

PROGRAMMATIC AGREEMENT
AMONG
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE, OUACHITA NATIONAL
FOREST, ARKANSAS AND OKLAHOMA; OZARK-ST. FRANCIS NATIONAL FORESTS,
ARKANSAS,
THE STATE HISTORIC PRESERVATION OFFICERS OF
ARKANSAS AND OKLAHOMA, OKLAHOMA STATE ARCHAEOLOGIST, THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
FEDERALLY RECOGNIZED INDIAN TRIBES

CONCERNING THE MANAGEMENT OF HISTORIC PROPERTIES
ON NATIONAL FOREST LANDS IN ARKANSAS AND OKLAHOMA

FOREWORD

WHEREAS, this Programmatic Agreement builds upon provisions of the First Programmatic Agreement for Undertakings on the National Forests in Region 8 (Southern Region), executed on November 19, 1992 (draft #03-MU-11080901-010, July 14, 2004; and second revised draft, December 30, 2004) among the USDA Forest Service, Southern Region, the signatory State Historic Preservation Officers, federally recognized Tribes, and the Advisory Council on Historic Preservation regarding the Process for Compliance with Section 106 of the National Historic Preservation Act; and

WHEREAS, the U.S. Department of Agriculture, U.S. Forest Service, Ouachita National Forest, and Ozark-St. Francis National Forests, in consultation with the State Historic Preservation Officers (SHPOs) in Arkansas and Oklahoma, Tribal Historic Preservation Officers (THPOs), the Advisory Council on Historic Preservation (ACHP), and Federally recognized Indian Tribes (hereinafter "Consulting Parties"- see note in definition) as sovereign domestic dependent nations (hereinafter "Tribes"- see note in definition), has determined that Forest management activities on the Ouachita National Forest and Ozark-St. Francis National Forests may affect properties listed in or eligible for listing in the National Register of Historic Places (National Register); and,

WHEREAS, the U.S. Department of Agriculture, U.S. Forest Service, Ouachita National Forest and Ozark-St. Francis National Forests have determined that consultation on proposed activities and identification, evaluation, protection, and preservation of historic properties that might be affected by Forest Service activities must be conducted in order for the Regional Forester, the appropriate Forest Supervisor, and other agency officials to take such effects into account in evaluating alternatives and in making decisions pursuant to the National Historic Preservation Act of 1966 (**NHPA**), as amended (80 Stat. 915 et seq.; 16 U.S.C. 470 et seq.), Antiquities Act of 1906 (34 Stat. 225; 16 U.S.C. 431-433), Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461-467), National Environmental Policy Act of 1969 (**NEPA**), as amended (83 Stat. 852 et seq.; 42 U.S.C. 4321-4347), Archaeological and Historic Preservation Act (16 U.S.C. 469), American Indian Religious Freedom Act of 1978 (92 Stat. 469; 42 U.S.C. 1996), the Archaeological Resources Protection Act of 1979, as amended (**ARPA**) (93 Stat. 721 et seq.; 16 U.S.C. 470 et seq.); and the Native American Graves Protection and Repatriation Act of 1990 (**NAGPRA**) (104 Stat. 3048-3058; 25 U.S.C. 3001-3013); and as mandated under Executive Order 13007, entitled Indian Sacred Sites; Executive Order 13175, entitled Consultation and Coordination with Indian Tribal Governments, and Executive Order 13287 entitled Preserve America Initiative; and related authorities; and

WHEREAS, a coordinated program would improve consistency and accountability in the development and application of appropriate measures to inventory, evaluate, protect, interpret, enhance, and consult on the management of historic properties within the Ouachita and Ozark-St. Francis National Forests; and

WHEREAS, a coordinated program may best be accomplished under a single Programmatic Agreement (PA) which sets forth a process for consultation, coordination and cooperation between the Ouachita National Forest and Ozark-St. Francis National Forests, SHPOs, THPOs, ACHP, Tribes, and Consulting Parties (36 CFR Part 800.14(b)(2)), and lays out the conditions under which National Forest-based planning can take place under uniform standards for inventorying, evaluating, protecting, enhancing, consulting, and managing historic properties affected by the activities and programs administered and carried out by the individual National Forests; and

WHEREAS, the Ouachita National Forest and Ozark-St. Francis National Forests SHPOs, THPOs, Tribes, ACHP, and Consulting Parties share a common desire and purpose to develop alternative procedures that would satisfactorily take into account the effects of these undertakings where proper precautions are followed; reduce redundant documentation associated with recurring types of undertakings within areas having adequate prior identification, review, and consultation; and facilitate each Forest's progress towards meeting NHPA Section 110 responsibilities; and

NOW, THEREFORE, the Ouachita National Forest and Ozark-St. Francis National Forests, SHPOs, THPOs, Tribes, ACHP, and Consulting Parties agree that all undertakings by the Forests shall be implemented in accordance with the following stipulations in order to take into account the effect of their undertakings on historic properties; and when so administered, the processes specified in this PA for identification, documentation, evaluation, review, consultation, and public notification and participation may be followed, in lieu of the requirements of 36 CFR Part 800, and these processes will satisfy the Forests' NHPA Sections 106 and 110, and NEPA responsibilities for all individual aspects of their undertakings (see Attachments 1, 2, 3).

SCOPE AND EFFECT

The National Historic Preservation Act (Act) requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the SHPOs, THPOs, Federally recognized Tribes, and ACHP a reasonable opportunity to comment on such undertakings. Specifically, 36 CFR Part 800 requires that Tribes be consulted about any project that has the potential to affect historic properties of religious or cultural significance to them at the earliest stage in the development of those undertakings and throughout the planning and implementation processes of those undertakings. The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation between Federal agencies, SHPOs, THPOs, Tribes, ACHP, Consulting Parties, and the public.

This PA builds upon 14 years of heritage program management successes with the Ouachita National Forest and Ozark-St. Francis National Forests, the Arkansas and Oklahoma SHPOs, THPOs, Tribes, and the public. It replaces the previous Memorandum of Understanding on Undertakings and with the Arkansas and Oklahoma SHPOs, dated August 1, 1997, and the Field Methodology, dated 1993. Also, it broadens the range of consulting parties, provides for more efficient, consistent and comprehensive Ouachita National Forest's and Ozark-St. Francis

National Forests' compliance with the goals and mandates of Sections 106, 110, and 111 of the NHPA, encourages more thoughtful consideration and early planning for historic properties, and better supports the Ouachita National Forest's and Ozark-St. Francis National Forests' ability to accomplish their land stewardship and multiple use missions. Formal Government-to-Government Memoranda of Understanding have been signed between the Caddos and Choctaws and the Ozark St. Francis National Forests in December 2002. The Programmatic Agreement furthers these purposes by refining the proactive planning and management approach that stands in place of the formal project-by-project review process prescribed by the Council's regulations at 36 CFR Part 800. Such approaches have been taken in recent years as demonstrated by the Ouachita Ice Storm (2 January 2001) and Ozark Red Oak Borer (20 February 2004) Programmatic Agreements for emergency management. The revisions set forth in this Programmatic Agreement are supported by the Ouachita National Forest's and Ozark-St. Francis National Forests' and Southern Region's existing internal planning, funding and decision making processes; and are incorporated into their respective Forest Plans.

STIPULATIONS

The Ouachita National Forest and the Ozark-St. Francis National Forests will ensure that the following measures are carried out, except where another party to this PA is specifically named below.

I. Forest-Wide Planning and USFS/SHPO/THPO/Tribes/Consulting Parties Consultation and Coordination

A. The Ouachita National Forest and the Ozark-St. Francis National Forests will ensure that the appropriate SHPOs, THPOs, Tribes, Consulting Parties, and, on request, the ACHP, are provided with copies of the current National Forest Land and Resource Management Plan(s) (LRMP), existing Cultural Resource Overview documents, and a set of maps of the National Forests in that state.

B. The National Forests will consult with the SHPOs, THPOs, Tribes, ACHP, and Consulting Parties during the regular review of activities under the LRMP, and make any necessary additions to existing Management Prescriptions or other Forest-wide planning tools based on implementation of this Agreement during the revision or amendment of the LRMP or within 5 years from the date of the signing of this Agreement, whichever is sooner.

C. The National Forests will incorporate references to this Agreement into LRMPs as they are amended or revised.

II. Public Participation

The public includes national, regional, or local organizations and individuals with an interest in historic preservation, and local governments when not participating as consulting parties. While members of the public do not normally have a statutory right as Consulting Parties, public views are important to develop a fully informed decision making process under these procedures.

The process established by the National Environmental Policy Act (NEPA), as implemented by the regulations published by the Council on Environmental Quality, is designed to ensure

meaningful public participation in Federal agency decision-making. The NEPA process will be used to the greatest extent practicable to provide for public participation under these procedures. This will tier with Section 800.8 of NHPA. This PA provides notice that the FS will comply with Section 106 through the NEPA process; if appropriate.

In addition, the NEPA process identifies all undertakings in quarterly Schedules of Proposed Actions (SOPA). These mailings will suffice as annual Programs of Work to be submitted to SHPOs, THPOs, and Consulting Parties (see Section V below, direct consultation).

III. Identification of Historic Properties

A. The National Forests will make a reasonable and good faith effort to conduct archaeological inventory of lands prior to ground disturbances, evaluate the significance of cultural resources, and consider the effects of undertakings on Historic Properties under Section 106 of NHPA. General Forest inventories will be carried out under Section 110 of NHPA and EO13287. Identification efforts will follow the Section 110 Guidelines, the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716), the State Historic Preservation Plans of Arkansas (A Foundation for the Future, The Arkansas Historic Preservation Plan; A State Plan for the Conservation of Archeological Resources in Arkansas) and Oklahoma, Forest Service Manual 2361, and field standards established in this PA. Each National Forest will complete its identification responsibilities in consultation with the SHPOs, THPOs, Tribes, ACHP, Consulting Parties, and:

1. Use INFRA-GIS to maintain a current and secure data base with approved access, including but not limited to, locations of historic properties; and:
 - A. maintain descriptions of historic properties (state of integrity and preservation, sensitivity to damage, and potential significance); and
 - B. chart probable distributions of unrecorded historic properties (based on ethnographic, historical, and archeological information); and
 - C. document the extent, nature, and status of identification activities conducted or underway on the National Forests.
2. Review and update the Forest Cultural Resource Overviews(s) within 5 years of the ratification date of this Agreement, and at least every five years thereafter.
3. Develop, test, and improve the accuracy of site locational models referenced in the Forest Cultural Resource Overview(s) in consultation with the SHPOs, THPOs, Tribes, ACHP, and Consulting Parties in order to organize existing site information and prioritize future survey locations and methods. When subject to scientific testing, such models may provide the basis for depicting zones of archeological sensitivity or similar parameters on USGS quadrangles and a computerized Geographic Information System (GIS) for each of the National Forests.
4. Conduct or cause to be conducted systematic historic property inventories pursuant to the 1988 amendments to the Archaeological Resources Protection Act (ARPA) and Section 110 of the National Historic Preservation Act. In consultation with SHPOs, THPOs, Tribes, ACHP, and Consulting Parties, the National Forests will develop and implement standard field inspection methods to assess the condition of known and unknown historic properties, including any damage from vandalism or other unauthorized activities.

The Forest Service manual identifies two levels of surveys: Sample and Complete (FSM 2361.22b). A sample survey is statistically designed to estimate the cultural resource potential in a given area and estimate impacts. The sample survey will not meet 36CFR Part 800 requirements in every case. If sample surveys are proposed, prior consultation is necessary to determine if 36CFR Part 800 requirements are met on a case-by-case basis (Federal Register 48 (190):44721-44722; Arkansas State Historic Preservation Plan, B 5-6). Sampling protocol will be based on previous knowledge about human use of the region, topographic and geomorphic features, or other factors.

A complete survey is:

“an investigation of the entire project area that will result, to the extent practical, in the discovery of all locatable cultural resources. Coverage of an area may be limited by factors of vegetation, terrain, and other obstacles. In such cases, the report will indicate those areas not investigated and the reasons they were bypassed.”(FSM 2361.22b2).

A complete survey does meet 36 CFR Part 800 in all cases. In compliance with the Ozark Forest Land Management Plan (Section 4, pages 5-6) dated 1985, and the Amended Ouachita Land Management Plan (page IV-9) dated 1990, the agency archaeologists consult with the SHPOs, THPOs, Tribes, ACHP, and identified Consulting Parties to determine what constitutes an appropriate level of survey. This will consist of background and archival research and close interval pedestrian survey with subsurface investigations (including but not limited to shovel test probing, remote sensing, mechanical plowing or excavation, etc.) in high and medium potential areas for site locations. Low potential areas for site locations will be inventoried when safety conditions permit. American Indian sites will be treated with utmost respect during the inventory process. Tribes will make subsequent evaluations on sacred value according to EO13007.

Beginning with the Regional Programmatic in 1992, and subsequent Memoranda of Understanding in 2001, 2002, and 2004, FS consultation has proceeded on field survey and evaluation strategies among SHPOs/THPOs, Tribes, the ACHP, and Consulting Parties. These procedures are used in FS Region 8 Heritage Resource Technician Training program, available for Tribes, FS personnel, and other agencies. For this PA, field investigations in sample survey and intensive survey areas will follow these guidelines which are presented in:

Davis, Hester A. (1994) *A State Plan for the Conservation of Archaeological Resources in Arkansas*. Arkansas Archeological Survey Research Series 21. University of Arkansas, Fayetteville; and Etchieson, Meeks, Gary D. Knudsen, Barbara Williams and Michael Pfeiffer (1993). *Guidelines For Completing Heritage Resource Surveys On The National Forests In Arkansas And Oklahoma*. Ouachita and Ozark-St. Francis National Forests.

- Surveys on slopes between 0 and 12% transects and shovel tests will be placed at no greater than 30 meter intervals.
- Surveys on slopes between 12 and 25% transects will be conducted at no greater than 100 meter intervals, and shovel tests will be only emplaced in microgeographic areas with less than 12% slope.
- Surveys on slopes greater than 25% will have transects spaced at no greater than 100 meter intervals, where feasible. Areas with over 60% slope are hazardous, and may be visually inspected at greater intervals when necessary. On these slopes shovel tests will not be required.

- If during the survey of areas over 12%, slopes are encountered which are less than 12% , then these flatter areas will be surveyed at the appropriate transect and shovel test spacing.
- All rock outcrops and rock faces (60-100+% slope) will be examined for rockshelters, rock art or other evidence of cultural utilization; if they can be safely explored.

The above methods have proven to be effective to ensure adequate inventory coverage, and have been developed through consultation with SHPOs, THPOs, Tribes, and Consulting Parties. Generally the inventory field work will proceed as follows, expanding the above methodology. All known and archival sites will be reevaluated to provide general data on site age, structure, and integrity; if time and monetary constraints permit. All exposed ground surfaces will be closely examined. Because many historic sites, buildings, and structures are likely to be located on flat land surfaces, survey transects with subsurface probing will be emplaced to connect the loci of historic settlement. At present, 30% of the Ozark and 20% of the Ouachita land bases have been inventoried. The GIS products discussed in IIIa.1 will be employed to understand site distributions at a broader geographic scale; thereby improving the survey and documentation of historic landscapes.

Following this, shovel probe transects will be emplaced according to the direct gradient method that has been found highly successful in site discovery and used in the above MOAs developed in consultation among SHPOs, THPOs, Tribes, the ACHP, and other Consulting Parties. This approach is highly effective for correlative modeling of human behavior and land type associations. Each transect is oriented perpendicular to the valley axis, or parallel to the centerline of landforms such as ridges, terraces, or floodplain edges. Shovel test probes will be spaced along each transect at 20-30 m intervals with the following caveat. The interval spacing may vary according to microenvironmental circumstances (i.e., avoiding flooded areas, eroded areas, steep slopes, or densely vegetated areas). Hazardous situations, such as bug kill, wildland fire, ice damage, dense pine plantations or thickets, or storm damage may be avoided to reduce risk of injury or death and meet the safe workplace standards set in the USDAFS Health and Safety Code (FSH 6709.11). Also, landforms adjacent to any given transect which appear to have intact soils and a high potential for human use or occupation (e.g., benches, ridge flats and slopes, and floodplain terraces) will be tested as well as the transect itself to maximize the potential for discovering as many sites as possible.

Briefly stated, geographers and archaeologists have developed cultural-historical models that relate cultural change to several historic contexts, or “adaptation” types. In *A State Plan for the Conservation of Archeological Resources in Arkansas* these are:

- Pleistocene-Holocene Transition Adaptation Type 12,500+ to 9,500 years before present (YBP -1950)]
- Early to Middle Holocene Adaptation Type 9,500 to 5,000 YBP
- Late Holocene Semi-Sedentary Adaptation Type 5,000-300 YBP
- Late Holocene Sedentary Adaptation Type 1500-300 YBP
- Historic Native American, Pioneer Reservation Adaptation Type 300-170 YBP
- Historic Pioneer Period Adaptation Type A.D. 1830-1880
- Civil War Adaptation Type A.D. 1860-1875
- Developed Settlement Adaptation Type A.D. 1880-present
- Historic Fire and Forage A.D. 1830-present

- Work Progress Administration, CCC, and Early Forest Service A.D. 1908-1950

These historic contexts serve as planning guides, and may be expanded as more information is collected from inventory surveys and site evaluations.

B. The National Forests will provide historic inventory reports to the appropriate SHPO, THPO, Tribe, and Consulting Parties that have an interest in historic properties of traditional religious and cultural importance for review and comment during the planning stages of proposed activities. Within 30 calendar days of receipt of the completed documents, the SHPOs/THPOs/Tribes, and Consulting Parties may review and comment on the report. The National Forests will take into account any comments received in a manner consistent with 36 CFR Part 800.4.

C. The documentation of standing structures and buildings will be completed in accordance with the Secretary of Interior's Standards and Guidelines for Architectural and Engineering Documentation; and, in Arkansas the Arkansas Historic Preservation Program Survey Manual (1991). Historic Landscapes such as the settlement patterning exhibited by the sites, communities, and cemeteries of identified cultural groups will be described as they become identified in the material culture record.

D. The National Forests will establish a mutually acceptable schedule for meeting with Tribes, SHPOs, THPOs, and other Consulting Parties on a regular basis, such as the Annual To Bridge a Gap Conference. This formal conference will aid in consultation, and will ensure the identification and evaluation work performed on each National Forest is sensitive to the needs of Tribes and meets the goals of the Arkansas and Oklahoma State Historic Preservation Plans and the respective Forest Land and Resource Management Plans. Such meetings may include field visits and face-to-face conferences on an as-needed or annual basis.

IV. Evaluation of Historic Properties

A. Each National Forest will evaluate the significance of all properties upon initial inventory. This will consist of the categorization of all sites as Class I, National Register eligible or listed, National Historic Landmark (NHL); Class II, undetermined; and Class III, not eligible. Due to the high cost of evaluation of complex archaeological sites, requiring substantial excavation and analysis, many sites must remain Class II, undetermined, and protected from project impacts as if Class I, National Register eligible or listed. It is here that consultation with SHPOs, THPOs, Tribes, the ACHP, and other Consulting Parties is most critical.

In addition to the evaluation of National Register eligibility through the above consultation, the evaluation of significance must be conducted in consultation with THPOs and Tribes which might attach a religious or cultural significance to these properties. The evaluations shall be conducted in accordance with 36 CFR Part 800.4(c), 36 CFR Part 60, relevant National Register Bulletins issued by the National Park Service, FSM 2361 Guidelines, and in a manner consistent with the Secretary of the Interior's Standards for Evaluation (48 FR 44716).

B. Each National Forest will provide information on historic property and cultural resource evaluations, including opinions on eligibility with reference to the National Register criteria (36 CFR Part 60.4) and historic contexts, to the SHPOs, THPOs, Tribes, ACHP, and other Consulting Parties for review and comment subsequent to inventory conducted pursuant to

Section 110(a)(2) of the NHPA or prior to signing any decision document which could result in effects on historic properties.

1. Within 30 calendar days of receipt of a completed evaluation, the SHPOs, THPOs, Tribes, ACHP, and other Consulting Parties should comment on the National Forest's determination that a property:
 - a. is eligible as a National Historic Landmark, is eligible for inclusion in the National Register, has already been determined eligible for listing, and/or is listed in the National Register (Class I property); or
 - b. is ineligible for listing in the National Register (Class III non-property); or
 - c. is a property to which Tribes attach traditional religious and cultural importance and should be specially managed (Class I property); or
 - d. is a property of undetermined eligibility (Class II) to be treated as if it were Class I in terms of protection and avoidance until National Register eligibility evaluations are funded and conducted.
 2. In the event inventory and evaluation investigations are conducted simultaneously, information will submitted for SHPO, THPO, Tribe, ACHP, and other Consulting Party review may be combined into one document for their review, concurrence, or comment.
 3. If the National Forests and the appropriate SHPO, THPO, Tribes, or other Consulting Parties do not agree on eligibility, or if the ACHP or the Secretary of the Interior so requests, NHPA mandates that the appropriate National Forests, with the assistance of the Regional Forester, shall obtain a determination of eligibility from the Secretary of the Interior (through the Keeper of the National Register pursuant to applicable National Park Service procedures).
- C. Forests shall demonstrate progress in their compliance with Section 110 of the NHPA. Forests will emphasize completion of inventory and site evaluation, but these efforts need not be limited to historic properties identified in undertakings considered under this PA. Progress may be demonstrated in some of the following ways:
1. nomination(s) to the NRHP;
 2. an established program for evaluating the eligibility of historic properties and cultural resources, including:
 - a. development of an action plan for evaluations containing objectives, annual goals, procedures, and time frames;
 - b. with SHPO/THPO/Tribal concurrence, development of specific approaches to evaluation of properties or classes of resources (e.g., thematic studies, multiple property studies);
 3. a program of historic property monitoring designed to identify and assess the effects that may be associated with environmental degradation, visitor use, vandalism, permit issuance, administrative use, maintenance, and/or other activities;

4. a program for the preservation and stabilization of historic properties threatened by decay, erosion, and other forms of degradation, documented in stabilization and preservation plans, treatment plans, and accomplishment reports;
5. implementation of an ARPA monitoring program in areas where site vandalism, destruction, and artifact theft are problems;
6. a program of environmental education and heritage awareness, to educate the public and agency personnel about heritage values, the fragility of historic properties, and the importance of preserving them, documented through public outreach efforts, partnerships, cooperative PAs/MOUs, internal training sessions; as explored in the annual To Bridge a Gap Conference;
7. a program of heritage resource interpretation, documented through an interpretive plan, interpretation signs or exhibits, guided walks, brochures, and/or other programs such as the Passport In Time;
8. a research program developed through consultation with SHPOs, THPOs, Tribes, and other Consulting Parties, including research conducted by permits, contracts, or other agreements, focusing on the evaluation, interpretation, treatment, preservation, and/or protection of historic properties, evidenced through cooperative agreements, partnerships, research reports, treatment plans, presentation or publication of professional papers, etc.;
9. contributions to regional and state cultural resource planning efforts, as members of planning teams, committees, etc.; and
10. a record of regular training and enhancement of professional skills for Heritage Resource Management specialists (see Attachment 3), including attendance at professional meetings, training, educational leaves or other educational arrangements, development of professional skills opportunities, work details, etc.

V. Project Planning and Review

A. Consultation on an Annual Program of Work.

1. Currently NEPA planning documents are circulated on a quarterly basis as Schedules of Proposed Actions (SOPA) to SHPOs, THPOs, Tribes and other Consulting Parties, with specific mailings designed on a project-by-project basis. Due to shifting budgets, schedules, and logistical consideration, the NEPA project list is the only comprehensive package of proposed projects for the succeeding three-month period. The package will include maps showing proposed project areas and a table containing the proposed USFS cultural resource action priority assignments.

New projects which unexpectedly arise during the course of a fiscal year will be submitted for review to SHPOs, THPOs, Tribes and other Consulting Parties on a case-by-case basis. Also emergency situations such as wildland fires, tornados, hurricanes, ice damage, and insect infestation may occur that require immediate attention and/or treatment. Such emergency situations and appropriate protocols are discussed below in Section VIII.

B. Exempt Undertakings

The following routine activities on National Forest land will require no further review or documentation under this Agreement, provided these activities will not affect access to or use of resources by Indian Tribes, or unless modified by a separate MOU:

1. Maintenance/construction on FS buildings that are less than 50 years old. Maintenance or alteration of existing Forest Service facilities less than 50 years old that do not involve additional ground disturbance. These may include administrative structures, recreation structures, boat launch ramps, campgrounds, cattleguards, fences, and stock tanks or ponds (Regional PA:V.B.6.);
2. Herbicide site prep. Existing timber stands that are scheduled for herbicide site prep may be handled as a non-documented categorical exclusion if the area has an archaeological inventory and no historical properties are present. In these cases, the action will consist of the application of herbicide to control undesirable vegetation. No ground-disturbing action will take place. Since some herbicides have an effect on soil chemistry, their use on a historical property would require full consultation. In some cases, herbicide treatment will be used in conjunction with Cut-and-Leave treatments when no historical properties are involved;
3. Revegetation. Non-ground-disturbing broadcast seeding and mulching for establishment of vegetation (Regional PA:V.B.13.);
4. Routine Recreation Area/Vista Site Maintenance. This would involve non-ground-disturbing activities such as replacement of barriers or signs, re-graveling of roads and parking areas, maintenance of an existing trail within a campground, and hazard tree removal when a skidder or bulldozer is not used. Creation and/or maintenance of vistas are done with hand tools with no ground surface disturbance and may also include clearing of vistas for hang gliding;
5. Paving. Paving of existing graveled parking areas or roads within recreation areas and at administrative sites which does not require the removal of earth from the sites will not require 106 review or documentation. (**NOTE:** New construction in previously undisturbed areas will require a survey and SHPO/THPO/Tribal consultation.);
6. Firewood Cutting and Cut-And-Leave. Both Firewood Cutting and Cut-And-Leave are similar actions, but have been separated in past agreements. They are merged here since they are such similar actions. The Forest Service provides permits to individuals to allow them to cut firewood in specified areas. In some cases, the timber cut by wildlife stand improvement actions, listed below, is offered for firewood. In many cases, hardwood within other timber sale areas or dead and down timber within a road ROW is offered for firewood. No heavy equipment (i.e. bulldozers, skidders, etc.) or new access is provided for firewood areas. (**NOTE:** Firewood cutting areas within or adjacent to historic properties will not be categorically excluded.); Cut and Leave. Several types of projects may occur in which vegetation is cut by hand and allowed to remain on the ground during which disturbance to archeological resources is very unlikely to occur. These may include: Wildlife Stand Improvement - Overstory Removal (WSI) which involves the thinning of pole-sized hardwoods in the overstory to allow crown expansion in residual trees. Selected stems usually less than 10" dbh are cut with chainsaws and allowed to remain on the ground within the improvement areas. No heavy equipment is used in the process nor are new roads constructed for access; Wildlife Stand Improvement - Mid-story Removal involves the removal of relatively small vegetation to create an open forest environment; Insect Infestation treatments where trees are cut and allowed to remain on the ground and are not

harvested; Pre-commercial thinning of pine plantations where small pine trees are thinned out of the plantation and allowed to remain on the ground and not harvested; Chainsaw site prep consists of the use of chainsaws to control undesirable vegetation. In all these cut-and-leave actions, vegetation to be removed will be cut with chainsaws and allowed to remain on the ground within the improvement areas. No heavy equipment is used in the process nor are new roads constructed for access. (**NOTE:** If the Overstory Removal, Mid-story Removal or Insect Infestation treatments are handled as a timber sale, they will not be treated as a categorical exclusion.)

7. Routine maintenance of Forest System Roads. Routine road maintenance and resurfacing where work is confined to previously maintained surfaces, ditches, culverts, and cut-and-fill slopes where no known historic properties or historic properties would be affected because the proposed work is conducted clearly within a disturbed context (Regional PA:V.B.5.) These are roads that are maintained by the Forest Service for general Forest use by the public. (**NOTE:** Maintenance on roads on which Forest Service or CCC rock and/or concrete culverts and bridges occur may require documentation of these historic features if they are intact and unaltered by subsequent repairs. Section 106 consultation as to level of Architectural documentation must occur before these features can be removed/replaced. (Construction of new leadoff ditches, road realignment, or turning over to the County for maintenance will not be treated as a categorical exclusion);

8. Recreation Structures and Other Facilities. The placement of facilities that require no excavation or ground disturbance that do not entail modifications to structures 50 years old or older, or that do not present a visual intrusion on historic properties may be handled as a non-documented Categorical Exclusion;

9. Acquisition of lands. Land acquisition or transfers of administrative control to the Forest Service, where the historic properties received are not considered in exchange for any relinquished lands (Regional PA:V.B.4.);

10. Existing Wildlife Ponds and Openings. The cleaning and relining of existing ponds, as long as they are not enlarged, will not impact existing Historical Properties. Bush hogging of existing openings and installation/maintenance of nesting structures will also have no effect and may be handled as non-documented categorical exclusions. (**NOTE:** Plowing of wildlife openings cannot be categorically excluded; but plowing can be used as an exploration and evaluation technique to more fully access a landscape unit or site, followed by a report to SHPOs, THPOs, Tribes, and other Consulting Parties);

11. Rehabilitation of open pit quarries. Numerous open pit quarries (such as gravel pits, shale pits, quartz mines, etc.) occur across the forests. The rehabilitation of these open pits, once quarry operations have ceased will require no Section 106 review or documentation if they have been actively quarried or altered within the past 45 years. These types of projects include resurfacing of borrow pits with existing stockpiled fill material (NOTE: rehabilitation projects that require a new source of fill material from undisturbed contexts cannot be categorically excluded);

12. Trash Dump Clean up. There are numerous instances of recent trash dumps on the forests. The clean up and removal of these dumps, less than 45 years old, require no NHPA Section 106 review or documentation;

13. Research Activities. Research activities involving no destructive actions on known historic

properties (including demolition or dismantling) or ground disturbance (Regional PA:V.B.1);

14. Permits, easements, etc. Permits, easements, rights-of-way, and leases that do not authorize ground disturbance (Regional PA:V.B.2);

15. Easement acquisitions. Where the historic properties received are not considered in exchange for any historic properties relinquished (Regional PA:V.B.3);

16. Pesticide use. Pesticide spray projects involving no timber thinning or other ground disturbance (Regional PA:V.B.8);

17. Withdrawal revocations. These are lands that return to Forest Service control from other Federal or State agencies (Regional PA:V.B.9);

18. Wilderness study areas. These are areas designated by Congress for further study as possible future wilderness;

19. Stream channel work. Snagging and clearing of streams within stream channels, not including work on terraces, cutbanks, and similar locations, and where the channel is not expanded;

20. Sign post and monuments. Installation of sign and gate posts and monuments, unless within known historic property boundaries, or where no new ground disturbance is involved (Regional PA:V.B.10 and V.B.12). This also includes land line maintenance and maintenance of existing property corners;

21. Trail maintenance. Routine trail maintenance that does not involve new ground disturbance (Regional PA:V.B.11);

22. Environmental Surveys. Includes survey for American Burying Beetle, Threatened and Endangered Species surveys, etc.;

23. Heliports. Maintaining existing heliports through hand tool brush control;

24. Borrow/quartz pits. Existing shale pits/gravel pits/ quartz mines in which the horizontal extent is not expanded;

25. Transfer of use authorization. Transfer of use authorization from one authority to another when an action such as a boundary adjustment necessitates changing a right-of-way or easement from one authority to another (e.g., Forest Service Special Use Permit to a USFA Title V Right-of-Way) where an adequate inventory has been conducted, no Historical properties are present, and no ground disturbances are involved (Regional PA: V.B.7);

26. Geophysical Seismic Monitoring. Placement of geophysical seismic monitoring equipment on the surfaced portion or within the prism (area clearly associated with road construction, from road surface to top of cut and/or toe of fill) of a regularly maintained road (Regional PA: V.B.14).

C. Activities To Be Handled as Documented Categorical Exclusions

1. Prescribed burns in areas that have been burned previously. Prescribed burns are low intensity burns conducted in order to enhance browse for wildlife and to remove slash/ground litter to

lower the damage from possible wildfires. Other objectives include maintenance of open stand conditions, site preparation for planting, control of noxious vegetation on archaeological sites, and hazardous fuel reduction. The areas in which these prescribed burns are utilized have often received prescribed burning repeatedly in past years. The low intensity of these burns will not likely effect prehistoric sites. Historic wooden features located within these areas will have previously been burned with no adverse effects, but must be protected if they are present. When it can be documented through a burn plan or fire records, that an area has received previous prescribed burns and no new construction will take place, no archeological survey will be necessary. The categorical exclusion must reference the year and documentation of the previous prescribed burn. Historic cemeteries, prehistoric and historic rock art sites more than 50 years old, and caves will be protected from any adverse effects of prescribed burning programs. (**NOTE:** Any new mechanical fire line construction will require a complete survey of the lines and consultation.) Existing lines are excluded provided that the location does not change and provided that the existing line is not within the boundaries of a historical property.

2. Actions that take place in existing road rights-of-way. The Forest receives numerous requests for actions that occur within existing roads. These actions may include permit actions (such as overhead or buried transmission/phone lines, collection of building stone, access along forest service roads into adjacent private lands) or in-house actions such as decking timber. In these cases, there is no additional construction on the existing roads. (**NOTE:** Buried cable routes [telephone, electric, etc.] will be placed within the existing road prism]. Should excavations penetrate below or outside the existing prism into undisturbed soils, further archaeological investigations may be required.)

3. Emergency Response. The following mitigation measures will be implemented to mitigate adverse impacts from wildland fire (see Attachment 4), insect suppression and control treatments, and removal of storm/drought damaged timber in hazardous situations where there is risk of injury or death to personnel working on archeological or historic sites that are listed on, or eligible for inclusion in, the National Register of Historic Places (NRHP).

A. All locations to be treated and associated temporary access roads scheduled for treatment with the cut-and-remove suppression method will be checked by the Zone Archeologist, certified Heritage Resource Technician (HRT), or Forest Archeologist prior to any treatment activity.

B. Treatment locations and associated temporary access roads/routes proposed for cut-and-remove will be located with a GPS unit and accurately plotted on a legible copy of a USGS topographic map (or comparable quality GIS map). The location will be compared to the Heritage Resource Atlas to determine if the area has previously been surveyed, has known sites, and determine the NRHP eligibility of the known sites. Treatment locations in areas previously surveyed where no sites were found or where sites have been found but which have been determined not to be eligible for inclusion on the NRHP require no further review and the treatment action may commence.

C. Treatment locations and associated temporary access roads proposed for cut-and-remove and located in high and medium probability areas that have not been previously surveyed, will be surveyed by an archeologist or certified HRT prior to implementation of control treatments; unless there is risk of injury or death. All cultural properties recorded will be considered eligible for inclusion on the NRHP and protected until the SHPOs, THPOs, Tribes, and other Consulting Parties have commented. No ground disturbing activity should take place until National Register eligibility determinations have been made.

D. All treatment locations surveyed and categorically excluded, or sites found as discovery situations, will be reported following the survey/exclusion to the SHPOs, THPOs, Tribes, and other Consulting Parties. Relocate and mark known NRHP listed, eligible, or unevaluated cultural properties prior to suppression activities and choose techniques that avoid or minimize disturbance, such as cut and leave or cut and spray. GPS (UTM) locations will also be recorded for each historic property.

E. If additional cultural properties are discovered during implementation, the Zone Archeologist will be contacted and appropriate documentation and protective measures employed.

2. Wildlife and Fisheries. Improvements consisting of hand planting stream banks for stabilization, sediment sampling and channel improvement (where the channel work is restricted to the existing stream channel). Any use of heavy equipment will be restricted to the stream channel. [See also Section II.S. below]

3. Work in Project Areas Previously Surveyed. As more and more areas of the forest are inventoried, it will become more and more common that future project areas will be located in those areas previously surveyed. Categorical Exclusions will be accepted for project activities that are wholly located within areas that have been surveyed after January 1, 1989, with an adequate and intensive level of effort and for which the forest has documentation that the SHPO/THPO and/or Tribes have concurred with the previous archeological investigations and where no historic properties and cultural resources are present. A copy of the SHPO, THPO, Tribe consultation documentation and a reference to the previous survey report must be included with the Categorical Exclusion.

4. Closure of Open Wells and Mine Shafts for Safety Reasons. Many historic house sites and mining sites contain open wells or mine shafts and adits that present a serious safety hazard. Placing concrete caps, metal grates, or fencing over or around these features or filling with sterile sand can be handled as a categorical exclusion. (**NOTE:** The activity will not meet the criteria for a categorical exclusion unless the site has been previously and adequately documented [shovel testing and completed site form; adequate documentation will also include size (diameter/depth) of well or shaft to be filled/covered]. A copy of the site form must accompany the categorical exclusion when submitted to the Forest Archeologist.)

5. Road closures. Any road closure (i.e. tank trap, gates and barriers, etc.) which involves earth disturbance (shallow pits and/or mounds) that does not penetrate below soils previously disturbed by road construction may be handled as a categorical exclusion. This may also include scarification and seeding within the existing road right-of-way.

Process for Categorical Exclusions requiring documentation.

The Forest Service will insure that management of activities that fall within the above-described categorical exclusions will be handled with the following measures:

1. The Districts shall complete a Categorical Exclusion form for each project. These forms are to be signed by the originating District Ranger and Forest Archaeologist. [A copy of this categorical exclusion form is attached and made a part of this agreement, see Attachment 2.]

2. The Forest Archeologist will make the determination of whether a categorical exclusion applies to an undertaking. The Forest Archeologist will review the project to ensure that it meets the requirements for a Categorical Exclusion and sign if the requirements are met. If not, then recommendations will be made for survey or other SHPO, THPO, and Tribal consultation.
3. Those projects where known National Register eligible or listed sites occur within or adjacent to the project area or the Area of Potential Effect (APE) will not be handled as Categorical Exclusions.
4. An annual summary of the approved Categorical Exclusions in this PA will be forwarded to the SHPOs, THPOs, Tribes, and Consulting Parties for review at the end of the fiscal year.

D. Activities Requiring Further Review Under This Agreement

1. For each activity not categorically excluded from further review in accordance with Stipulation V.B. above or an approved PA/MOU, prior to signing any decision document for a proposed project, the National Forest shall prepare and submit to the SHPOs, THPOs, Tribes, and Consulting Parties documentation containing, at a minimum, the following information concerning the identification, evaluation, assessment of effect, and treatment of historic properties:
 - a. A description of the project and its area of potential effect;
 - b. An assessment of the potential effect of the project on historic properties, including a description of the area of potential effect;
 - c. A summary of identification and evaluation efforts and results;
 - d. Recommendations for avoiding, minimizing, or mitigating any adverse effects (including historic property protection and enhancement measures if applicable); and
 - e. Maps (7.5 minute scale), photographs, and other graphics necessary to understand the project and its effects on cultural resources.
 - f. Photographs of structures or buildings 50 years old or older.
2. Standards for reporting archeological sites or historic architectural features will, at a minimum, conform to the Secretary of the Interior's Standards for Documentation (48 FR 44728-37), the Arkansas Historic Preservation Program Survey Manual, and the standards for fieldwork and report writing in A State Plan for the Conservation of Archaeological Resources in Arkansas.
3. The SHPOs, THPOs, Tribes, and other Consulting Parties will respond to a request for comments accompanied by the information outlined in Stipulation V.C.1. within 30 days of receipt. If the National Forest and the appropriate SHPO/THPO/Tribe agree that the project will not adversely affect historic properties, the National Forest will keep a record of this determination and may proceed to implement the project in accordance with any conditions agreed upon with the SHPO, THPO, Tribe, or Consulting Party.

4. Should the National Forest, in consultation with the SHPOs, THPOs, Tribes, and other Consulting Parties, determine that a project will adversely affect historic properties, or should the National Forest and the SHPOs, THPOs, Tribes, and other Consulting Parties be unable to agree on conditions to support a determination of no adverse effect, the National Forest will notify the ACHP and the Forest Service, Southern Region and follow the remaining steps in 36 CFR Sec. 800.5-800.6.

D. Mitigation Guidelines

1. Wherever prudent and feasible, Class I and II historic properties (see Stip. IV.B.1 above, and definitions) will be preserved in place, and subject to the protection and management policies contained in this Agreement.
2. Where it is not prudent and feasible to follow appropriate in-place preservation measures, the National Forests will consult with the SHPOs, THPOs, Tribes, and other Consulting Parties and reach agreement on the development and implementation of appropriate measures to minimize or mitigate adverse effects.
3. The regulations implementing the Native American Graves Protection and Repatriation Act apply to undertakings on federal lands. Currently any discovery of human remains during project implementation requires an immediate halt to the work in accordance with the Region 8 Policy on Treatment of Human Remains. Discovery of human remains during excavation or evaluation of a site also requires halt. Utmost respect and consideration of cultural values will be followed during any field investigation of these sites. Consultation with SHPO/THPO and Tribes begins immediately to consider appropriate treatments for human remains discovered in Arkansas. The guidelines for the Arkansas Burial Law (Act 753 of 1991, as amended) must also be followed.

The Ozark-St. Francis National Forest completed a NAGPRA inventory in November 2002, in compliance with Section 5 of the Native American Graves Protection and Repatriation Act. All Ozark NAGPRA collections lack direct lineal descendants. The Ouachita National Forest currently does not have any NAGPRA collections.

VI. Protection, Enhancement and Management of Historic Properties

- A. It shall be the policy of the National Forests to:
 1. Conduct no activities that may cause an effect to unrecorded historical properties and cultural resources, with particular attention to areas having a moderate or high likelihood to contain archeological sites or other historic properties, until historic property inventories have been conducted and consultation has been carried out.
 2. Conduct no activities that might have an effect on identified historic properties (Class I and II) without first obtaining written comments from the SHPOs, THPOs, Tribes, and other Consulting Parties and, as needed, from the ACHP pursuant to this Agreement. When such consultation results in a determination that there is no feasible or prudent alternative to the proposed action, the National Forest will not proceed with the proposed activity until the remaining steps in 36 CFR Part 800.5-800.6 have been followed.
 3. Ensure that all research and development/technical work, including special use permits, at historic properties (Class I and Class II) is conducted in accordance with the Secretary

of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716 et seq.), the Arkansas Historic Preservation Program Survey Manual, and A State Plan for the Conservation of Archaeological Resources in Arkansas, the Oklahoma State Plan, as well as the permit requirements of ARPA. Any such work will be conducted following consultation with the appropriate SHPOs, THPOs, Tribes, and other Consulting Parties.

4. Provide an appropriate level of historic property monitoring, security, and law enforcement activity to reduce or prevent site looting and vandalism.
5. Actively encourage partnerships with SHPOs, THPOs, Tribes, state and local historic preservation agencies, as well as businesses who wish to further enhancement and interpretation of the cultural heritage.
6. Include historic properties in environmental awareness programs and integrate them with the interpretive component of the recreation program in consultation with the SHPO. Educational brochures, pamphlets, monographs, and other works of a popular and technical nature will be disseminated emphasizing the relevance, fragility and other values of such properties to the public and appropriate USFS staff to ensure historic property awareness in implementing the land management plans.
7. Not disclose locational or other confidential information on historical properties (Class I and II), unless there is a specific project-related need to know. Archaeological site locations will not be published.
8. Develop and encourage interpretive facilities at well-protected historic properties as deemed appropriate by the National Forest through public-private partnerships and other venues, in consultation with the SHPOs, THPOs, Tribes, and other Consulting Parties.
9. Complete management plans for classes of historic properties that have been determined by the National Forests, in consultation with the SHPOs, THPOs, Tribes, and other Consulting Parties as being worthy of preservation and protection. These include measures necessary to protect and maintain historic, cultural and spiritual values, and to interpret and sensitively reuse significant prehistoric or historic features and structures. The Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards (1985; prop. rev. 1992) will form the basis for determining the appropriateness of proposed acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction. For buildings or structures, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings will form the basis for determining the appropriateness of proposed maintenance actions, rehabilitation work, or modifications to such properties.
10. Establish, develop, and coordinate partnership, volunteer, and outreach programs for historic preservation and other aspects of historic property management on the National Forests.

VII. Performance Standards

- A. The Ouachita National Forest and the Ozark-St. Francis National Forests will ensure that historic property inventory, evaluation, assessment, documentation and architectural

rehabilitation activities are conducted under the advice set forth in the Secretary of the Interior's Professional Qualifications Standards (44 FR 44738-9). The SHPOs, THPOs, Tribes, and other Consulting Parties may assist the National Forests in this matter by providing technical assistance from qualified staff in the review of plans and specifications of proposed activities affecting identified Historical Properties (Class I, II).

B. Certified Cultural (Heritage) Resources Technicians, under the direction of qualified professional archeologists as set forth in the Secretary of Interior's Professional Qualifications Standards (44FR44738-9), may be used to assist in National Forest inventory tasks when their use is agreed upon by the SHPOs, THPOs, Tribes, and other Consulting Parties. National Register eligibility evaluations and reports must be approved by a qualified professional archaeologist. The conditions for certification are stipulated in FSM 2361, Supplement 50, and are made a part of this PA (see Attachment 3).

C. The National Forests will protect Historic Properties to which THPOs and Tribes attach traditional religious and cultural importance by limiting site information access. Confidential authorities are established for historical properties and cultural resources in NHPA, ARPA, and FOIA (Exemption 3). The kind of information that can be made available about sensitive properties will be determined in consultation with appropriate THPOs and Indian Tribes. Any work on these sites must be conducted with the utmost respect and consideration of cultural values.

D. Cultural resources work conducted by National Forest personnel or its contractors will adhere to Section 112 of the National Historic Preservation Act and will meet the standards contained in the Secretary of Interior's Standards and Guidelines for Archaeology and Historic Preservation and the state plans of Arkansas (A Foundation for the Future, The Arkansas Historic Preservation Plan 2002, A State Plan for the Conservation of Archeological Resources in Arkansas) and Oklahoma, as appropriate.

VII. Emergency actions (36 CFR Sec. 800.12).

A. Catastrophic emergencies such as wildland fire, tornados, insect or disease outbreaks, and ice storms wreak havoc and require immediate action to prevent loss of life and property. The appropriate Forest Supervisor will declare such emergencies and will notify the SHPOs, THPOs, Tribes, and other Consulting Parties. Two Memoranda of Agreement have been developed through consultation with SHPOs, THPOs, and Tribes to address such circumstances, the Ice Storm of 2000, and the Red Oak Borer Infestation from 2001-present. In both, inventory surveys were completed after removal of hazardous materials. Attachment 4 lists the protocol to be followed on Wildland fires.

IX. Additional Provisions

A. Situations Not Specifically Covered by this Agreement

Unless otherwise provided in approved PAs/MOUs, the following situations will be handled under the applicable sections of the Council's regulations:

Forest Service activities involving National Historic Landmarks (36 CFR Sec. 800.10);

Properties discovered during implementation of an undertaking (36 CFR Sec. 800.11).

B. Amendments to this agreement

If any signatory to this Agreement determines the terms of the PA cannot be met, or believes change is necessary, that signatory shall request the Forest Service to consider an amendment or addenda to this Agreement. Such an amendment or addenda will be executed in the same manner as the original Agreement.

C. Dispute Resolution

Should a signatory to this Agreement or any interested party make an objection to any actions proposed under this Agreement, the concerned National Forest shall consult with the objecting party to resolve the objection. If the National Forest determines that the objection can not be resolved, it will forward all documentation relevant to the dispute to the ACHP and notify the Regional Forester. Within 30 days after receipt of all pertinent documentation, the ACHP will either:

1. Provide the National Forest with recommendations, which the National Forest will take into account in reaching a final decision regarding the dispute; or
2. Notify the National Forest and the Southern Region that it will comment pursuant to 36 CFR Sec. 800.6(b), and proceed to comment. Any ACHP comment provided in response to such a request will be taken into account by the National Forest in accordance with 36 CFR Sec. 800.6(c)(2) with reference to the subject of the dispute.

D. Failure to Carry Out the Terms of the Agreement

1. In the event the Ouachita National Forest and the Ozark-St. Francis National Forests are unable to carry out the terms of this PA, or following a notification from the ACHP, made in consultation with the Regional Forester, the SHPOs, THPOs, Tribes, and other Consulting Parties that a specific National Forest should be withdrawn from this Agreement, or if an individual State refuses to execute the Agreement, the National Forest will comply with 36 CFR, Part 800.4 through 800.6 with regard to individual undertakings that would otherwise be covered by this Agreement.
2. In the event a SHPO is unable to fulfill its responsibilities pursuant to this Agreement, the affected National Forests and the Southern Region shall consult with the ACHP on an appropriate course of action for implementing the terms of the Agreement.

E. Existing Agreements

Any existing Forest- or State-specific Memoranda of Agreement or Programmatic Agreements covering management of historic properties on a National Forest in the Southern Region will be used as the basis for subsequent Memoranda of Understanding between the National Forest, the SHPOs, THPOs, Tribes, and other Consulting Parties. In this case, the parties will review the existing Agreement.

F. Termination.

Any party to this Agreement may terminate it by providing 30 calendar 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.

F. Expiration

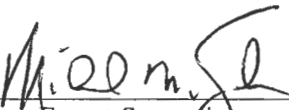
This Programmatic Agreement will be in full force and effect for 5 years from the date it is ratified. At any time in the six-month period prior to the expiration of the Programmatic Agreement, the Forest Service, the SHPOs and the THPOs, or Tribes can agree to extend this agreement with or without amendments.

Execution of this Agreement evidences that the Ouachita National Forest and the Ozark-St. Francis National Forests have afforded the SHPOs, THPOs, Tribes, and other Consulting Parties in Arkansas and Oklahoma and the ACHP a reasonable opportunity to examine and share their views on how it manages historic properties. Execution of this Agreement and implementation of its terms also evidences that the Ouachita National Forest and the Ozark-St. Francis National Forests have satisfied their Section 106 responsibilities under the National Historic Preservation Act, as amended for all individual undertakings on the National Forests covered by this Agreement.

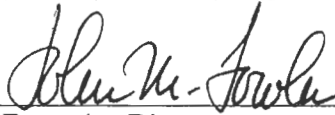
USDA FOREST SERVICE, Ouachita National Forest

By:  Date: 7/14/06
Forest Supervisor

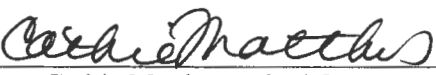
USDA FOREST SERVICE, Ozark-St. Francis National Forests

By:  Date: 4/18/06
Forest Supervisor

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 5/23/06
Executive Director

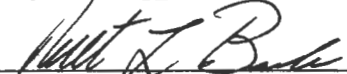
ARKANSAS STATE HISTORIC PRESERVATION OFFICER

By:  Date: 4/10/06
Cathie Matthews, SHPO

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 4/5/06
Bob Blackburn, SHPO

OKLAHOMA STATE ARCHEOLOGIST

By:  Date: April 4, 06
Robert Brooks, State Archeologist

Tribal Leaders

Governor Kenneth Blanchard

By: _____ Date: _____

Absentee-Shawnee Tribe of Indians of Oklahoma
2025 South Gordon Cooper Drive
Shawnee, OK 74801

Phone: 405-275-4030

Fax: 405-275-5637

Contact: Ted Watson, Cultural/Historical Preservation Department

Phone: 405-275-4030

Fax: 405-878-4533

Contact: Karen Kaniatobe, Tribal Historic Preservation Officer

Phone: 405-275-4030x199

Fax: 405-878-4533

kkaniatobe@astribe.com

Consulting
Tribes

OKLAHOMA STATE ARCHEOLOGIST

By: _____ Date: _____
STATE ARCHEOLOGIST

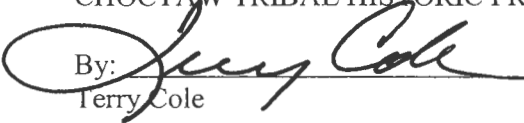
ABSENTEE SHAWNEE TRIBAL HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Karen Kaniatobe

CADDO TRIBAL HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Robert Cast

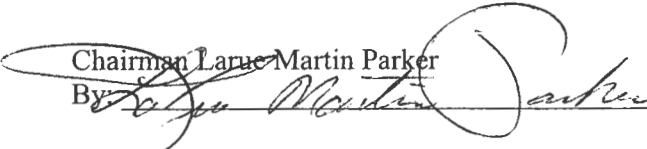
CHOCTAW TRIBAL HISTORIC PRESERVATION OFFICER

By:  _____ Date: 7-27-06
Terry Cole

CHICKASAW TRIBAL HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Virginia Nail

Chairman Larue Martin Parker

By: 

Date: 01-21-05

Caddo Indian Tribe of Oklahoma
P.O. Box 487
Binger, OK 73009

Phone: 405-656-2344
Fax: 405-656-2892

Contact: Robert Cast, Tribal Historic Preservation Officer
Phone: 405-656-2901 ext. 242
Cell: 405-245-6037
Fax: 405-656-2386
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Contact: Bobby Gonzalez, NAGPRA
Phone: 405-656-2901 ext. 242
Fax: 405-656-2386
E-mail: gonzalezrez@classicnet.net gonzalez73005@yahoo.com

Chairman

ARKANSAS STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Cathie Matthews, SHPO

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Bob Blackburn, SHPO

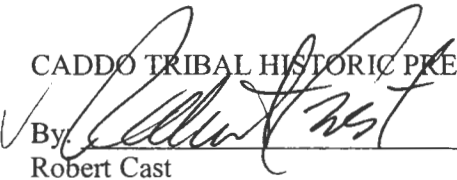
OKLAHOMA STATE ARCHEOLOGIST

By: _____ Date: _____
STATE ARCHEOLOGIST

ABSENTEE SHAWNEE TRIBAL HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Karen Kaniatobe

CADDO TRIBAL HISTORIC PRESERVATION OFFICER

By:  _____ Date: 1/26/05
Robert Cast

CHOCTAW TRIBAL HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Olin Williams

CHICKASAW TRIBAL HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Virginia Nail

Chairman Larue Martin Parker

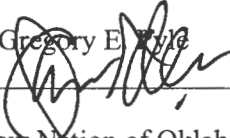
By: _____ Date: _____

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Fax: 405-656-2892

Contact: Robert Cast, Tribal Historic Preservation Officer
Phone: 405-656-2901 ext. 242
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Contact: Bobby Gonzalez, NAGPRA
Phone: 405-656-2901 ext. 242
Fax: 405-656-2386
E-mail: gonzalezrez@classicnet.net gonzalez73005@yahoo.com

Chief Gregory E. Ely
By: 

Date: 01/25/05

Choctaw Nation of Oklahoma
P.O. Drawer 1210
Durant, OK 74702

Phone: 580-924-8280
Fax: 580-924-4148

Contact: Terry Cole, Cultural Resources Director/NAGPRA or Olin Williams, Tribal Historic
Preservation Officer

Phone: 800-522-6170 ext. 2125
E-mail: terryc@choctawnation.com

RECEIVED
FEB 1 2005
OZARK ST FRANCIS
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RUSSELLVILLE, AR 72801-1364

Chief Gregory E. Pyle

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Chief Chad Smith

By: _____ Date: _____

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Phone: 918-456-0671
Fax: 918-458-5580

Contact: Richard Allen
Phone: 918-453-5466
Fax: 405-656-2386

Governor Bill Anoatubby

By: _____ Date: _____

Chickasaw Nation

P.O. Box 1548

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Contact: Virginia Nail, THPO

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Contact: Eddie Postoak, Cultural Resources Director

Chief A.D. Ellis

By: _____ Date: _____

Muscogee Creek Nation

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Contact: Joyce Bear, Cultural Preservation Office

President Edgar French

By: _____ Date: _____

P.O. Box 825

Delaware Tribe of Western Oklahoma

Anadarko, OK 73005

Phone: 405-247-2448

President Bruce Gonzales

By:



Date:

9-27-05

P.O. Box 825

Delaware Tribe of Western Oklahoma

Anadarko, OK 73005

Phone: 405-247-2448

Chief Charles Enyart

By: _____ Date: _____

Eastern Shawnee Tribe
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Seneca, MO 64865

Phone: 918-666-2435
Fax: 918-666-3325

Principal Chief Jim Roan Gray

By: _____ Date: _____

Osage Tribe
Tribal Administration Building
Pawhuska, OK 74056

Phone: 918-287-4622
Fax: 918-287-1229

Contact: Anthony Whitehorn
Phone: 918-287-5444

Contact: Carrie Wilson, NAGPRA
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Fayetteville, AR 72701
Phone: 479-442-7576
Fax: 479-575-5453
E-mail: cvwilson@comp.uark.edu

Chairman John Berrey

By: _____ Date: _____

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Phone: 918-542-1853
Fax: 918-542-4694

Contact: Carrie Wilson, Director of NAGPRA
Quapaw Tribe
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E-mail: cvwilson@comp.uark.edu

Principal Chief Kenneth Chambers

By: _____ Date: _____

Seminole Nation
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Wewoka, OK 74884
405-257-6287

Contact: Emman Spain

Chairman Ron Sparkman

By: _____ Date: _____

Shawnee Tribe

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Miami, OK 74355

Phone: 918-542-2441

Fax: 918-542-2922

Chairman Ron Sparkman

By: Ron Sparkman Date: 1-12-05

Shawnee Tribe

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DEFINITIONS

Act means the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470 et seq.) and the regulations 36 CFR Part 800.

Adverse Effects are those effects of an undertaking that may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion on the National Register of Historic Places (National Register) in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. The criteria of adverse effect also require consideration of all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

Area of Potential Effects (APE) means the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

Class I Property means a site, building, structure, or location (geographic setting or place) that has been determined through consultation with SHPO/THPO and Tribes to be eligible for nomination to the National Register of Historic Places, or is currently listed on the National Register.

Class II Property means a site, building, structure, or location (geographic setting or place) whose eligibility status has not been determined through consultation with SHPO/THPO and Tribes.

Class III Property means a site, building, structure, or location (geographic setting or place) that has been determined through consultation with SHPO/THPO and Tribes to not be eligible for nomination to the National Register of Historic Places. By definition, such an archaeological site is not considered a "property."

Comment, when used in relation to the ACHP, means the findings and recommendations of the ACHP formally provided in writing to the Secretary of Agriculture under Section 106 of the Act.

Complete Survey means a systematic intensive or stratified sampling survey that covers all of a given project area, and meets all specifications of 36 CFR Part 800.

Consulting Parties are those parties that have a consultative role in the Section 106 process as determined by 36 CFR Part 800 through Memoranda of Agreement or Programmatic Agreements. These parties are usually the SHPO, the THPO, the ACHP, and Indian Tribes as sovereign domestic dependent nations. Representatives of local governments and applicants for Federal permits, licenses, assistance or other forms of Federal approval may also be included as consulting parties. Members of the public may only be included as Consulting Parties upon the invitation of the Regional Forester. However, the views of the public are essential to informed federal decision making, and the Forest Service shall seek and consider the views of the public in the determination of effects on historic properties.

Consultation means the formal process of seeking, discussing, identifying, and considering the views of consulting parties. For purposes of these procedures, consultation with Indian Tribes (sovereign domestic dependent nations) means consultation on a government-to-government basis as defined below.

Coordination, for the purposes of this Programmatic Agreement, means the informal exchange of information and ideas between consulting parties through verbal, written, and when appropriate, face-to-face meetings that facilitate a dialog on historic preservation issues affecting the Ouachita National Forest and Ozark-St. Francis National Forests. Coordination is an informal process as distinguished from the consultation process required under Section 106 of the Act.

Council means the Advisory Council on Historic Preservation or a ACHP member or employee designated to act for the Council.

Emergency Undertaking is any Ouachita National Forest's and Ozark-St. Francis National Forests' undertaking that the Regional Forester or respective Forest Supervisor determines must be initiated within 30 days of a natural disaster (including human-caused fire) or national security emergency, in order to avoid an imminent threat to human life or of major property damage, as defined in 36 CFR Part 78.

Effect means potential alteration to the characteristics of an historic property that qualify it for inclusion in or eligibility for inclusion in the National Register.

Exempt Undertaking is an undertaking that is exempt from review or consultation under terms of this PA and 36 CFR Part 800. Refer to Section V.B. of this PA for a listing of types of undertakings.

Forest MOA means, in accordance with the Regional Programmatic Agreement, the Forest Historic Preservation Plan negotiated by each participating National Forest with its SHPO(s), THPO(s), Tribes, and Consulting Parties that will guide identification, evaluation, assessment of effects, treatment, and management of historic properties, including those of traditional religious and cultural importance to a Federally recognized Indian Tribe.

Forest MOU means, in accordance with the Regional Programmatic Agreement, the Forest Historic Preservation Plan negotiated by each participating National Forest with its SHPO(s) and THPO(s) that will guide identification, evaluation, assessment of effects, treatment, and management of historic properties, including those of traditional religious and cultural importance to a Federally recognized Indian Tribe; without designation of formal deliverables among all parties.

Forest Supervisor means the Line Officer responsible for the management of the National Forests within a jurisdictional boundary. Line Officers report to the Regional Forester.

Government-to-Government Relations, for the purposes of this Programmatic Agreement, means relations formally established between the Ouachita National Forest and Ozark-St. Francis National Forests and Federally recognized Indian Tribes as sovereign domestic dependent nations through their respective governmental structure. The agency...shall recognize the unique and distinctive political and constitutionally-based relationship that exists between the United States and each Indian Tribe, and shall view tribal governments as sovereign entities with authority and responsibility for the health and welfare of ecosystems on Indian lands. The Forest Service recognizes that Indian Tribes are governmental sovereigns with inherent powers to make and

enforce laws, administer justice, and manage and control their natural resources. Also, from FSM 1563.01: The relationship between the United States and Tribes extends to all federal agencies and is unique and distinct from those that apply to other interests and constituencies served by the Forest Service. Forest Supervisors are encouraged to meet face-to-face with the heads of Tribal governments as part of the process to initiate government-to-government consultation.

Historic Preservation or Preservation includes avoidance, identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities or any combination of the foregoing activities.

Historic Property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register maintained by the Secretary of the Interior. The term includes artifacts, records, and remains that are related to and located within such properties. The term includes historic properties of traditional religious and cultural importance to a Tribe. The term "eligible for inclusion in the National Register" includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

Heritage Program Manager (HPM) is the position on each National Forest that is responsible for: directing, planning, and administering the Forest's complex and multifaceted Heritage Resources management program; providing professional and technical advice to the Forest Leadership Team; directing the Heritage Resources program internally, and with external agencies, organizations, and the public; and planning and developing the Forest's heritage resource inventory, evaluation, and enhancement program.

National Forest means either the Ouachita National Forest, Arkansas and Oklahoma; or the Ozark-St. Francis National Forests, Arkansas responsible for the management of their respective Forests.

National Historic Landmark (NHL) means a historic property that the Secretary of the Interior has designated a National Historic Landmark pursuant to the Historic Sites Act of 1935, Public Law 100-17.

National Register means the National Register of Historic Places maintained by the Secretary of the Interior.

National Register Criteria means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR Part 60).

NEPA means the decision making process established by the National Environmental Policy Act as implemented by the regulations published by the Council on Environmental Quality. The NEPA process involves preparation of a NEPA document, either an Environmental Assessment (EA) or an Environmental Impact Statement (EIS); or a Decision Memo absent EAs or EIS. An EA results in either a Finding of No Significant Impact or Notice of Intent to prepare an EIS. An EIS results in a Record of Decision.

Professional standards means, for the purposes of these procedures, the advice set forth in the Secretary of Interior's Standards (48 FR 44738-44739) which apply to individuals conducting technical work in the National Forests. Tribal members are uniquely qualified to identify and assist in the evaluation, assessment of effect, and treatment of historic properties to which they

attach traditional religious and cultural importance. When the Ouachita National Forest or the Ozark-St. Francis National Forests request assistance from Federally recognized Indian Tribes to aid in the identification, evaluation, assessment of effects and treatment of historic properties of traditional religious and cultural importance, such Tribal members need not meet the Secretary of Interior's Professional Qualifications.

Regional Forester is the sole Line Officer responsible for the management of all National Forests in the Southern Region. Forest Supervisors and the National Recreation Area manager report to the Regional Forester. The Regional Forester reports to the Chief of the Forest Service.

Review and Monitoring means a formal process in which National Forests shall coordinate with consulting parties to discuss proposed undertakings for the upcoming year, results of plan implementation during the previous year, the overall effectiveness of the PA and Forest MOAs or MOUs, and the need for making amendments to them.

Sample Survey is statistically designed to estimate the cultural resource potential in a given area and estimate impacts. The sample survey does not meet 36CFR Part 800 requirements in every case. The Secretary of Interior Standards (Federal Register 48 (190):44721-44722) indicates that sample surveys may be used under certain circumstances. The Arkansas State Historic Preservation Plan (B 5-6) notes that it is normally not possible to conduct a 100% complete survey of an area, and that a method of sampling, based on previous knowledge about human use of the region, topographic and geomorphic features, or other factors may be used in a judgemental sample survey to meet the terms of adequate survey.

Sovereign or Sovereignty, with respect to Federally recognized Indian Tribes, means that, as domestic dependent Nations, they are guaranteed the right to self-government and exercise inherent governmental authority over their members and territories.

State Historic Preservation Officer (SHPO) means the official appointed or designated pursuant to section 101(b)(1) of the Act to administer the state historic preservation program or a representative designated to act for the State Historic Preservation Officer.

Tribal Historic Preservation Officer (THPO) means the Tribal official, appointed by the head of the Tribal government or as designated by a Tribal ordinance or preservation program, who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on Tribal lands in accordance with Section 101(d)(2) of the Act. Even absent 101(d)(2) certification, this may also refer to a Tribal employee involved in Section 106 consultation for the Tribe.

Tribal Land mean all lands held in trust by the United States on behalf of a Federally recognized Indian Tribe.

Tribe for the purposes of this Programmatic Agreement, means any tribe listed on the official list of Federally Recognized Indian Tribes (Federally Recognized Indian Tribes List Act, Pub. L. 103-454).

Undertaking means a project, activity, or program that is funded in whole or in part under the direct or indirect jurisdiction of the Ouachita National Forest and Ozark-St. Francis National Forests, including those carried out by or on behalf of the Ouachita National Forest and Ozark-St. Francis National Forests, those carried out in whole or in part with Ouachita National Forest and Ozark-St. Francis National Forest assistance, and those requiring Ouachita National Forest and Ozark-St. Francis National Forest permit, license, or approval.

**Attachment 2
Categorical Exclusion Form**

**CATEGORICAL EXCLUSION CHECKLIST
HERITAGE RESOURCES**

Ouachita and Ozark-St. Francis National Forests

District Name/Compartment: _____

Topographic Map Name/Number: _____

Project Name: _____

Legal Location:

T ___ N/S R ___ E/W Section ___ 1/4 of the ___ 1/4 of the ___ 1/4

MOA Reference (Letter & Title): _____ Acres: _____

Project Description: . _____

Are Class II (undetermined) or Class III (not eligible) archeological sites within or adjacent to the project area? ___ Yes ___ No

List site numbers: _____

Are eligible or listed NRHP (Class I) sites located within or adjacent to the project area?
___ Yes ___ No

If yes, List site numbers and conduct consultation, cannot categorically exclude: _____

How will known sites be protected? Discuss in consultation report.

CE Prepared by: _____ Date: _____

Concur: _____ Approved: _____
District Ranger (date) Forest Archeologist (date)

Attach project location map below (topo map with location clearly marked).
(revised 10/2004)

ATTACHMENT 3

TITLE 2300 - RECREATION, WILDERNESS, AND
RELATED RESOURCE MANAGEMENT
(Revised, 1991)2361 - CULTURAL RESOURCES2361.42 - Paraprofessionals

1. Definition. As used in this supplement, a paraprofessional is an employee who is certified as a Cultural (Heritage) Resources Technician (CRT or HRT). The CRTs will work under the technical supervision of the Heritage Program Manager (Forest Archaeologist). A CRT is an individual who has satisfactorily completed specialized training in methods and techniques of archaeology in the Southeast.

2. Qualification. Employees will be certified as CRTs upon successful completion of the Forest level training and a written exam as defined in this manual supplement and their demonstrated ability to successfully carry out the tasks involved with this program. Certification will be recommended by the Forest Archaeologist and approved by the Forest Supervisor. The duties of the CRT will be included in their job descriptions.

Persons who are selected to fill CRT positions must have had cultural resource training prior to their selection. The Heritage Program Manager must be consulted for recommendations prior to the final selection.

3. Retention of Qualification. To retain certification, a CRT must annually survey a minimum of 40 acres and complete a minimum of two (2) Cultural Resource Reconnaissance Reports. In addition, at least two (2) archaeological or historical sites must be satisfactorily documented and reported on state archeological data forms by the CRT annually. Refresher training will be held on a biennial basis or as needed. Periodic inspections will be conducted by the Heritage Program Manager to review the work of the CRT and recertification may be required if the CRT performance shows weakness.

4. Training. CRT training will be conducted under the direction of the Forest Archaeologist. The overall CRT training program shall meet the approval of the Regional Archaeologist. Initial training will include 40 hours of classroom work and 40 hours of directed field exercises. Minimum training requirement will include:

a. Program direction. Includes, but is not limited to, legal and regulatory authority; Forest Service policy; coordination with Government and other agencies, institutions, and organizations; vandalism and law enforcement training; relevant research philosophy. Training will include a visit with representatives from the State Historic Preservation Office (SHPO), Tribal Historic Preservation Office (THPO), and/or the State Archaeologist's office.

b. Acquisition of Background Knowledge and Skills. Introduction to the history, ethnography, and archaeology of the area where training is performed, the variety and methods of prefield study; the basis of lithic and other tool technologies, including flint knapping; the identification of artifacts and other relevant; resources representative of the area.

c. Methods and Techniques of Field Survey. This element should constitute the major portion of the training and shall consist of professionally supervised field exercises. Basic skills of the CRT will consist of a working knowledge of at least map reading (both Forest maps and USGS topographic quadrangles) and use of aerial photographs; basic survey strategies and techniques; site mapping, site protection; artifact collecting and disposition; site forms and records; survey reports and field notes.

To reinforce the development of these skills, the Heritage Program Manager and the CRTs should visit at least one active archeological excavation and one curatorial facility.

d. Preparing the Necessary Cultural Resource Documents and Reports. Cultural Resource Technicians will use an approved Cultural Resource Reconnaissance report form to document prefield research, field surveys, data collection, and results. Field surveys and other activities shall be documented by the use of Field Notes (See R8 FSM Supplement No. 54, 2361.22b). Sites, when found, will also be documented on the approved site forms. If additional information is required by the SHPO, the Heritage Program Manager will work with the SHPO to coordinate these needs.

e. Examination. Upon completion of the training, but prior to certification, the CRT shall take and successfully pass a written exam. The exam will consist of information disseminated through forest-level training sessions. The results of the exam shall provide adequate information to objectively measure the trainee's performance. If the first attempt to pass the exam is unsuccessful, the CRT shall retake the exam within two weeks. If successful, the CRT may be eligible for certification. If unsuccessful on the second attempt, the CRT will be required to reenter the certification program and attend the 40 hour training session. In the interim, the CRT will not be allowed to conduct cultural resource surveys.

f. Off-Forest Training. CRTs may attend off-forest training sessions to supplement the forest-provided refresher training. The off-forest session must meet the approval of the Heritage Program Manager and District Ranger.

5. Limitations of Duties. Cultural Resource Technicians may not perform the following tasks:

a. Make any evaluation of the importance or significance of a site, or of other archaeological or historical remains.

b. Make any evaluation of the effect of a project on a site, or on other archaeological or historic remains (such a recommendation may be included in a report authored by a paraprofessional, provided the Heritage Program Manager concurs).

c. Supervise more than three other persons in cultural resource survey. The additional persons must be current CRTs. Non-trained persons (persons who have not been through the Forest Service CRT training) must not be allowed to assist with or independently conduct field survey.

d. Participate in site evaluation testing or site excavation without being directly supervised by the Heritage Program Manager.

Attachment 4 Wildland Fire

Proposed Heritage Resource Management Plan for Wildfire Emergencies:
Ouachita and Ozark-St. Francis National Forests
March 2001

The National Historic Preservation Act (NHPA) requires that Federal Agencies provide the Advisory Council on Historic Preservation an opportunity to comment on each of their undertakings, as well as to consult with other parties - including Indian Tribes. An "undertaking" is defined as "a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency...". NHPA further stipulates that the consultation be completed prior to the approval of the spending of federal funds on the undertaking, other than for planning purposes.

Fire control methods employed during wildfires meet the definition of "undertaking" as described in NHPA. However, a wildfire is an emergency situation that must be brought under control quickly. The NHPA provides for Emergency Situations in 36CFR800.12. The Agency official is encouraged to develop procedures to take into account Historic Properties that might be affected by the Emergency situation. This proposed "Heritage Resource Management Plan for Wildfire Emergencies" outlines a set of procedures that will be followed on the Ouachita and Ozark-St. Francis National Forests during wildfire emergencies.

On both forests, several Heritage Resource Technicians (HRTs) and Archaeologists are fire qualified and regularly have assigned fire duty. The remaining HRTs and Archaeologists can also be an integral part of the fire team. Many of the HRTs are long-time District employees and are intimately familiar with their Districts and locations of Historic Properties. The following outlines an integration of Heritage Resources into the Fire Team.

- 1) During periods of high fire danger fire qualified HRTs and Archaeologists will continue to be on standby as in the past.
- 2) When wildfires are detected, District HRTs and/or Archaeologists will be called to action at the same time as the remainder of the fire crews. The HRTs/Archaeologist from the District on which the fire is located will provide information to the Fire Boss regarding locations of Historic Properties (protected sites; sites eligible for the National Register) that should be avoided by plowing of new fire lines. It must be understood that some situations may occasionally occur in which it is not feasible to avoid some resources.
- 3) The Archaeologists may also provide information to the Dispatch Office (Hot Springs) in situations where the Supervisor's Office (SO) records are more complete than the District records; or, where the wildfire is a multi-district fire and pertinent records are unavailable at a single work center.
- 4) Site location atlas.
 - a) The Archaeologists/HRTs should consult the most up-to-date GIS coverage available to determine locations of Historic or prehistoric sites (Class I, II, III) that might be affected by the wildfire. The Heritage GIS layers must be updated on a regular basis

in order that the needed information is available. The Heritage GIS layers should be organized in order that only those properties eligible for inclusion in the National Register, or those which the eligibility is unknown can be viewed.

- b) If the GIS coverage is not available, then the Archaeologist/HRTs should rely on a site atlas based on USGS maps. A set of maps for the District/Zone should be available at each work center or staging area. These maps should be maintained in a secure manner when not in use. During a wildfire situation, those fire team members with a need-to-know must have ready access. This map-based atlas should show only those sites eligible for the National Register, or those for which the eligibility is unknown. Their locations should be highlighted so that they are visible at a glance.
- 5) During a wildfire emergency situation, there is no requirement that fire lines be investigated for the presence of archaeological resources in front of the dozer.
- 6) After the end of the wildfire emergency situation, the following actions should occur:
- a) The SHPO, Tribes and other Consulting Parties should be notified that the wildfire occurred with a summary of the situation.
 - b) Any constructed fire lines should be surveyed for the presence of archaeological resources. If sites are identified, they should be documented and an assessment of the damage made.
 - c) The Fire Boss and the Archaeologist should assess the success or failure of the avoidance of known Historic Properties.
 - d) An archaeological report should be prepared and submitted to the SHPO, THPO, Tribes, and other Consulting Parties for review and comment.