	Curation	928-638-7769	Hyde, Colleen		
Grand Canyon NP	Michael Anderson	Archeologist	Historic archeology, roads & trails	928-638-7863	Anderson, Michael		
Grand Canyon NP	Sara White	Chief Compliance Officer	Section 106, NEPA	928-638-7956	White, Sara		
Grand Canyon NP	Michael Quinn	Photographer	Photo Archives	938-638-7769	Quinn, Michael		
Grand Teton NP	Bill Swift	Chief Interpretation	Curation	307-739-3390	Swift, Bill		
Grand Teton NP	Jackie St. Clair	Archeologist	Archeology		St. Clair, Jacquelin		
Grant-Kohrs Ranch NHS	Mike McWright*	Chief, Maintenance		406-846-1052	McWright, Mike		Yes
Grant-Kohrs Ranch NHS	Scott Eckberg	Chief, Interpretation	History	406-846-2070	Eckberg, Scott	Yes	Yes
Grant-Kohrs Ranch NHS	Chris Ford	Curator	Curation	406-846-3268	Ford, Chris		Yes
Grant-Kohrs Ranch NHS	Peggy Gow	Museum Technician	Curation	406-846-3268	Gow, Peggy		
Great Sand Dunes NM	Fred Bunch*	Resource Specialist	Section 106	719-378-2312	Bunch, Fred		Yes
Great Sand Dunes NM	Patrick Myers	Museum Curator/ Education Specialist	Curation	719-378-2312 x221	Myers, Patrick		
Guadalupe Mountains NP	Fred Armstrong*	Integrated Resources Program Manager	Natural/cultural resource program management	915-828-3251 x251	Armstrong, Fred		Yes
Guadalupe Mountains NP	Jan Wobbenhorst	Chief, Resource Management	History/cultural landscapes	915-828-3251 x109	Wobbenhorst, Jan		Yes

LOCATION	NAME	POSITION/TITLE	AREA OF EXPERTISE	PHONE	LOTUS NOTES	\$110	\$106
IMSO-Santa Fe	Jim Bradford	Archeologist	Archeology	505-988-6758	Bradford, Jim	Yes	Yes
IMSO-Santa Fe	Susan Eininger	Archeologist	Archeology	505-988-6866	Eininger, Susan		
IMSO-Santa Fe	Art Gomez	Historian	History	505-988-6784	Gomez, Art		Yes
IMSO-Santa Fe	Charles Haecker	Archeologist	Archeology	505-988-6757	Haecker, Charles		
IMSO-Santa Fe	Genevieve Head	Archeologist	Archeology	505-988-6779	Head, Genevieve		
IMSO-Santa Fe	Art Ireland	Archeologist	Archeology	505-988-6833	Ireland, Art		
IMSO-Santa Fe	Jake Ivey	Historian	History	505-988-6847	Ivey, Jake		
IMSO-Santa Fe	Joan Mathien	Archeologist	Archeology	505-988-6744	Mathien, Joan		
IMSO-Santa Fe	Larry Murphy	Supervisory Archeologist, Submerged Resources.	Submerged cultural resources inventory/ evaluation	505-988-6750	Murphy, Larry	Yes	Yes
IMSO-Santa Fe	Jan Orcutt			505-988-6804	Orcutt, Jan		
IMSO-Santa Fe	Bob Powers	Anthropology Projects Program Manager	Archeology, inventory- Southwest, Anasazi	505-988-6748	Powers, Bob		
IMSO-Santa Fe	Virginia Salazar	Curator	Curation	505-988-6854	Salazar, Virginia		
IMSO-Santa Fe	Bob Spude	Cultural Resource & National Register Program Manager	History	505-988-6770	Spude, Bob	Yes	Yes
IMSO-Santa Fe	Catherine Spude	Supervisory, Archeologist	Archeology, planning, Section 106	505-988-6831	Spude, Cathy	Yes	Yes
IMSO-Santa Fe	Barbara Stanislawski	Curator	Curation	505-988-6871	Stanislawski, Barbara		
IMSO-Santa Fe	Jim Trott	Archeologist	Archeology	505-988-6795	Trott, Jim		
IMSO-Santa Fe	Walter Wait	Archeologist	Archeology	505-988-6832	Wait, Walter		
IMSO-Santa Fe	Tom Windes	Archeologist	Archeology, chronometric dating	505-988-6715	Windes, Tom		
John D. Rockefeller, Jr. Memorial Parkway (see Grand Teton NP)							

LOCATION	NAME	POSITION/TITLE	AREA OF EXPERTISE	PHONE	LOTUS NOTES	\$110	\$106
Organ Pipe Cactus NM	Peter Rowlands*	Chief, Resource Management		520-387-7661	Rowlands, Peter		
Padre Island NS	Ken McMullen	Chief, Resource Management		361-949-8173 x227	McMullen, Ken		Yes
Palo Alto Battlefield NHS							
Pecos NHP	Judy Reed*	Archeologist	ARPA, Southwest prehistoric ceramics, CRM management	505-757-6414 x226	Reed, Judy	Yes	Yes
Pecos NHP	Tim Burchett	Archeologist	Southwest archeology, archeological monitoring programs, prehistoric activities/architectural analysis, lithic analysis, collections.	505-757-6414 x228	Burchett, Tim		Yes
Petrified Forest NP	Bill Grether*	Cultural Resource Specialist	Section 106 coordinator	520-524-6228 x262	Grether, William		Yes
Petrified Forest NP	Karen Beppler-Dorn	Chief, Resource Management	Section 106	520-524-6228 x263	Beppler, Karen		Yes
Petroglyph NM	Mike Quijano*	Chief of Protection		505-899-0205	Quijano, Michael		Yes
Pipe Spring NM	Andrea Bornemeier*	Chief, Interpretation & Resource Management		520-643-7105	Bornemeier, Andrea		Yes
Pipe Spring NM	John Hiscock	Superintendent	History/Law	520-643-7105	Hiscock, John		Yes
Rocky Mountain NP	Bill Butler*	Archeologist	Archeology, park history, ARPA, Native American issues, geophysics GIS	970-586-1332	Butler, Bill	Yes	Yes
Rocky Mountain NP	Christine Baker	Curator	Curation	970-586-1340	Baker, Christine		
Saguaro NP	Meg Weesner*	Chief, Science		520-733-5170	Weesner, Meg		Yes
Salinas Pueblo Missions NM	Loretta Moseley*	Museum Technician	Curation, NAGPRA, Section 106, NEPA	505-847-2585 x24	Moseley, Loretta		Yes

LOCATION	NAME	POSITION/TITLE	AREA OF EXPERTISE	PHONE	LOTUS NOTES	\$110	\$106
Tumacacori NHP	David Yubeta	Vanishing Treasures	Earthen architecture, preservation/stabilization	520-398-2341 x31	Yubeta, David	Yes	Yes
Tuzigoot NM (see Montezuma Castle NM)							
Walnut Canyon NM (see Flagstaff Area Office)							
Washita Battlefield NHS	Sarah Craighead*	Superintendent	Park management and interpretation	520-497-2742 x1	Craighead, Sarah		Yes
Washita Battlefield NHS	Steve Black	Chief-Interpretation, Park Historian		520-497-2742 x2	Black, Stephen		
Western Archeological and Conservation Center (WACC)	Steve Baumann	Archeologist	Southwest, GIS, ASMIS	520-670-2742 x237	Baumann, Steve	Yes	Yes
WACC	Ronald Beckwith	Archeologist	Archeology	520-670-6501 x236	Beckwith, Ronald		Yes
WACC	Jeffery Burton	Archeologist	Section106/110, archeology	520-670-6501 x258	Burton, Jeff	Yes	Yes
WACC	Gloria Fenner	Supervisory. Museum Curator	Curation	520-670-6501 x246	Fenner, Gloria		
WACC	Loy Neff	Archeologist	DOE's, southwest, California, & Great Plains archeology	520-670-6501 x240	Neff, Loy	Yes	Yes
WACC	Stephanie Rodeffer	Chief, Museum Collections	Archeology, museum collections	520-670-6501 x252	Rodeffer, Tef	Yes	Yes
WACC	George Teague	Archeologist	Section106/110, ARPA, DOE's, archeology	520-670-6501 x235	Teague, George	Yes	Yes
WACC	A. Trinkle Jones	Archeologist	Section106/110, ARPA, DOE's, archeology, ASMIS	520-670-6501 x239	Jones, A Trinkle	Yes	Yes
WACC	Susan Wells	Archeologist	Section106/110, ARPA, DOE's, archeology	520-670-6501 x238	Wells, Susan	Yes	Yes

APPENDIX A TO PART 61—PROFESSIONAL QUALIFICATION STANDARDS

Although these regulations are being revised [draft standards were published in the Federal Register on June 30, 1997 (Vol. 62, No. 119, pages 33707-33723)], these are the standards presently in effect:

In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

(a) History. The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

(1) At least two years of full-time experience in research, writing, teaching, interpretation or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or

(2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

(b) Archeology. The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

(1) At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;

(2) At least four months of supervised field and analytic experience in general North American archeology; and

(3) Demonstrated ability to carry out research to completion.

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

(c) Architectural history. The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:

(1) At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or

(2) Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

(d) Architecture. The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time professional experience in architecture; or a State license to practice architecture.

(e) Historic Architecture. The minimum professional qualifications in historic architecture are a professional degree in architecture or State license to practice architecture, plus one of the following:

(1) At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or

(2) At least one year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

SAMPLE #2: TRANSMITTAL OF PROGRAMMATIC EXCLUSION TO SHPO

Richard Currit
State Historical Preservation Officer
Wyoming State Historical Preservation Office
2301 Central Avenue
4th Floor
Cheyenne, WY 82002

RE: Programmatic Exclusion for [Project Name], [Project Number], [Park]

Dear Mr. Currit:

Enclosed is an Assessment of Effect (XXX) form for [name of project]. We have approved the work as a programmatic exclusion under the 1995 Programmatic Agreement Among the National Park Service, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers. The applicable programmatic exclusion is [for example, B.8., *placement, maintenance, or replacement of utility lines, transmission lines, and fences within previously disturbed areas*]. The programmatic exclusion is documented on the enclosed Assessment of Effect Form, which is provided for your information and files.

If you should have any questions, please contact [name] of my staff at [telephone number].

Sincerely,

Superintendent

determination and for your convenience have provided, "I Concur" and "Date" blocks below.

We are enclosing the Assessment of Effect, photographs, Scope-of-Work, location map and copies of the National Register documentation to assist you in your review of this project.

If you have further questions please contact Chris Turk, Regional Environmental Compliance Officer. Her office telephone is (303) 969-2832.

Sincerely,

Michael D. Snyder,
Deputy Regional Director,
Professional Services

Enclosures -

I Concur _____

Date _____

bcc:
Supt., Bighorn Canyon NRA

SAMPLE #5: TRANSMITTAL OF COMBINED EA/ASSESSMENT OF EFFECT TO SHPO

Mr. Max Evans
State Historic Preservation Officer
Utah State Historical Society
300 Rio Grande
Salt Lake City, Utah 84101

RE: \$106 Compliance; Canyonlands National Park and Orange Cliff Unit
of Glen Canyon National Recreation Area; Environmental
Assessment/Assessment of Effect for Backcountry Management Plan

Dear Mr. Evans:

In accordance with 36 CFR 800.8, *Coordination With the National Environmental Policy Act*, enclosed for your review and comment is a copy of the above referenced plan. Please note that this Environmental Assessment also contains an Assessment of Effect that we are using as consultation under \$106 of the National Historic Preservation Act. The proposed undertaking is described on pages _____ as the proposed action. Other alternatives considered are discussed on pages _____. Affected cultural resources and the [no historic properties affected, no adverse effect, or adverse effect] determination are described on pages _____. Public involvement information, supporting documentation, and the cultural resource specialist review signatures can be found in the appendices.

We would appreciate receiving your comments by _____.

If you have further questions, please contact _____ at
(____) ____-____.

Sincerely,

Superintendent

Enclosure

United States Department of the Interior

NATIONAL PARK SERVICE
Glen Canyon National Recreation Area
Box 1507
Page, Arizona 86040

IN REPLY REFER TO:
H4217 GLCA-C

July 22, 1995

Max J. Evans
State Historic Preservation Officer
Utah State Historical Society
300 Rio Grande
Salt Lake City, Utah 84101-1182

Dear Mr. Evans:

We have been informed by the former Rocky Mountain Region compliance officer, Chris Turk, that final compliance review has not been completed on the Burr Trail project as it pertains to those sites within Glen Canyon National Recreation Area (NRA). Because construction for future chip-sealing has begun on the stretch of road which spans Glen Canyon NRA, we would like to consult with you in an effort to rectify this situation.

PROJECT DESCRIPTION AND DETERMINATION OF ELIGIBILITY

In 1992, archaeologists from the National Park Service performed an intensive survey of the portion of the Burr Trail corridor and buffer zone that falls within Glen Canyon NRA (LeFree n.d.). During the course of that survey, they identified and documented 14 sites (42GA419, 42GA421, 42GA659, and 42GA36253635), 5 of which were recommended as eligible for inclusion in the National Register. A determination of eligibility for all 14 sites was made by the Utah SHPO on November 14, 1992, who concurred with those recommendations (see Attachment A).

DETERMINATION OF EFFECT

This project could affect a total of five cultural resource sites recommended as eligible for the National Register (42GA419, 42GA421, 42GA659, 42GA3631, and 42GA3635). Four of the five sites are either located outside the construction zone or will not be affected by construction activities (Attachment B). The fifth site, 42GA659, lies on either side of the existing dirt road, having been previously impacted by construction and maintenance activities. Current construction activities will not occur outside the already disturbed portion of the site.

SUMMARY

We are consulting with you regarding 800.4 and the subsections of the Council's regulations. It is our opinion, based upon a survey that has been completed according to the Secretary of the Interior's Standards' and Guidelines for Archaeology and Historic Preservation, that five sites are eligible for the National Register of Historic Places. Four of the five sites are outside the area of impact and will not be affected by construction activities relating to chip-sealing of the Burr Trail. The fifth site (42GA659) has been previously impacted by road construction and maintenance activities, and the current construction activities will not go outside that previously disturbed area. Based on this information, it is our opinion that a NO HISTORIC PROPERTIES AFFECTED determination is warranted. This satisfies our responsibilities under 36 CFR Part 800.

If you agree with us regarding this determination, please sign the "I Concur" and "Date" blocks below and return a copy to our office within 30 days. Should you have any questions or comments please contact Christine Goetze, Glen Canyon NRA Archaeologist, at 602-645-8277.

Sincerely,

I understand that the National Park Service is requesting the opinion of the State Historic Preservation Officer concerning the noneligibility of -

Park: GLEN CANYON NATIONAL RECREATION AREA Site Number: SEE LIST BELOW

For inclusion in the National Register and that my opinion may be submitted to the Secretary of Interior with a formal request for a Determination of Eligibility on this property. This statement confirms that I have been consulted as part of the Determination of Eligibility process.

Property Type:

SITE NUMBER	SITE TYPE	RECOMMENDATION
√42GA3625	LITHIC SCATTER	NO INTEGRITY
√42GA3626	LITHIC SCATTER	NO INTEGRITY
√42GA3627	LITHIC SCATTER	NO INTEGRITY, NO SOIL DEPOSITION
√42GA3628	LITHIC SCATTER	NO INTEGRITY
√42GA3629	LITHIC SCATTER	NO INTEGRITY, NO SOIL DEPOSITION
√42GA3630	LITHIC SCATTER	NO INTEGRITY
√42GA3632	HISTORIC ROCK	NO INTEGRITY, ASSOCIATION UNKNOWN
√42GA3633	LITHIC SCATTER	NO INTEGRITY
√42GA3634	LITHIC SCATTER	NO INTEGRITY

Site Forms Included yes

_____ (1) In my opinion, the property is eligible for inclusion in the National Register. Below is a justification for this opinion.

_____√_____ (2) In my opinion, the property is not eligible for inclusion in the National Register. Below is a justification for this opinion.

_____ (3) I have and prefer to defer to the opinion of the Secretary of the Interior.

Signed: _____/s/ James Dykmann
State Historic Preservation Officer

11/12/92
Date

State Historic Preservation Officer's Comments

I understand that the National Park Service is requesting the opinion of the State Historic Preservation Officer concerning the eligibility of

Park: GLEN CANYON NATIONAL RECREATION AREA, Site Number: 42GA421

Site: Type: SECONDARY MANUFACTURING STATION (lithic scatter)

for inclusion in the National Register and that my opinion may be submitted to the Secretary of the interior with a formal request for a Determination of Eligibility on this property. This statement confirms that I have been consulted as part of the Determination of Eligibility process.

Context: Secondary Manufacturing Station (Lithic Scatter)

Property Type: Lithic Redcution

Justification: The site is a lithic scatter with secondary/tertiary flakes, materials are chert. This category is significant for it provides information on the specific technologies utilized in the preparation projectile points and lithic tools from blanks or preforms. The site exhibits a preponderance of secondary lithic debitage including thinning flakes with multifaceted dorsal surfaces and bifacial trim flakes. The site is in an undisturbed area and has integrity. The site has the potential for containing buried cultural materials which through excavation, mapping, and analysis may provide cultural information of value to the archeological record. The cultural affiliation is unknown as no diagnostics were located.

Site Forms Included X y n

√ (1) In my opinion, the property is eligible for inclusion in the National Register. Below is a justification for this opinion.

_____ (2) In my opinion, the property is not eligible for inclusion in the National Register. Below is a justification for this opinion.

_____ (3) I have and prefer to defer to the opinion of the Secretary of the Interior.

Signed: /s/ James Dykmann for SHPO
State Historic Preservation Officer

11/12/92
Date

State Historic Preservation Officer's Comments:

HAUCK 1991

I understand that the National Park Service is requesting the opinion of the State Historic Preservation Officer concerning the eligibility of

Park: GLEN CANYON NATIONAL RECREATION AREA, Site Number: 42GA3631

Site: Type: SECONDARY MANUFACTURING STATION, POSSIBLE CAMP SITE (lithic scatter)

for inclusion in the National Register and that my opinion may be submitted to the Secretary of the interior with a formal request for a Determination of Eligibility on this property. This statement confirms that I have been consulted as part of the Determination of Eligibility process.

Context: Lithic Scatter/Chipping Site

Property Type: Lithic Reduction Station

Justification: The site contains a Preformative/possible Archaic projectile point frag., end scraper, side scrapers, utilized flakes of chert and chalcedony. Site contains many tools and secondary/tertiary flakes. This category is significant for it provides information on the specific technologies utilized in the preparation projectile points and lithic tools from blanks or preforms. The site exhibits a preponderance of secondary lithic debitage-including thinning flakes with multifaceted dorsal surfaces and bifacial trim flakes. The variety of tool types suggest multiple activities. The site has integrity and the potential for containing buried cultural materials which through excavation, mapping, and analysis may provide cultural information of value to the archeological record.

Site Forms Included X y n

√ (1) In my opinion, the property is eligible for inclusion in the National Register. Below is a justification for this opinion.

 (2) In my opinion, the property is not eligible for inclusion in the National Register. Below is a justification for this opinion.

 (3) I have and prefer to defer to the opinion of the Secretary of the Interior.

Signed: /s/ James Dykmann for SHPO
State Historic Preservation Officer

11/12/92
Date

State Historic Preservation Officer's Comments:

HAUCK 1991

Identification of Resources

Under the regulations, the project area, known technically as the "area of potential effects" must be surveyed for cultural resources. The survey must meet the Secretary of the Interior *Standards for Archeology and Historic Preservation*. If the project will have any ground disturbing component, then the Archeological sites must be checked "Yes" or "No." If the project affects a building or structure (road, bridge, trail), then that section must be checked "Yes" or "No".

Identification Documentation

1) Level of survey work. Deals with *archeological work*. Reconnaissance survey is restricted coverage of the survey area (sometimes called a "windshield" survey) and is not acceptable for anything other than planning projects. The survey must be intensive for all design and construction projects and must include 100% of the area. "Tested" indicates that the site was subject to testing of the sub-surface material to determine whether it is eligible for the National Register. "Excavated" refers to the artifacts being removed from the site usually as a mitigation measure.

If the area has not been surveyed, thorough documentation on why a survey is not needed must be provided (e.g. heavily disturbed in the past so unlikely to have intact sub-surface material).

2) File Search. CSI=Cultural Sites Inventory. The Cultural Sites Inventory is a compilation of all available information concerning a park's archeological database. All park have archeological base maps indicating site locations and areas that have inventoried for archeological sites. Most parks have a synthesis of their archeological data in large, loose-leaf notebooks that includes appropriate references. Some park have their computerized archeological database incorporated into their GIS system.

3) In Wyoming and Colorado, parks also need to conduct a file search with the State Historic Preservation Office.

4) Report References. This is the reference from the CSI.

Description of proposed undertaking

"Undertaking" is the technical term used in the regulations (see glossary). This is a descriptive statement of the project. In reviewing the project, use the rule of thumb: Can you understand what the project involves? If not, it is likely that no one else will understand the project.

Description of effects

What effect will the project have on the historic property(ies)? [Historic property is the technical term used in the regulations for any cultural resource -- building, structure, prehistoric or historic archeological site, cultural landscape, ethnographic resource, or object eligible for listing on the National Register.] What effect will the project have on the "cultural qualities"⁸ that qualify the property(ies) for listing on the National Register of Historic Places. The statement here should correspond to Number 13, "Recommended Determination of Effect."

⁸Information about cultural qualities comes from determinations of eligibility and National Register nominations. This is why it is essential that §110 requirements are met before beginning §106.

appropriate party should be contacted immediately to start this effort. An EA must be prepared for projects where there is an adverse effect on National Register properties. The EA can be used as project documentation in lieu of an AEF. The EA must include the information normally found on the AEF, along with appropriate documentation. Guidance regarding public involvement can be found in ACHP publication *Working with Section 106, Public Participation in Section 106 Review: A Guide for Agency Officials*, 1989.

Native American Consultation

If the project as described above reflects that ethnographic resources will be affected, then "Necessary" must be checked.

Recommended Determination of Effect

Apply the criteria of effect. Few projects now qualify as "no historic properties affected" unless the project is designed to avoid a resource. So, most projects will either have "no adverse effect" or "adverse effect." Examples: Removal of a historic building and destruction of an archeological sites are adverse affects. All work, other than preservation maintenance, that is done in conformity to the Secretary of the Interior *Standards for Rehabilitation* is "no adverse effect." Preservation maintenance is included as programmatic exclusion under servicewide PA.

Superintendent Signature

Form must have superintendent's signature.

Cultural Resource Specialists Review

Need a signature or "N.A." for all the signature lines. Form must be reviewed by qualified cultural resource professionals for all categories of resources affected (e.g. historical architect and/or cultural landscape architect needed for projects affecting historic structures).

Compliance Coordinator

Park §106 compliance coordinator should sign.

TRANSMITTING FORM TO SHPO

After the form is prepared, reviewed, and signed by the appropriate parties, it should be sent to the appropriate SHPO and/or THPO (sample #3 from appendix 3, page 93).

Required elements for SHPO letter are:

- cite the law and regulation. National Historic Preservation Act of 1966 as amended and 36 CFR Part 800 or NPS servicewide programmatic agreement.
- state what National Register property is involved.
- give a brief description of the project. Reference AEF and pertinent documentation.
- state the effect: no historic properties affected, no adverse effect, or adverse effect.
- ask SHPO/THPO to concur in effect and provide concurrence blocks at end of letter.
- provide contact for further information.

ASSESSMENT OF EFFECT FORM

ASSESSMENT OF ACTIONS HAVING AN EFFECT ON CULTURAL RESOURCES

This form is required for all actions that have the potential to affect cultural properties. Attach continuation sheets as necessary

1. PARK: _____

Include park subdistrict if applicable.

2. PROJECT TITLE: _____

PROJECT NUMBER: _____ PACKAGE NUMBER: _____

PROJECT LOCATION: Quad(s) & Scale _____

LEGAL(Township/Range/Section) _____

OR UTM(s) (if known) _____

PROJECT TYPE: _____ Planning _____ Design _____ Construction

3. PREPARED BY: _____ PHONE: _____

FOR ADDITIONAL INFORMATION CONTACT: _____

PHONE: _____

4. IDENTIFICATION OF RESOURCES: Has project area been surveyed for:

	Yes	No	NA
Buildings	_____	_____	_____
Structures	_____	_____	_____
Districts	_____	_____	_____
Cultural landscapes	_____	_____	_____
Ethnographic resources	_____	_____	_____
Archeological sites	_____	_____	_____

If Yes: Results of survey

_____ No resources identified in project area

_____ Identified properties already determined eligible or listed on the National Register of Historic Places (list)

_____ Identified properties for which a Determination of Eligibility is needed (list). **Attach supporting documentation.**

If No: Is survey scheduled? Yes _____ No _____: Date _____

_____ not needed (provide justification, such as area previously disturbed)

- _____ Introduce nonhistoric elements (visible, audible, or atmospheric) into a historic setting or environment
- _____ Reintroduce historic elements in historic setting or environment
- _____ Remove historic elements from a historic environment
- _____ Remove nonhistoric elements from a historic environment

3) ARCHEOLOGICAL RESOURCES:

- _____ Disturb, destroy, impair, or render inaccessible archeological (surface or subsurface) resources
- _____ Possibly disturb presently unidentified archeological resource or historic fabric

4) ETHNOGRAPHIC RESOURCES:

- _____ Disturb, impair, alter or render inaccessible ethnographic resources
- _____ Introduce inappropriate elements (visible, audible, or atmospheric)
- _____ Possibly disturb presently unidentified ethnographic resources

5) OTHER:

- _____ Incur gradual deterioration of historic fabric, terrain, or setting.
- _____ Involve a land transaction, sale, or lease.
- _____ Other (Describe briefly):

10. Documentation attached: REQUIRED: maps, site plan(s).

- () preliminary design or construction documents, () photographs.
 () Scope-of-Work, () Inventory forms, () National Register forms, () IMR Archeological Project Report.
 () Product samples, () Other:

11. PROGRAMMATIC AGREEMENT:

A. Servicewide Programmatic Agreement (1995).

- 1) _____ Undertaking included in an approved plan under PA (name of planning document and pertinent page numbers).
- 2) _____ Undertaking meets requirements for programmatic exclusion as stipulated in Section IV.
 List appropriate exclusion(s).

B. Other Memorandum(a) of Agreement or Programmatic Agreements. Identify agreement, including specific exclusion(s):

12. PUBLIC INVOLVEMENT (If undertaking will have an adverse effect, identify organizations and groups that have been contacted, including Native Americans):

CULTURAL SPECIALISTS REVIEW

I have reviewed this proposal for conformity with requirements for the §106 process, with the 1995 *Servicewide Programmatic Agreement* (if applicable), and applicable parts of the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*, *NPS Management Policies*, and DO-28. I have stated any additional stipulations that should apply, and I concur in the recommended assessment of effect above.

Signed:	_____	_____
	Historian	Date
Comments:	_____	_____
	Archeologist	Date
Comments:	_____	_____
	Historical Architect	Date
Comments:	_____	_____
	Curator	Date
Comments:	_____	_____
	Ethnographer	Date
Comments:	_____	_____
	Historical Landscape Architect	Date
Comments:	_____	_____
	Other	Date
Approved:	_____	_____
	Compliance Coordinator	Date
Approved:	_____	_____
	Superintendent	Date

**PROGRAMMATIC AGREEMENT
BETWEEN
NATIONAL PARK SERVICE,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
THE MONTANA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE PROGRAM OF
PRESERVATION MAINTENANCE
AT GRANT-KOHR'S RANCH NATIONAL HISTORIC SITE**

WHEREAS, the Grant-Kohrs Ranch National Historic Site (GRKO) a unit of the National Park System, located in Deer Lodge, Powell County, Montana is a National Historic Landmark (NHL) and is listed on the National Register of Historic Places; and

WHEREAS, GRKO has determined that the program of routine and preservation maintenance (Work) of historic properties (structures, buildings, site features, landscapes, archeological sites, museum objects, and archival material (Properties) within this district may effect characteristics of the Properties that may qualify them for inclusion in the National Register of Historic Places; and has consulted with the Advisory Council on Historic Preservation (Council) and the Montana State Historic Preservation Officer (SHPO) pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act as amended (NHPA; 16 U.S.C. 470f) and Section 110 of the same Act (16 USC 470h-2); and

WHEREAS, the National Park Service (NPS), the Council, and the National Conference of State Historic Preservation Officers (NCSHPO) executed a Nationwide Programmatic Agreement (Nationwide PA) on July 17, 1995 that establishes a framework for taking into account the effects of park system operation, management and administration on historic properties, delegates historic preservation compliance responsibilities to Park Superintendents, and specifically identifies the circumstances for excluding certain undertakings from further review by either the Council or individual SHPOs; and

WHEREAS, in order to fully realize the goals of the Nationwide PA and to streamline the Section 106 review process for Work that will not adversely effect historic properties in the district, and to place more responsibility on park staff (who intimately know the resources) for stewardship of historic properties within the park boundaries; and

WHEREAS, GRKO historic properties are or will be identified and evaluated, preservation plans for Properties are in place, and Work effecting Properties without an appropriate preservation plan are not eligible under this Agreement; and

WHEREAS, GRKO is committed to ensuring that staff supervising or conducting Work have appropriate training in the details of this agreement and in preservation maintenance philosophies and methodology; and

WHEREAS, a comprehensive cultural compliance review procedure as detailed in Appendix B "*Superintendent's Directive H-1, Environmental and Cultural Compliance Review Procedure*" is in place and operative; and

WHEREAS, certain emergency situations may require immediate response actions; and

WHEREAS, SHPO and Cultural Resource Specialist will be invited to annually review Work and documents on Properties; and

WHEREAS, the definitions given in Appendix C "*Definitions of Technology*" are applicable throughout this Programmatic Agreement; and

NOW, THEREFORE, GRKO, Council, and SHPO agree that by carrying out the following Stipulations, GRKO will evidence that it has taken into account the effects of the Program on historic properties.

STIPULATIONS

GRKO will ensure that the following measures are carried out.

B. Work affecting a Property must be consistent with an appropriate preservation plan. Decision as to which time period and related materials and workmanship will be used will be determined from these plans. Work affecting a Property without a preservation plan are excluded from this agreement. Appropriate preservation plans and treatments at GRKO are provided by the following documents:

1. *The General Management Plan*, GRKO, 1993. This document outlines how some Properties will be utilized. There is a table listing all historic structures and buildings, their history, and their current function.
2. *The Resources Management Plan*, Grant-Kohrs Ranch, 1995. This plan contains project statements addressing problems and treatments of various Properties, including cultural landscapes, archeological sites, structures, site features, and collections.
3. *A Cultural Landscape Report* (inventory and treatment plan of landscapes eligible for the National Register) will be completed by GRKO and reviewed by SHPO.
4. *Draft Agricultural Use Plan*, Grant-Kohrs Ranch National Historic Site, 1996. This plan will be completed by GRKO in 1997, be consistent with the *Cultural Landscape inventory*, and be reviewed by SHPO.
5. *Historic Structure Reports*, Denver Service Center, Historic Preservation Division, NPS, 3 volumes. John Albright and Peter Snell, 1976 and 1977. This report provides a guide to treatment on historic structures and buildings purchased in 1972. This plan will be reviewed and updated by a Historic Architect.
6. *A Historic Structure Report* on structures and buildings purchased in 1988 will be completed by GRKO (funding requested for FY-1997) and reviewed by SHPO.
7. *Maintenance Guide*, NPS, 1979, James McDonald, on properties purchased in 1972. This plan will be reviewed and updated, if necessary, by a Historic Architect.
8. *A Preservation Guide* on structures and buildings purchased in 1988 will be completed by GRKO and reviewed by SHPO.
9. *A Preventative Maintenance Handbook* on museum and archival collection treatment will be completed by GRKO.
10. *Historic Furnishing Study, Ranch House (HS-1) and 13unkhouse (HS-2)*, Grant-Kohrs Ranch National Historic Site, Dr. Nick Scrattish, Denver Service Center, Historic Preservation Branch, National Park Service, 1981.
11. *The Collection Management Plan*, Rachel Maines and Laura Joss, Maines and Associates, Ithaca, New York, 1990.
12. *The Collection Storage Plan*, Donald Cumberland, Curatorial Services Division, 1994.

C. All Work will retain the maximum amount of original fabric. When the original fabric is deteriorated beyond repair, replacements or repairs must match related fabric in-kind and must be identified and permanently marked in an unobtrusive manner to distinguish it from the original fabric. The mark should identify who did the work, and the date, i.e. "NPS 9/96."

D. Deteriorated original fabric can be replaced with modern fabric when the replacement fabric is not visible, such as insulation behind walls.

E. The GRKO Facility Manager will ensure all Work affecting historic structures and buildings will be documented in GRKO building files. Minor undertakings will be documented on a running list of maintenance on Property. Larger undertakings will be documented in the form of a report, including all related project documents such as a scope of work, bid, inspection reports, completion reports, plans, and photographs.

F. The GRKO Facility Manager will ensure all Work affecting landscapes, utilities, fences, and irrigation systems

VII. MONITORING AND REVIEW

A. The GRKO Superintendent will invite the SHPO to meet annually to discuss and audit the implementation of this Agreement. The Council will be invited to participate. The Compliance Coordinator, Facility Manager, and Curator shall facilitate the review.

B. The GRKO Superintendent will ensure a periodic review of completed Work and documentation by appropriate Cultural Resource Specialists. At the time of review, comments on future Work can be sought.

VIII. ADMINISTRATIVE PROVISIONS

A. If any party to this Agreement determines that its terms cannot be met or believes an amendment or addendum necessary, that party shall immediately request the consulting parties to consider an amendment or addendum to the Agreement. Such amendment or addendum shall be executed in the same manner as the original Agreement. No amendment or addendum to this Agreement will go into effect without written concurrence of all consulting parties.

B. Any party to this Programmatic Agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, GRKO will comply with 36 CFR section 800.4 through 800.6 with regard to individual undertakings covered by the Programmatic Agreement.

C. Should the SHPO or the Council object within thirty (30) days to any actions pursuant to the Agreement, GRKO shall consult with the objecting party to resolve the objection. If GRKO determines that the objection cannot be resolved, GRKO shall request the further comments of the Council pursuant to 36 CFR 800.6(b). The Council will provide comments within thirty (30) days of receipt of adequate documentation. Any Council comment provided in response to such a request shall be taken into account by GRKO in accordance with 36 CFR 800.6(c)(2), with responsibility to carry out all actions under this Agreement that are not the subject of the dispute remaining unchanged.

D. In the event GRKO does not carry out the terms of this Programmatic Agreement, GRKO will comply with 36 CFR section 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that GRKO has satisfied its Section 106 responsibilities for all individual undertakings of the program.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: /s/ John W. Fowler
TITLE: Acting Executive Director

DATE: 3/5/97

NATIONAL PARK SERVICE

BY: /s/ Anthony J. Schetzle
TITLE: Superintendent, Grant-Kohrs Ranch National Historic Site

DATE: 12/31/96

STATE HISTORIC PRESERVATION OFFICE

BY: /s/ Paul Putz
TITLE: State Historic Preservation Officer

DATE: 1/2/97

D. Surfaces

1. Painting, whitewashing, replastering, repairing, refinishing of surfaces matching color, gloss, and texture in-kind.
2. Maintenance of features, such as frames, paneled or decorated jambs and moldings through appropriate surface treatments such as cleaning, rust removal, paint removal, and re-application of protective coating systems.
3. Remove damaged or deteriorated paint by hand scraping and hand sanding. Machine sanding, heat softening, and chemical treatment will be used only where it can be shown that it is not destructive to the substrate.
4. Removal of lead paint, radon, and other hazardous substances in a manner consistent with preservation maintenance and rehabilitation.

E. Mechanical, Electrical, and Energy

1. Repair historic mechanical, electrical, or plumbing systems, visible in areas contributing to National Register status, in like-kind. Repair or replacement of these systems not visible in areas contributing to National Register status, such as underground water lines, with modern material. Repair or replace modern systems when actions do not affect significant interior spaces or detail, or affect the exterior appearance.
2. Repair or replace flues, chimneys, and vents in-kind as possible when required by deteriorated materials or updated codes. Areas not visible can be repaired with modern materials.

F. Deteriorated original fabric can be replaced with modern fabric when the replacement fabric is not visible, such as insulation behind walls.

II. Cultural Landscapes

A. Roads, Trails, Paths, and Bridges

1. Repair bridge structural members, decking, and rail with in-kind materials.
2. Routinely maintain road and trail surfaces including snow and debris removal, cleaning, brushing, litter removal, sign installation and replacement, filling and leveling surface and other maintenance work required on a routine basis.
3. Repaving, crack-sealing, chip-sealing, and striping of existing roads and parking areas.
4. Placement of base-coarse and fill material in eroded or washed-out areas.
5. Repair and replacement of drains, grates, culverts, and drop-down pipes.
6. Replacement of sidewalks, curbing, signs, barrier posts, and delineator posts in existing locations.

B. Farming

1. Farming shall follow the *Agricultural Use Plan* and the *Cultural Landscape Report* when completed.
2. Meadows will be harrowed to break up winter accumulation of cattle manure.
3. Haylands can be cut, baled and fertilized with a commercial fertilizer.

C. Irrigation Systems

2. Vegetable and ornamental gardens near the Kohrs Ranch House can be cultivated.
3. Repair and replacement of trail and wayside exhibits, signs and markers.

IV. Museum and Archival Collection

1. Routine museum housekeeping according to the *Museum Handbook and Preventative Maintenance Handbook*.
2. Preservation techniques explained in NPS, Cultural Resources, Curatorial Services, *Conserve-O-Grams*, 1995 can be performed.
3. Museum pests such as larger beetles and mice control not affecting historic fabric or scene.
4. Environmental monitoring not affecting historic fabric or scene.

INSTRUCTIONS FOR COMPLETING THE COMPLIANCE REVIEW FORM

The upper portion is completed by the project originator or their division chief after the project has been approved at a squad meeting and compliance is deemed necessary. See Superintendent's Directive 95-H-1 for more details concerning guidance in completing the review process.

Compliance Number: Assigned by Compliance Coordinator.

Associated Numbers: Any number related to the project (e.g., work order, 10-238 project statement, research permit, contract number).

Date form initiated: Date the upper portion is completed.

Date project to begin: Desired project start date.

Project title: Use formal title (i.e., 10-238 title) or short statement of project description.

Project Originator: Name of person or title completing the upper portion of the form.

Project Description: Tell where, what, when, and how. Give as much detail as possible. Include maps, photographs, blueprints, specs, work plans, materials list, contract, etc.

The form is given to the Compliance Coordinator to complete and route for review.

Is this project in an approved plan: Completed by Compliance Coordinator. The project must be outlined in some detail in a plan that has undergone compliance review, i.e., GMP.

Plan name & reference: Give full citation.

NEPA: Completed by Natural Resource staff.

ENDANGERED SPECIES ACT: Completed by Natural Resource staff.

PERMITS/LICENSES/AUTHORIZATIONS FROM STATE AND FEDERAL AGENCIES: Completed by Natural Resource staff.

SECTION 106: Completed by Compliance Coordinator.

Reviewed by: Route in order listed.

When project review is complete, return GRKO-13 and all associated documentation to the Compliance Coordinator to incorporate all review comments and mark necessary project completion line item(s). When compliance is complete, the Superintendent signs for final approval of the project. A copy of GRKO-13 and compliance documentation is given to the Division Chief of the project to track until project is complete. When the project and all applicable project completion line items are complete, the copy of GRKO-13 is given to the Compliance Coordinator.

APPENDIX C DEFINITIONS OF TERMINOLOGY

In addition to the terms defined here, and unless otherwise indicated, all definitions given in 36 CFR 800.2 will be accepted for the purpose of this agreement.

Cultural Resource Specialist - Person meeting professional requirements in their chosen discipline, such as Cultural Landscape Architect, Historic Architect, Architectural Historian, Archeologist, Historian, Curator, or Archivist.

Historic Fabric - The material remains of a historic object or structure and its fixtures; whether original materials or materials incorporated in a subsequent historically significant period as opposed to materials utilized to maintain or restore the structure or object during a nonhistoric period.

In-Kind - The replacement or repair of materials that match the original in material, composition, and design. Matching includes size, configuration, material, color, and construction, but only those parts of historic fabric that have deteriorated beyond repair. Replacement of entire features or of materials for cosmetic reasons is not within the scope of this agreement.

Preservation Maintenance - The act or process of applying preservation treatment to a cultural resource. It includes housekeeping and routine and cyclic work scheduled to mitigate wear and deterioration without altering the appearance of the resource; repair or replacement in-kind of broken or worn-out elements, parts, or surfaces so as to keep the existing appearance and function of a structure, work to moderate, prevent, or arrest erosion of archeological fabric from additional damage; and actions taken to prevent damage and to minimize deterioration of a museum object by practicing preventive conservation or by performing a suitable treatment on an object itself.

Rehabilitation - The act or process of returning a structure to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the structure which are significant to its historical, architectural, and cultural values.

Restoration - The act or process of accurately recovering the form and details of a structure and its setting as it appeared at a particular period of time by means of the removal of later work by the replacement of missing earlier work.

Routine Maintenance - Recurring day-to-day or periodic work required to continue current use of a property, including interior and exterior repair.

Properties - Landscapes, site features such as irrigation systems and fences, buildings, structures, objects that are eligible as or contribute towards National Register of Historic Places designation as outlined in the nomination.

Repair - Includes overhauling, refinishing, or reprocessing constituent parts or materials of a facility in order to continue effective use. It includes replacement in-kind when new materials and design exactly match existing materials and design.

Site Features - Man-made properties contributing to the historic appearance of a property such as fences, irrigation systems, walkways, and lawn ornaments.

Programmatic Agreement and Council's regulations in 36 CFR Part 800 for all work completed for road improvement, reconstruction, and road material acquisition on the principal park road system. The work will be identified in the Parkwide Road Improvement Plan, Environmental Assessment (Finding of No Significant Impact signed June 10, 1992) and any subsequent route specific Environmental Assessments (EAs) that are developed out of the Parkwide Road Improvement Plan, EA.

As identified in the Parkwide Road Improvement Plan, Yellowstone NP will ensure that consultation with appropriate SHPOS, Council, Native American tribes, and other interested persons is completed on all identification, evaluation, and mitigation efforts for each specific route prior to any work being initiated on that route.

II. Consultation with Native American Tribes

Yellowstone NP will consult with appropriate tribe(s) and Native American individuals regarding identification, effects, and treatment of cultural resources that may be affected by this undertaking. The consultations will be in accordance with 36 CFR Part 800. 1 (c) (2) (iii), National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties, and the Council's Public Participation in Section 106 Review: A Guide for Agency Officials. Consultation will include, but not be limited to, the following tribes:

Crow
Arapahoe and Shoshone at Fort Washakie
Confederated Salish and Kootenai Tribes
Blackfeet
Nez Perce
Shoshone and Bannock Tribes at Fort Hall Indian Reservation

III. Identification and Evaluation Standards

Yellowstone NP will ensure that historic properties, which may be affected, are identified and evaluated in a manner consistent with National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation, National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties, Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines, applicable SHPO guidance, and the following procedures:

A. Locating Historic Properties

Yellowstone NP will determine the level and type of investigation needed to identify historic properties in accordance with the Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines and appropriate State Historic Preservation Office guidelines.

B. Historic Properties--Evaluation Strategy

1. Historic Structures and Features. The National Register of Historic Places Multiple Property

regarding isolated finds will be included in a report format acceptable to the appropriate SHPO.

IV. Mitigation and Documentation Standards

Yellowstone NP will apply the Criteria of Effect and Adverse Effect in 36 CFR Part 800.9 to properties identified in the APE. Whenever possible, Yellowstone NP will avoid adverse effects to historic properties that are identified in the APE through project redesign or implementation of protective measures. However, if avoidance is not possible, Yellowstone NP will minimize or mitigate effects. The specific means of avoidance, minimization or mitigation of effects will be identified in the route specific EAs, subject to review by the appropriate SHPO and the Council as provided in Stipulation VI. Whenever possible, the following standards will be followed for this undertaking

A. If historic structures determined to be contributing resources to the overall eligibility of the road are to be demolished and the appropriate SHPO and the Council agree that there is no other feasible alternative, Yellowstone NP will complete documentation according to the standards of the Historic American Building Survey/Historic American Engineering Record (HABS/HAER). Representative features, including headwalls and culverts, will also be documented according

B. Contributing historic structures that will be affected, but not demolished by the undertaking will be treated in accordance with the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Buildings.

C. The stone headwalls that retain physical integrity and are visible from the road, other-visitor use areas, or that are determined to be architecturally significant will be documented, dismantled, and later reassembled over the new culvert pipes. The other headwalls will be documented, dismantled, and the stone salvaged for rehabilitation of other stone structures in the park. The specifics of this activity will be discussed in the route-specific EAs.

D. The final choice of guardrailing will be based on meeting federal safety standards and historical compatibility of railing material.

(6) Proposed contents of a comprehensive synthesis and final report concerning mitigation activities, meeting the guidelines provided in the Secretary's Standard ., providing for it's submission to the SHPOs for review within two (2) years after completion of all fieldwork conducted under the terms of this agreement.

B. Data Recovery Plans

Each phase or segment specific DRP shall represent a dependent plan and document supplement to the Treatment Plan, providing specific direction for the conduct of data recovery associated with any given route specific EA. DRPs shall conform to the general requirements of the Treatment Plan, and shall incorporate information from the Plan. The DRPs shall specify, at a minimum:

- (1) The historic properties to be affected and the nature of the effects;
- (2) The research questions identified in the Treatment Plan that will be appropriate for the specific project segment and that will be addressed through data recovery, along with any additional research questions compatible with the Treatment Plan and an explanation of their relevance to the overall research goals as established in the Treatment Plan;
- (3) The specific fieldwork and analytical strategies identified in the Treatment Plan, as well as any other strategies that will be employed in the specified project segment; and
- (4) A schedule for the submission to the appropriate SHPO(S) of a final report of work completed for the specified project segment.

The Annual Report required in Stipulation XIII will contain a progress report on data recovery activities carried out during the reporting period, including the status of fieldwork, analysis, and final report preparation.

VI. SHPO/Council Consultation

Reviews completed by the SHPOs and the Council of identification efforts, eligibility, and effects to historic properties resulting from actions related to this undertaking shall be phased. Route specific EAs and supporting documentation will contain sufficient information for review of Yellowstone NP's determinations of effect for each route and will contain proposals for treatment or mitigation of adverse effects.

(1) provide Yellowstone NP with recommendations, which Yellowstone NP will take into account in reaching a final decision regarding the dispute;

(2) notify Yellowstone NP that it will comment pursuant to 36 CFR Part 800.6(b) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by Yellowstone NP in accordance with 36 CFR Part 800.6(c) (2) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; Yellowstone NP's responsibility to carry out all actions under this AGREEMENT that are not the subjects of the dispute will remain unchanged.

B. At any time during the implementation of the measures stipulated in this AGREEMENT, should an objection be raised by a member of the public, Yellowstone NP shall take into account and consult as needed with the objecting party, the SHPO, and the Council to resolve the objection.

IX. Discovery Situations

Should Yellowstone NP find previously unidentified historic properties during the course of an undertaking, the procedures stipulated in 36 CFR Part 800.11 will be followed.

X. Human Remains

If human remains are encountered on federal lands Yellowstone NP will consult with Native Americans, or other appropriate groups, to determine treatment and disposition measures consistent with applicable federal laws (such as the Native American Graves Protection and Repatriation Act [25 U.S. C. 3002]). If human remains are encountered on state or private lands, Yellowstone NP will ensure that they are treated according to appropriate state laws.

XI. Public Participation

Yellowstone NP will undertake public participation pursuant to 36 CFR Part 800. 1(c)(2)(iv) as well as the National Park Service's Management Policies, NPS-12, National Environmental Policy Act Guidelines and NPS-2, National Park Service Planning Guidelines.

XV. Termination

Any party to this AGREEMENT may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, Yellowstone NP will comply with 36 CFR Part 800.4 through 800.6 with regard to individual undertakings covered by this AGREEMENT.

XVI. Failure to Implement AGREEMENT Terms

In the event that Yellowstone NP does not carry out the terms of this AGREEMENT, Yellowstone NP will comply with 36 CFR Part 800.4 through 800.6 with regard to individual undertakings covered by this AGREEMENT.

Execution and implementation of this AGREEMENT evidences that the National Park Service has satisfied its Section 106 responsibilities for all work related to each specific route of the park roads, Yellowstone National Park. This amended Programmatic Agreement encompasses the entire agreement among the parties and replaces any agreements previously negotiated, each signatory of the original agreement should sign the amendment.

APPENDIX 6: NPS SERVICEWIDE PROGRAMMATIC AGREEMENT

**PROGRAMMATIC AGREEMENT AMONG THE
NATIONAL PARK SERVICE
(U.S. DEPARTMENT OF THE INTERIOR),
THE ADVISORY COUNCIL
ON HISTORIC PRESERVATION,**

**AND
THE NATIONAL CONFERENCE OF STATE HISTORIC
PRESERVATION OFFICERS**

WHEREAS, the National Park Service (NPS) plans for, operates, manages, and administers the National Park System, and is responsible for preserving, maintaining, and interpreting the cultural resources of the System unimpaired for the enjoyment of future generations; and

WHEREAS, the operation, management, and administration of the System entail undertakings that may affect historic properties (as defined in 36 CFR Part 800), which are therefore subject to review under Sections 106, 110(f) and 111(a) of the National Historic Preservation Act as amended (NHPA; 16 U.S.C.470 et seq.) and the regulations of the Advisory Council on Historic Preservation (Council) (36 CFR Part 800); and

WHEREAS, the NPS has established management policies, guidelines, standards, and technical information designed for the treatment of cultural resources consistent with the spirit and intent of the NHPA; and

WHEREAS, the NPS has a qualified staff of cultural resources specialists in parks, System Support Offices, and archeological and preservation centers to carry out programs for cultural resources; and

WHEREAS, the NPS has consulted with the National Conference of State Historic Preservation Officers (Conference) and the Council regarding ways to ensure that NPS operation, management, and administration of the System provide for management of the System's cultural resources in accordance with the intent of NPS policies and with Sections 106, 110, and 111 of the NHPA; and

WHEREAS, the National Park Service, the Conference, and the Council executed a Nationwide Programmatic Agreement in 1990 that is superseded with the execution of this Programmatic Agreement; and

WHEREAS, the NPS has re-structured in order to place more resources and delegations of authorities with park managers;

compliance. They will assume this responsibility in accordance with Stipulation VIII below.

B. Superintendents will be held accountable for their performance in Section 106 compliance through NPS procedures for performance and program evaluation.

C. To meet this responsibility, each park will have the following:

1. a commitment to training park staff, including an invitation to the appropriate SHPO and the Council to participate in that training, so that park staff are generally familiar with Section 106 processes; and

2. at least one staff person qualified to act as the park's 106 coordinator, whose 106 responsibilities are specified in his or her position description and performance standards; and

3. a formally designated set of CRM advisers whose qualifications are consistent with OPM standards, the intent of 36 CFR Part 61, Appendix A, and the intent of Section 112(a)(1)(B) of the National Historic Preservation Act. In-park staff, System Support Offices, other parks, NPS cultural preservation and archeological centers, Denver Service Center, other government agencies, and specialists and scholars outside NPS are all possible sources for needed expertise. Specialists who are not federal employees must meet the standards in 36 CFR Part 61, Appendix A.

D. SHPOs and the Advisory Council may at any time raise with the appropriate Field Director any programmatic or project matters where they wish the Field Director to review a park superintendent's decision.

IV. PROJECT REVIEW-- NATIONWIDE PROGRAMMATIC EXCLUSIONS

A. Undertakings listed in IV.B will be reviewed for Section 106 purposes within the NPS, without further review by the Council or SHPOs, provided:

1. that these undertakings are based upon information adequate to identify and evaluate affected cultural resources [except for IV.B.(5)];

2. that the NPS finds that their effects on cultural resources in or eligible for the National Register will not be adverse based on criteria in 36 CFR Part 800.9; and

3. that decisions regarding these undertakings are made and carried out in conformity with applicable policies, guidelines,

12. erection of signs, wayside exhibits, and memorial plaques;

13. leasing of historic properties consistent with NPS38, if proposed treatments are limited to those consistent with IV.B(1) and (9) and other activities excluded under IV.A and B.

C. Park superintendents and SHPOs may develop additions to Stipulation IV.B that identify other types of undertakings that they mutually agree will be excluded from further review. Proposals for such additions will be provided for review to the Executive Director of the Council, the NPS Director, and the Executive Director of the Conference. Upon their acceptance, the Council, the Conference, and NPS will maintain records on those additions as amendments to this Agreement, and provide for dissemination to other appropriate SHPOs and NPS offices.

D. In the event that a SHPO questions whether a project should be considered a programmatic exclusion under Stipulation IV.A and B, the superintendent and SHPO will make every effort to resolve the issue informally. If those efforts fail, the question will be referred to the Field Director. If the matter is still not resolved, it will be referred to the Advisory Council in accordance with Stipulation XI.A.

V. PROJECT AND PROGRAM REVIEW--OTHER UNDERTAKINGS

A. All undertakings (as defined in 36 CFR Part 800), with the exception of those that meet provisions in Stipulation IV, will be reviewed in accord with 36 CFR Part 800.

B. Superintendents are encouraged to evaluate their park's programs and discuss with SHPOs ways to develop programmatic agreements for park undertakings that would otherwise require numerous individual requests for comments.

C. Memoranda of Agreement and Programmatic Agreements specific to a project, plan, or park may be negotiated between park superintendents and SHPOs, pursuant to 36 CFR Part 800.5(e) or 800.13, and may be independent of or supplement this Agreement.

VI. RELATIONSHIP OF PROJECT REVIEW TO PLANS

A. To the extent that the requirements of Section 106 and NEPA overlap for a given plan or project, superintendents are encouraged to coordinate these two processes, including the preparation of documentation and public involvement processes, in

VII. NPS PROCESS FOR DOCUMENTING ACTIONS HAVING AN EFFECT ON CULTURAL RESOURCES

All System-related undertakings that may have an effect on cultural resources will be appropriately documented and carried out in accordance with applicable policies, guidelines, and standards, as identified in Stipulation I. Formats for documentation include those outlined in published Advisory Council guidance (see "Preparing Agreement Documents,"¹ for example), the NPS "Assessment of Actions Having an Effect on Cultural Resources" form, programmatic agreements and, where appropriate, NEPA documentation that addresses cultural resources issues with information consistent with requirements of 36 CFR Part 800.

Cultural resources specialists will review all such actions prior to their implementation, and parks will maintain documentation of this review. Documentation of NPS reviews not already provided to SHPOs and the Council will be available for review by the Council and the appropriate SHPO upon request. Individual SHPOs who wish to review this documentation are responsible for specifying scheduling, frequency, and types of undertakings of concern to them.

VIII. PUTTING THIS AGREEMENT INTO EFFECT

The delegation of Section 106 responsibility to park superintendents will take place as of October 1, 1995. As a condition of this delegation, each park will identify

A. the specialists, on or off park staff, who will provide the park with advice and technical services for cultural resource issues related to Section 106 compliance. These specialists must be qualified in their areas of expertise and have a specified term of commitment to advise the park; and

B. a contact person to coordinate the park's Section 106 compliance processes.

Parks supplement on-staff expertise through advice and technical services from CRM specialists in SSOs, the Denver Service Center, preservation centers, and other specified CRM specialists inside and outside the NPS, for advice and technical services involved in 106 documentation and consultation. The superintendent will be the responsible agency official for 106 purposes, who ensures the implementation of this agreement and 36 CFR Part 800 procedures, and who signs correspondence to SHPOs and the Advisory Council and documentation of programmatic exclusions.

IX. COOPERATION AND COMMUNICATIONS

A. Within six months of the date of the signature of this PA by all parties, and every two years thereafter, each park superintendent will invite the appropriate SHPO(s) to meet to discuss the compliance process and any actions necessary to improve communications between the park and SHPO.

B. SHPOs, the Conference, and the Council will be informed and consulted about revisions to NPS standards and guidelines listed in

XI. DISPUTE RESOLUTION

A. Should a SHPO or the Council object to a park superintendent's decisions or actions pursuant to any portion of this Agreement, the superintendent will consult the objecting party to resolve the objection. If the park superintendent or the objecting party determines that the objection cannot be resolved, the superintendent will forward all documentation relevant to the dispute to the Field Director for further consultation. If the objection still cannot be resolved, the Field Director will forward to the Council relevant documentation not previously furnished to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

1. provide the Field Director with recommendations, which the Field Director will take into account in reaching a final decision regarding the dispute; or
2. notify the Field Director that it will comment pursuant to 36 CFR Part 800.6 (b) , and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the Field Director with reference to the subject of the dispute.**

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute. The NPS responsibility to carry out all actions under this Agreement that are not the subjects of the dispute will remain unchanged.

B. When requested by any person, the Council will consider NPS findings under this Agreement pursuant to the provisions of 36 CFR Part 800.6(e) on public requests to the Council.

XII. MONITORING, TERMINATION, AND EXPIRATION

A. The National Park Service will convene a meeting of the parties to this Agreement on or about November 15, 1996, to review implementation of the terms of this Agreement and determine whether revisions or amendments are needed. If revisions or amendments are needed, the parties will consult in accordance with 36 CFR Part 800.13.

B. Any party to this Agreement may terminate it by providing ninety (90) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the NPS will comply with 36 CFR Part 800 with regard to individual undertakings otherwise covered by this Agreement.

APPENDIX 7: COMBINATION NEPA/§106 DOCUMENT OUTLINE**INTERMOUNTAIN REGION STANDARD FORMAT
ENVIRONMENTAL ASSESSMENT/ASSESSMENT OF EFFECT**

Our NPS policies and procedures require an EA or EIS be prepared for those actions or projects that could adversely affect listed or eligible cultural resources, as well as for the more traditional topics of natural resources, socioeconomic resources, and our visitors. We also recommend that an EA or EIS be prepared for projects with adverse effects on traditional cultural resources, regardless of National Register eligibility. If an EA or EIS is needed, both processes can be simplified by preparing a combination document. Combining these documents is also a good way to meet the public involvement requirements as well as secure §106 consultation/compliance with the SHPO/THPO and ACHP, as necessary. One advantage to preparing a combination document is that other agencies and the public are already quite familiar with the NEPA process and its documents. This familiarity can provide a vehicle to explain problems, solutions, and consequences, especially for controversial projects.

The following is a template that can be used to prepare a combination document. It is based on the EA format as described in Director's Order-12 Conservation Planning Environmental Impact Analysis and Decision Making, and this version is substantially different than previous versions of this template. Explanatory text is presented in italics; regular-face type indicates actual sample language that can be used.

**Environmental Assessment
Assessment of Effect
February 2001**

COVER PHOTO, IF DESIRABLE

Project Title

NAME

National Park • State

TABLE OF CONTENTS

PURPOSE AND NEED

Purpose

Need

Issue Topics Dismissed from Further Consideration

ALTERNATIVES CONSIDERED

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Preferred Alternative

Alternatives

Environmentally Preferred Alternative

Summaries/Costs

ENVIRONMENTAL CONSEQUENCES

Natural Resources

Resource Topic 1 (Threatened/Endangered Species, Air Quality, Water Quality, Soils, etc.)

Affected Environment

Methodology

Regulations and Policies

Impacts of the Preferred Alternative

Impact Analysis

Cumulative Effects

Conclusion

Impacts of Alternative A

Impact Analysis

Cumulative Effects

Conclusion

Impacts of Alternative B (subheadings as above)

Resource Topic 2 (same subheadings)

Cultural Resources

Methodology

Resource Topic 1 (Archeological, Historic, and Ethnographic Resources, Cultural Landscapes)

Regulations and Policies

Affected Environment

Impacts of the Preferred Alternative

Impact Analysis

Cumulative Effects

Conclusion

Impacts of Alternative A (same subheadings)

Impacts of Alternative B (same subheadings)

Resource Topic 2 (same subheadings)

Socioeconomic Resources/Visitor Use

Resource Topic 1 (Regional Land Use, Other Agencies, Concessions, Visitor Use)

Affected Environment

Methodology

Regulations and Policies

Impacts of the Preferred Alternative

PURPOSE AND NEED

PURPOSE

Purpose is a statement of goals and objectives that NPS intends to fulfill by taking action. These goals can come from a park's statement of purpose and significance, from management objectives or mission goals, from implementing or other legislation, from a GMP or other plan, from standards and guidelines for a particular management zone, from public or staff input, and from other sources. The discussion should be limited to those goals and objectives that are critical to meet if NPS is to consider the proposal successful.

NEED

Briefly outline issues or problems requiring action (conditions that need to be changed, problems that need to be remedied, decisions that need to be made, and policies or mandates that need to be implemented). Solutions should not be proposed here; they go in the next section.

Describe the scoping process, summarize the significant issues, and any issues/impact topics dismissed from further analysis, including the reasons for dismissal. The following is language from a GMP/EIS; your EA may not be this complicated.

Many issues and concerns were identified by the park staff, other agencies, and the general public as part of the scoping for this general management plan. These issues and concerns were then categorized according to how they could be resolved. The list of things to be addressed in the general management plan will include major planning issues (phrased as decision points), the resources and values that may be at stake in choosing one course of action over another, and the range of management prescriptions. The "potential elements of alternatives" are those goals, suggestions, or solutions identified during scoping that might be applied in GMP planning; the "ideas for future plans" are those goals, suggestions, or solutions identified during scoping that would be deferred to future implementation planning. There was one issue that was not a planning issue. Some of the issues/concerns are classified as environmental concerns (impact topics).

Based on public comments and NPS concerns, there are four major points about which decisions must be made in this GMP. The considerations following each statement were actual scoping comments received.

1. We need to decide to what extent we can provide visitor access to cultural and natural resources without unacceptable impacts to those resources.

Considerations:

- monitoring and protection of resources is difficult
- popular resources are trampled by visitors
- additional research is needed to understand the relationships between numbers of visitors and resource impacts
- need to understand tribal requirements for access and use of resources without visitor conflicts
- trail use often exceeds design capacity, causing safety and resource protection concerns (trails are subject to erosion and rockfalls)

- **Ethnographic Resources**
 - Long term scientific and traditional integrity of culturally sensitive areas (shrines, gathering sites, landforms, resource collection areas etc.)
- **Long-term integrity of natural systems and processes**
 - Integrity of natural systems for research
 - Preservation of micro habitats
 - Preservation of unfragmented natural systems
 - Movement of herd species, wildlife, migratory birds
 - Character/condition of Wupatki grasslands
 - Exclusion of exotics
- **Threatened and endangered species and sensitive species**
 - Preservation/protection of threatened/endangered species (spotted owls, peregrine falcons, plants, etc.)
- **Floodplains and riparian habitat**
- **Ability to experience a full range of park resources**
 - Access to park resources by the general public
 - Access to information provided by collections (ability to see the "real thing")
 - Minimally altered environment
 - Access to a full spectrum of park resources for visitors with disabilities
 - Ability of public to understand park resources
 - Ability to experience scenic, recreational, and educational pursuits
 - Visitor understanding of regional context
 - Uncrowded visitor experiences
 - Visibility of night skies
 - Natural soundscapes, ability to hear natural sounds
 - Personal freedom (inside and outside park boundaries)
 - Traditional employee/visitor experiences (interpretation through personal services, access to favorite sites)
 - Traditional recreational activities (biking, climbing, etc.)
- **Effects on park neighbors; local, state, and tribal land management plans, and land/resource managing agencies**
 - Effects on neighbors' access and emergency response
 - Economic contribution of park to local economies
 - Access to culturally sensitive areas by traditional users
 - Traditional land uses external to boundary
 - Possible conflicts between the proposed action and local, state, or Indian tribal land use plans, policies or controls for the area concerned
- **Operational efficiency**
 - Employee and visitor health and safety
 - Ability to enforce park regulations and protect park values
 - Staff
 - Facilities
 - Distance to work
 - Management of collections and other resources
 - Ease of communication
 - Utilities
 - Employee housing

ALTERNATIVES CONSIDERED

NO-ACTION ALTERNATIVE

The no action alternative describes the action of continuing the present management operation and condition; it does not imply or direct discontinuing the present action or removing existing uses, developments, or facilities. The no-action alternative provides a basis for comparing the management direction and environmental consequences of the proposed action and must **always** be considered in every EA. Should the no-action alternative be selected, NPS would respond to future needs and conditions associated with(Project).... without major actions or changes in course.

PREFERRED ALTERNATIVE OR PROPOSAL

Depending on how you've defined your alternatives, this may be labeled as either the proposal or preferred alternative. Call it the proposed action (proposal) when it is a proposal in its initial form before undergoing NEPA analysis or is an alternative proposed by someone other than NPS (e.g. Garfield County road proposal or Qwest telephone proposal). Call it the NPS preferred alternative if it's the NPS preferred course of action at the time the public review version of EA is released. The preferred alternative must be identified in those NEPA documents where there are effects on threatened/endangered species and floodplains and wetlands. You should also discuss whether or not the preferred alternative is consistent with previously prepared plans, as well as those by other agencies/communities.

The preferred alternative is the agency (NPS) preferred alternative (and is the proposed undertaking for §106 compliance) and defines the rationale for the action in terms of resource protection and management, visitor and operational use, costs, and other applicable factors. All actions described in the preferred alternative are consistent with the approved (Date) general management plan and related park documents.

ALTERNATIVES

Reasonable alternatives should be evaluated, and the reason given for elimination of alternatives not subjected to detailed analysis. Under CEQ guidance, reasonable alternatives are those "that are practical or feasible from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant... An alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable." Alternatives should be distinctly different, rather than minor variations of each other, and should be reasonable in terms of cost and time required for implementation.

Describe the area of potential effect for all types of cultural resources. Project location.

(a) Quad(s) and Scale. Name of USGS quad map and scale i.e. 15 minute/7.5 minute. (b) Legal description - (Township/Range/Section). SHPOs/THPOs use this location information in their records search. (c) UTM's (Universal Transmercator). This information is optional. Parks may not have this information now for buildings and structures. The information is being developed through the List of Classified Structures (LCS) up-date and is sometimes on the LCS form. Recording UTM's has long been a standard part of documenting archeological sites and this information can usually be found on the survey form.

Mitigating measures should be incorporated into the alternatives. The following are examples of mitigating measures used in some documents.

event that human remains are discovered during construction, provisions outlined in the Native American Graves Protection and Repatriation Act (1990) would be followed.

The Park Service would ensure that all contractors and subcontractors are informed of the penalties for illegally collecting artifacts or intentionally damaging archeological sites or historic properties. Contractors and subcontractors would also be instructed on procedures to follow in case previously unknown archeological resources are uncovered during construction. Equipment traffic would be minimized in the area of the site. Equipment and materials staging areas would also avoid known archeological resources.

The flow of vehicle traffic on the road would be maintained as much as possible during the construction period. Construction delays would normally be limited to 30 minutes. There may be some periods when the nature of the construction work may require temporary road closures. All efforts would be made to reduce these as much as possible and to alert park staff as soon as possible if delays longer than normal are expected. Visitors would be informed of construction activities and associated delays. Traffic would be managed to ensure timely access to private residents and ranches along the road.

Contractors would coordinate with park staff to reduce disruption in normal park activities. Equipment would not be stored along the roadway overnight without prior approval of park staff. Construction workers and supervisors would be informed about the special sensitivity of park values, regulations, an appropriate housekeeping.

ENVIRONMENTALLY PREFERRED ALTERNATIVE

We are required to identify this alternative in every EA or EIS. Identification of this alternative takes place after the environmental analysis is complete. The environmentally preferred alternative is the alternative that will promote the national environmental policy as expressed by NEPA. This includes alternatives that:

- (1) fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;*
- (2) assure for all generations safe, healthful, productive, and esthetically and culturally pleasing surroundings*
- (3) attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;*
- (4) preserve important historic, cultural and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and variety of individual choice*
- (5) achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities; and*
- (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.*

You may wish to use language such as this from the Yosemite Merced River record of decision:

Environmentally preferable is defined as "the alternative that will promote the national environmental policy as expressed in the National Environmental Policy Act's §101. Ordinarily, this means the alternative that causes the least damage to the biological and physical environment; it also means the alternative which best protects, preserves, and enhances historic, cultural, and

Alternatives 2, 3, and 4. Thus, Alternative 5 does not meet the national environmental policy goals to the same extent as Alternative 2, and, in addition, does not fully realize provisions 4 and 6 of the goals.

The environmentally preferable alternative is Alternative 2 because it surpasses the other alternatives in realizing the *full range* of national environmental policy goals as stated in §101 of the National Environmental Policy Act. Although other alternatives achieve greater levels of protection for cultural resources, natural resources, and/or visitor experiences, Alternative 2 does (1) provide a high level of protection of natural and cultural resources while concurrently attaining the widest range of neutral and beneficial uses of the environment without degradation; (2) maintain an environment that supports diversity and variety of individual choice; and, (3) integrate resource protection with an appropriate range of visitor uses.

SUMMARIES/COSTS

If a cost-benefit or other economic report has been completed, and relative costs and benefits of alternatives will be used in making decisions between alternatives in an EA, relevant information should be summarized in the EA or the cost-benefit analysis should be attached as an appendix.

We are required to have comparative summaries of impacts, features of alternatives, and a discussion of the degree to which each alternative accomplishes the purposes or fulfills the need identified in the purpose and need section. It could look something like this:

Table 2: Comparison of Alternatives

	Garfield County Proposal	Alternative B – Limited Improvement	Alternative C – Contin-uation of Existing Plans	Alternative D – Existing Conditions
Segment 1 (Boulder to west Capitol Reef boundary)	Maximum 28-foot top width bituminous or paved road surface, 7-12% grades, 20-40 mph design speed	26-foot chip-seal surface, 7-12% grades, 20-40 mph design speed	26-foot gravel or paved road surface, 7-12% grades, 20-40 mph design speed	retain existing 26-foot chipseal road surface, 7-12% grades, 20-40 mph design speed
Segment 2 (Capitol Reef)	Maximum 28-foot top width bituminous or paved road surface, 7-12% grades, 20-40 mph design speed	22-foot gravel surface (9-foot lanes, 2-foot shoulders), 7-14% grades, 30-40 mph design speed	retain existing dirt surface, no change to grades or speed	retain existing dirt surface, no change to grades or speed
Muley Twist	• 2-bridge configuration with minor stream channel realignments • 1-bridge configuration with minor stream channel realignments • road bed and stream channel in same horizontal alignment with structures separating the two where contiguous	hardened crossing	retain existing	retain existing
Switchbacks	• reroute descent south, using drainage channel off Muley Twist Wash, major rock excavation, eliminate 2 or 3 switchbacks, increase elevation of lower portion of descent • use existing alignment (10% grade), widen, improve drainage, install guardrail, need 32-foot subgrade for drains and barrier • speed limit 10 mph	• improve on existing alignment, retain existing 10% grades, widen, improve drainage, install guardrail • speed limit 10 mph	retain existing	retain existing
Segment 3 (Capitol Reef to Glen Canyon) Post to Eggnog	Maximum 28-foot top width bituminous or paved road surface, 7-12% grades, 20-40 mph design speed	26-foot chip-seal surface, 7-12% grades, 20-40 mph design speed	24-foot gravel or paved road surface, 7-12% grades, 20-40 mph design speed	retain existing road with improvements for public safety only
Eggnog to Glen Canyon (Stratton Road)	Same as above	Same as above	Retain existing	retain existing 26-foot chip- seal road surface, 7-12% grades, 20-40 mph design speed
Segment 4 (Glen Canyon)	Maximum 28-foot top width bituminous or paved road surface, 7-9% grades, 40 mph maximum design speed	22-foot chip-seal surface (9-foot lanes, 2-foot shoulders); 7-9% grades, 40 mph maximum design speed	24-foot paved road surface (10-foot lanes, 2-foot shoulders), 7-9% grades, 40 mph maximum design speed	retain existing paved and dirt road surface (28 feet), no change to grades or speed

	Garfield County Proposal	Alternative B – Limited Improvement	Alternative C – Continuation of Existing Plans	Alternative D – Existing Conditions
	adversely impacted as animals seek solitude. Increased camping near water-pockets could decrease water quality, adversely impacting aquatic animals. Increased visitor use could impact riparian areas and wildlife habitat. After construction, increased road kills of mule deer, raptors, and rabbits are likely.	road were paved. Indirect impacts to wildlife in Capitol Reef from visitor use such as decrease in solitude, displacement, increased poaching and preclusion of transplant of bighorn sheep similar to Garfield County proposal.		
Threatened/Endangered Species	Minimal to no impact. Road construction activities could cause peregrines and Mexican spotted owls to temporarily abandon historic home range until disturbance subsides.	Same as Garfield County proposal.	No impact in segments 1, 2, and 3. Impacts in segment 4 minimal as described for Garfield County proposal.	See comment under Geology/ Topography above.
Surface Water	Increased sediment expected with construction. Installation of culverts, improved drainage, and reduced road erosion and consequent sediment transport for a net positive effect. Water quality could be impacted because of increased visitor use. Potential for hazardous and non-hazardous spills increased, though slightly, because it is doubtful that the road will ever become a major trucking route.	Increased sediment from construction activities expected. Indirect effects from increased visitation would be similar to those described for Garfield County proposal. Gravel surface in Capitol Reef could discourage use of vehicles carrying hazardous and non-hazardous cargoes, therefore potential for spills would be less than expected under Garfield County proposal. Use of hardened crossings at Muley Twist and Bullfrog Creek may require repeated maintenance, resulting in long-term sediment disturbance.	Impacts to segments 1, 3, and 4 same as those described for Garfield County proposal. Impacts from visitors using waterpocket fold area similar to those described for Garfield County proposal, but much smaller magnitude.	See comment under Geology/ Topography above. Dirt surface on portions of road could discourage use by vehicles carrying hazardous and non-hazardous waste, so potential for spills smaller than for Garfield County proposal.
Groundwater	Quantity of water could be affected if wells drilled for construction activities.	Same as for Garfield County proposal.	Impacts to segments 1, 3, and 4 would be similar to those identified for the Garfield County proposal. There would be no impacts in segment 2.	See comment under Geology/ Topography above.
Wilderness	WSAs would be impacted by road realignments and increased travel would reduce wilderness values adjacent to the road on segments 1	Effects to wilderness values would be same as described under Garfield County proposal.	Impacts similar to those described for Garfield County proposal for segments 1, 3, and 4. No direct effects on proposed wilderness in	See comment under Geology/ Topography above.

	Garfield County Proposal	Alternative B – Limited Improvement	Alternative C – Continuation of Existing Plans	Alternative D – Existing Conditions
	inadvertent damage to rock art panels. Impacts on archeological resources would be mitigated through site testing and, where appropriate, data recovery or site protection mechanisms.		proposal.	
Ethnographic Resources	In the event significant resources are identified, potential mitigating measures would be designed and implemented in full consultation with affected tribes to lessen or eliminate negative impacts.	Same as Garfield County proposal.	Same as Garfield County proposal.	No impacts expected.
Historic Resources	No impact.	No impact.	No impact.	No impact.
Socioeconomic Resources	Local economy enhanced by creation of temporary jobs and greater expenditures of money for approximately 3 years (\$20.8 million to \$37.5 million). These short-term positive impacts would be partially offset by long-term road maintenance expenses and increased demands for public services. Temporary construction jobs created. Seasonal jobs would be created by expansion of tourist industry. Tourists' spending patterns could be altered, as spending would be divided among towns throughout the region. No effects on livestock grazing. The transportation link from the western to the eastern part of Garfield County would be upgraded, allowing eastern residents better access to county services. Additional recreation opportunities may be created if "Grand Circle" becomes a reality, possibly increasing property values.	Construction costs lower, but maintenance costs higher than those described for Garfield County proposal. It is likely that an all-weather gravel road would be easier to keep open than the existing enzyme-treated chip-seal surface or a dirt road.	Access from one side of Garfield County to the other available 90% of the time. Development on state lands would continue, but without impetus of larger volumes of traffic. Retention of dirt road surface in Capitol Reef would result in more frequent road closures for maintenance. Maintenance would be less expensive.	Impacts same as described for alternative C.

ENVIRONMENTAL CONSEQUENCES

NATURAL RESOURCES

Threatened, Endangered, and Sensitive Species

Affected Environment

Short description of those resources affected only. Typical topics that might be covered include geology, soils, vegetation, threatened and endangered species, floodplains and wetlands, water quality, air quality, visual quality, and natural soundscapes. You need not include all of these topics if they are not affected; dismiss the unaffected topics in the Purpose and Need section. For those resources that will sustain impacts, collecting accurate and adequate data on their present status (location, nature, condition, scope, size, etc.) is critical in determining impacts, and must be available before helpful NEPA analysis can begin.

Methodology

Briefly summarize the methods used to predict impacts. You may wish to use something like this from the Wupatki GMP/DEIS:

All available information on sensitive biological resources was compiled. This information included new data on sensitive plant species from the survey underway and the most recent golden eagle survey work. Much of the information is based upon the general resource inventory completed by Bateman (1979). Where possible, known locations of sensitive species were compared with locations of proposed developments and modifications of existing facilities and alternatives were designed to avoid these locations. Predictions about short and long-term site impacts were based on previous studies of visitor impacts to natural resources. Sociological studies comparing the deterrent effects of signs versus ranger presence on sites were also considered in this analysis. Intensity of effects are defined as follows.

Negligible: An action that may have a change to a population or individuals of a species, but the change would be so small that it would not be of any measurable or perceptible consequence to the population.

Minor: An action that may have a change to a population or individuals of a species, but the change would be small and if it is measurable, it would be a small and localized consequence to the population.

Moderate: An action that would have some change to a population or individuals of a species; the change would be measurable and would have a significant consequence to the population, but is more localized.

Major: An action that would have a noticeable change to a population or individuals of a species; the change would be measurable and would have a substantial and permanent consequence to the population.

Caution: *If you identified any major effects, you should probably be preparing an EIS, not an EA.*

Regulations and Policies

Briefly detail relevant laws, regulations, and park or other policies for each impact topic. This can be either here or in the "Purpose and Need" or "Alternatives" sections.

Current laws and policies require that the following conditions be achieved in the park:

The adjacent OHV area managed by the Forest Service has moderate to major impact on *Penstemon clutei*. The most direct impact by off highway travel occurs when vehicles drive over individuals, ripping them out or crushing them. Constant ground disturbance by OHVs will impede plants from establishing on cinder surfaces. A thin layer of silty soil beneath the cinders is an important microhabitat for the species as it retains water longer. This silty layer can be damaged if OHV tracks become deep enough. Cumulative impacts of the OHV area and construction of the new contact station near Highway 89 and new trails in the extended learning zone may have a moderate negative effect on habitat for the sensitive plant species.

The Mexican spotted owl has an approved recovery plan that is being implemented and the Northern goshawk is being managed as a species of concern by the Forest Service. These management actions are most likely having a moderate to major positive effect on these populations. The conversion to the road up O'Leary Peak to a trail may have minor beneficial effects to the raptors found in that area.

The widening of Hwy 89 to 4 lanes from Flagstaff to the south boundary of Wupatki may have a moderate impact on pronghorn antelope movement in the geographic area, because they do not cross fenced highways. The disruption of movement caused by constructing a visitor center and having an extended learning zone near Bonito Park may have a moderate cumulative effect along with the highway construction.

Conclusion

At the end of the discussion of impacts of each alternative on each environmental resource, a brief conclusions section should summarize all major findings, including whether or not a resource impairment is likely or would occur. You may wish to use something like this:

Alternative 1 would create no known major impacts to threatened, endangered or sensitive species at Walnut Canyon National Monument. Impacts from construction of new facilities, and the introduction of new uses to areas of the monument may have an overall minor effect on sensitive plant species and could potentially have a minor effect on a golden eagle nesting area in the eastern part of the monument. No impairment to threatened, endangered, and sensitive species would result from implementation of this alternative.

Impacts of Alternative A, B, C, etc.

Continue with analysis as described above.

CULTURAL RESOURCES

Before identifying the effects a project may have on any cultural resources, those resources need to be identified, evaluated, and their eligibility for listing on the National Register of Historic Places determined. Under §106 regulations, the project area, known technically as the "area of potential effect," must have been surveyed for "historic properties." All surveys must meet the Secretary of the Interior's Standards for Archeology and Historic Preservation. Any cultural properties found in that survey should be evaluated for National Register eligibility. The EA must analyze the effects on these National Register eligible or listed properties or on ethnographic resources that have not yet been determined eligible.

NOTE: *If the EA is being used to conduct formal consultation with the SHPO/THPO (ACHP if necessary), a cover letter needs to accompany the EA that indicates the EA is being used for formal §106 consultation (see sample letter to the SHPO at the end of this document).*

Affected Environment

Historic resources include settings or landscapes as well as structures and facilities. This section should include citations of appropriate reports or surveys conducted to determine eligibility for listing on the National Register and the date SHPO/THPO concurred with these determinations. A search of the Cultural Sites Inventory (CSI) must also be conducted. This is a compilation of all available information concerning a park's archeological database. In Wyoming and Colorado, parks also need to conduct a file search with SHPO.

Documentation. Put in a cross-reference to the references section as well as the appendix. Include site maps, National Register documentation, photographs of area, drawings, etc. as appendix B.

Impacts of the Preferred Alternative

Impact Analysis

Impacts must be described in terms of context (local, regional, national), duration (short- or long-term), and intensity (negligible, minor, moderate, major). Effects should include beneficial and adverse effects, direct and indirect effects, and cumulative effects

Describe effects of the undertaking on the identified cultural resources. Specifically state what effect the project will have on the cultural qualities that qualify the property(ies) for listing on the National Register (no historic properties affected, no adverse effect, adverse effect). In the case of adverse effect, we are required to provide an opportunity for the public to get information and express their views about the undertaking (you can use the EA public review process). In most cases, the consulting parties (NPS, SHPO/THPO, maybe ACHP) will need to develop and sign a MOA that contains stipulations specifying how the undertaking will be carried out in order to avoid or mitigate adverse effects or accepting such effects. That MOA must be in place before a decision document (FONSI or ROD) is approved.

You may wish to use language something like the following from the Hubbell EA:

Restoring water flow to the park would have a long-term moderate beneficial effect on the cultural landscape. Reestablishing the water flow would allow the park to recreate the agricultural fields, thus restoring a missing element of the cultural landscape. Although the option of delivering the water through the existing dirt unlined canal system would be more historically accurate, the fact that water will be available to reestablish the agricultural fields should outweigh that concern. As stated in the cultural landscape report, "The re-establishment of the fields is critical to the rehabilitation of this historic landscape" (NPS 1998).

A farming plan and environmental assessment will be required prior to any actions occurring within the grounds of Hubbell Trading Post NHS. That plan will explore alternative methods of re-irrigating the agricultural fields and will address site-specific impacts to contributing elements of the cultural landscape, as well as effects to archeological, historic, and ethnographic resources. Consultation with the Tribal Historic Preservation Officer under §106 of the National Historic Preservation Act will occur during that planning process.

This section should also include how the effects of an undertaking can be mitigated. This must always be done if the project will have an adverse effect on a National Register eligible or listed cultural resource. Mitigation measures may include data recovery of an archeological site, avoidance, minimizing impacts, documentation of eligible buildings (HABS/HAER), etc.

compatible with the historic setting and natural surroundings and would have minor impact on the designed Mission 66 setting.

Impacts of alternative 1, installation of waysides and construction of new trails, and adapting the visitor center for environmental education, would have minor long-term impacts on the Mission 66 developed setting. Waysides would be visually intrusive, but will be constructed of materials that are compatible with the historic setting and natural environment. New trails would also be an intrusion, but will be constructed to blend with the natural setting. Construction of new trails and possibly destruction or damage of features would have a moderate long-term impact on the unidentified cultural landscapes. Construction of a new visitor center would have major beneficial effect on the visitor center complex by alleviating the need to alter the building and accommodate increasing numbers of visitors. Construction of a new visitor center would alternatively have major negative long-term impacts on unidentified cultural landscapes and features. Significant landscape features may be destroyed during construction.

Current expansion of the Forest Service owned and operated campground near the visitor center complex may increase the number of people using the already insufficient visitor center/facilities. Adapting the visitor center complex to accommodate environmental education and constructing a new visitor center would alleviate the need to significantly alter the Mission 66 building. These changes would have a minor impact to the complex.

The combined effects of the proposed actions by all land and resource agencies results in a moderate impact to cultural landscapes and a minor impact to the historic built environment. There is no impairments to historic resources and cultural landscapes under this alternative.

Conclusion

At the end of the discussion of impacts of each alternative on each environmental resource, a brief conclusions section should summarize all major findings, including whether or not a resource impairment is likely or would occur.

Impacts of Alternative A, B, C, etc.

Continue with analysis as described above.

Archeological Resources

Regulations and Policies

Current laws and policies require that the following conditions be achieved in the park:

Desired Condition	Source
Archeological sites are identified and inventoried, and their significance is determined and documented	National Historic Preservation Act; Executive Order 11593; Archeological and Historic Preservation Act; Archeological Resources Protection Act; the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation; Programmatic Memorandum of Agreement Among the NPS, Advisory Council on Historic Preservation, and the National Council of State Historic Preservation Officers (1995); NPS Management Policies
Archeological sites are protected in an undisturbed condition unless it is determined through formal processes that disturbance or natural deterioration is unavoidable	
In those cases where disturbance or deterioration is unavoidable, the site is professionally documented and salvaged.	

Condition	Source
to taking actions that affect federally recognized tribal governments. These consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals. Parks will regularly consult with traditionally associated native Americans regarding planning, management, and operational decisions that affect subsistence activities, sacred materials or places, or other ethnographic resources with which they are historically associated.	Memorandum of April 29, 1994 on Government-to-Government Relations with Tribal Governments, NPS Management Policies
The identities of community consultants and information about sacred and other culturally sensitive places and practices will be kept confidential when research agreements or other circumstances warrant.	NPS Management Policies
Native Americans and other individuals and groups linked by ties of kinship or culture to ethnically identifiable human remains will be consulted when remains may be disturbed or are encountered on park lands.	NPS Management Policies, Native American Grave Protection and Repatriation Act

Affected Environment

*Ethnographic resources are defined by NPS as a site, structure, object, landscape, or natural resource feature assigned traditional legendary, religious, subsistence, or other significance in the cultural system of a group traditionally associated with it. To determine if these types of resources exist, consultation with appropriate tribes must be conducted and documented. The dates and results of this consultation should be included here. **CAUTION: If tribes do not wish to have this information disclosed to the public, you can omit the detailed information from the public review version of the EA and send this information only to SHPO/THPO (ACHP as necessary).***

If no resources are discovered during the inventory and evaluation process, that information would be included above (the letter notifying SHPO/THPO of results should be placed in Appendix B). If sites are discovered and determined not to be eligible for the National Register, that information and documentation of consultation should also be included.

Impacts of the Preferred Alternative

Continue with analysis as described above.

Impacts of Alternative A, B, C, etc.

Continue with analysis as described above.

SOCIOECONOMIC RESOURCES/VISITOR USE

Affected Environment

Short description of those resources affected only. Topics typically covered include land use/population, regional economy, concessions, other federal agencies, and visitor use (including health and safety).

CONSULTATION/COORDINATION

AGENCIES/TRIBES/ORGANIZATION/INDIVIDUALS CONTACTED

Persons, organizations, tribes, and agencies contacted for information, or that assisted in identifying important issues, developing alternatives, or analyzing impacts should be listed. Some typical agencies consulted include:

Fish and Wildlife Service

_____ State Historic Preservation Office

Navajo Nation Historic Preservation Office

Advisory Council on Historic Preservation

PREPARERS

Name, Role on Project, Title, Office

Name, Role on Project, Title, Office

LIST OF RECIPIENTS

Federal Agencies

Advisory Council on Historic Preservation

Department of Agriculture

Animal Damage Control

Natural Resource and Conservation Service

Animal and Plant Health Inspection Service

Forest Service

Tonto NF

Prescott NF

USFS Regional Office

Kaibab NF

Coconino NF, Mormon Lake District

Coconino NF, Peaks District

Department of Interior

Fish and Wildlife Service

Arizona Ecological Services

Geological Survey

National Biological Survey

National Park Service

Canyon de Chelly NM

Glen Canyon NRA

Grand Canyon NP

Guadalupe Mountains NP

Indian Tribes

Havasupai Tribe

Hopi Tribe

Organizations

A&S Distributing
A.B.A.T.E.
A5 Adventures
Absolute Bikes
Access Fund
Affordable Housing Coalition
American Motorcyclist Association
Andy's Body Shop
Arizona 4WD Clubs
Arizona Archeological and Historical Society
Arizona Bowhunters
Arizona Cattlemen's Association
Arizona Riparian Council

Individuals

If list of individuals is longer than 3 pages, it may be placed in the project file instead of in the EA, with a notation in the EA that the list is available from the issuing office.

REFERENCES

Typical references might include the Statement for Management, General Management Plan, or Natural or Cultural Resource Management Plan and their accompanying environmental documents. Other references would include archeological surveys, National Register of Historic Places nomination forms and determinations of eligibility.

NATIONAL PARK SERVICE, U.S. DEPARTMENT OF INTERIOR

1986 *Final General Management Plan and Development Concept Plans, Custer Battlefield National Monument. Rocky Mountain Region, Denver, Colorado.*

APPENDIX C: CULTURAL RESOURCES SPECIALISTS REVIEW

I have reviewed this preferred alternative for conformity with requirements for the §106 process, with the 1995 Servicewide Programmatic Agreement (if applicable), and applicable parts of the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, NPS *Management Policies*, and *DO-28*. I have stated any additional stipulations that should apply, and I concur in the recommended assessment of effect above.

Signed:

Archeologist

Date

Comments:

Signed:

Cultural Landscape Architect

Date

Comments:

Signed:

Curator

Date

Comments:

Signed:

Ethnographer

Date

Comments:

Signed:

Historian

Date

Comments:

Signed:

Historical Architect

Date

Comments:

Approved:

Park Compliance Coordinator

Date

Approved:

Superintendent

Date

