

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**2019**

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**WHEREAS**, the United States Department of Agriculture, Forest Service, Ozark-St. Francis and Ouachita National Forests (OSF/OUA NFs) have determined that routine-land management activities (undertakings) on National Forest lands may affect properties listed on or eligible for listing on the National Register of Historic Places (NRHP), hereafter referred to as historic properties [36 CFR § 800.16(I)(1)]; and

**WHEREAS**, the OSF/OUA NFs have determined that consultation on proposed activities that may affect historic properties must be conducted in order for the forest supervisor (agency official) to take such effects into account in evaluating alternatives and in making decisions pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 USC 306108), and its implementing regulations entitled Protection of Historic Properties (36 CFR § 800); and

**WHEREAS**, the Forest Service (FS) has established policies, standards, manuals, and guidelines for the management of historic properties consistent with the NHPA including FS Manual 2360 (FSM 2360) and FS Handbook 2309 (FSH 2309.12); and

**WHEREAS**, the OSF/OUA NFs have viable-heritage programs spanning four (4) decades and the Ozark-St. Francis (OSF) has field surveyed seven hundred seventy one thousand six hundred and twenty (771,620) acres or sixty seven (67) percent of OSF lands and documented five thousand seven hundred and twenty-seven (5,727) archeological sites and the Ouachita National Forest (ONF) has field surveyed six hundred twenty nine thousand seven hundred and forty-eight (629,748) acres [four hundred eighty two thousand seven hundred and nine (482,709) acres in Arkansas and one hundred forty seven thousand and thirty-nine (147,039) acres in Oklahoma] or thirty five (35) percent of ONF lands and has documented ten thousand one hundred and ninety-four (10,194) archeological sites [eight thousand seven hundred and twelve (8,712) archeological sites in Arkansas and one thousand four hundred and eighty-two (1,482) archeological sites in Oklahoma]; and

**WHEREAS**, Compartments are managed and field surveyed for historic properties on a ten (10) year-entry schedule, assuring equal representation and uniform sampling of all forest compartments and environs, making it possible to predict site density and distribution in unsurveyed project areas for more informed planning; and

**WHEREAS**, the OSF/OUA NFs propose to develop a flexible programmatic agreement (PA), in accordance with 36 CFR § 800.14(b)(3), for expeditiously implementing projects subject to Section 106 of the NHPA that will satisfactorily take into account the effects of FS undertakings on historic properties, provide for tribal consultation and public participation, minimize redundant documentation, and reduce the need for case-by-case review of routine activities when historic properties will not be affected or when standard protocols and treatments can be applied; and

**WHEREAS**, pursuant to 36 CFR § 800.2(a)(4), the OSF/OUA NFs shall coordinate early notification under the terms of this PA with the public scoping process in the National Environmental Policy Act (NEPA) (42 USC 4321-4346); and

**WHEREAS**, in accordance with 36 CFR § 800.6(a)(1), OSF/OUA NFs have notified the Advisory Council on Historic Preservation (ACHP) of its intent to develop a PA with specified documentation, and the ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

**WHEREAS**, the OSF/OUA NFs have consulted with the Arkansas and Oklahoma State Historic Preservation Officers (SHPOs) pursuant to 36 CFR § 800.14(b) and the SHPOs have chosen to participate as signatories in development of this PA; and

**WHEREAS**, the OSF/OUA NFs have consulted with the Arkansas and Oklahoma State Archeologists pursuant to 36 CFR § 800.6(C)(2) and the OSF/OUA NFs have invited the state archeologists to participate as invited signatories in development of this PA; and

**WHEREAS**, the Oklahoma SHPO and Oklahoma State Archeologist consult on undertakings for the Choctaw, Kiamichi, and Tiak districts (sometimes referred to as the Oklahoma District) of the Ouachita National Forest (Appendix 1); and

**WHEREAS**, pursuant to the 1976 agreement with the National Park Service (NPS), the Oklahoma SHPO renders comments on post-contact historic properties and the Oklahoma State Archeologist renders comments on precontact historic properties; and

**WHEREAS**, the Arkansas SHPO and Arkansas State Archeologist consult on undertakings for the Big Piney, Boston Mountain, Mount Magazine, Pleasant Hill, St. Francis, and Sylamore Districts of the Ozark-St. Francis National Forests and the Caddo, Cold Springs, Fourche, Jessieville, Mena, Oden, Poteau, and Womble Districts, and the Crossett Experimental Forest of the Ouachita National Forest (Appendix 1); and

**WHEREAS**, federally recognized Indian Tribes are acknowledged by the United States government as sovereign nations in treaties and these Tribes are unique political entities in a government-to-government relationship with the United States; and

**WHEREAS**, the OSF/OUA NFs have consulted with the Absentee Shawnee Tribe, Alabama-Quassarte Tribal Town of Oklahoma, Caddo Nation, Cherokee Nation, Chickasaw Nation, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Delaware Nation, Eastern Shawnee Tribe, Jena Band of Choctaw Indians, Kialegee Tribal Town, Miami Tribe of Oklahoma, Mississippi Band of Choctaw Indians, Muscogee (Creek) Nation, Osage Nation, Peoria Tribe of Indians of Oklahoma, Quapaw Tribe of Oklahoma, Seminole Nation of Oklahoma, Shawnee Tribe, Thlopthlocco Tribal Town, Tunica-Biloxi Tribe of Louisiana, Inc., United Keetoowah Band of Cherokee Indians, and Wichita and Affiliated Tribes and have invited them to participate in the development of this PA as invited signatories pursuant to 36 CFR § 800.6(C)(2); and

**WHEREAS**, the Coushatta Tribe of Louisiana, Delaware Nation, Osage Nation and Thlopthlocco Tribal Town (Tribes) accepted the request to be invited signatories to this PA; and

**WHEREAS**, the Cherokee Nation has declined to be an invited signatory and has requested concurring party status; and

**WHEREAS**, the OSF/OUA NFs have consulted with the County Judges of Ashley, Baxter, Benton, Conway, Crawford, Garland, Franklin, Hot Spring, Howard, Izaard, Johnson, Lee, Logan, Madison, Marion, Montgomery, Newton, Perry, Phillips, Pike, Polk, Pope, Saline, Scott, Searcy, Sebastian, Stone, Van Buren, Washington, and Yell Counties, Arkansas and the County Commissioners of LeFlore and McCurtain Counties, Oklahoma and have invited them to participate in the development of this PA as concurring parties pursuant to 36 CFR § 800.14(b)(2)(i); and

**WHEREAS**, the County Judges of Garland, Howard, Lee, Logan and Perry Counties, Arkansas accepted the request to be concurring parties to this PA; and

**WHEREAS**, terms used in this PA retain their meanings as defined in 36 CFR § 800.16, FSM 2360, and FSH 2309.12.

**WHEREAS**, ratification of this PA does not invalidate memoranda of agreement (MOA) or programmatic agreements negotiated prior to the effective date of this PA; and

**NOW, THEREFORE**, the OSF/OUA NFs, Arkansas and Oklahoma SHPOs, and the ACHP agree that undertakings shall be implemented in accordance with the following stipulations in order to consider their effect on historic properties.

## STIPULATIONS

The OSF/OUA NFs shall ensure that the following measures are carried out:

### I. PROFESSIONAL QUALIFICATIONS

- A. The OSF/OUA NFs shall employ heritage professionals and non-government personnel through the use of contracts, agreements or other instruments who meet the following professional qualification standards.
  1. At a minimum, FS heritage professionals shall meet professional qualification standards established by the Office of Personnel Management (OPM) [306131(a)(1)(b)] and by FSM 2360.5 and FSM 2360.91.1, and FSH 2309.12 Chapter Zero Code 04.1 and may also meet the Secretary of the Interior's (SOI) qualification standards (48 FR 190:44716-44742).
    - a. Qualifications of OSF/OUA NFs heritage professionals shall be reported annually pursuant to Stipulation XIII.A.2 of this PA.
  2. The FS may use the services of paraprofessionals provided they have been trained in historic preservation and have acquired a paraprofessional certification per FSH 2309.12 Chapter Zero Code 0.6.6 and are supervised by FS heritage professionals meeting the above requirements.
    - a. Under the supervision of a qualified-heritage professional, paraprofessionals may document the presence/absence of historic properties, monitor historic properties, and prepare condition assessments of historic properties if baseline documentation exists.
    - b. Paraprofessionals may not apply National Register criteria for evaluation or make recommendations regarding historic property management.
  3. All nongovernment personnel shall meet the Secretary of the Interior's (SOI) qualification standards found in the *Standards and Guidelines for Archaeology and Historic Preservation, Professional Qualifications for Archeologists and/or Historians* (48 FR 190:44716-44742) and FSM 2360.92 for the appropriate discipline (archaeology, architectural history, history, landscape architecture). These standards are currently described at Appendix A to 36 CFR § 61.

### II. RESPONSIBILITIES

- A. Points of Contact. The OSF/OUA NFs, SHPOs, THPOs, and Tribes shall each designate a primary and secondary point of contact to this PA. Each party to this PA

shall provide the other parties with phone numbers, email addresses, and mailing addresses for the primary and secondary contacts (Appendix 2). Designated points of contact will communicate and consult following the procedures set forth in 36 CFR § 800 and the terms of this PA. Changes in points of contact will be reported annually under Stipulation XIII of this PA.

1. For undertakings with potential to affect historic properties in Oklahoma, the Ouachita National Forest will contact the Oklahoma SHPO and Oklahoma State Archeologist for any review required by this PA and all references herein to the Oklahoma SHPO will also include Oklahoma State Archeologist participation.
  2. For undertakings with potential to affect historic properties in Arkansas, the OSF/OUA NFs will contact the Arkansas SHPO for any review required by this PA. The Arkansas State Archeologist receives field-survey reports for informational purposes and all references herein to the Arkansas SHPO does not include the Arkansas State Archeologist.
- B. Forest Supervisors. The OSF/OUA NFs forest supervisors (one per forest) are the “federal agency official” as defined in 36 CFR § 800.2(a), having responsibility for implementing this PA and for implementing Section 106 in specific circumstances not covered by this PA. The forest supervisors shall maintain qualified professional and technical staff to carry out the terms of this PA. In the event that qualified professional and technical staff are not maintained, the forest supervisors shall notify the signatories and follow measures at Stipulation XI of this PA. The forest supervisor can concur with determinations made by professional heritage-program staff, assure that necessary training is approved, and that appropriate funding is available for heritage-program implementation. The forest supervisor determines that tribal consultation is consistent with FSM 2360 direction and 36 CFR § 800 and executes PAs and MOAs for resolving adverse effects.
1. The forest supervisors may formally delegate their routine Section 106 compliance authority to district rangers (FSM 2360.4 – Exhibit 01), provided that the district ranger has received training in Section 106 of the NHPA and this PA pursuant to Stipulations IV.C-D and seeks and obtains advice from a FS heritage professional (FSM 2390.91(1), and FSH 2309.12 at Chapter 04.1). The forest supervisor retains all other authorities.
- C. District Rangers. The OSF/OUA NFs district rangers are FS line officers who have the delegated authority to make and execute decisions on a ranger district. Under this PA the district ranger can concur with determinations made by professional heritage-program staff, ensure that necessary training is available, make certain that funding is adequate for heritage-program implementation, and assist with tribal consultation consistent with FSM 2360 direction. Changes among district rangers will be reported annually under Stipulation XIII of this PA.



D. **Heritage-Program Managers.** The OSF/OUA NFs heritage-program managers (HPM) (one per forest) serve as Section 106 coordinators and advise the respective forest supervisors, line officers, and staff as necessary on the implementation of this PA and the Section 106 process. The HPM consults with SHPOs, THPOs, Tribes and other consulting parties; maintains heritage-program records, develops and implements Section 110 projects, and certifies that determinations and recommendations regarding the identification and management of historic properties meet the professional standards and requirements of this PA. Only qualified-heritage professionals may make management recommendations and review and recommend approval of heritage work done by heritage program staff and contractors (FSM 2360.91). National Register eligibility determinations and application of the criteria of adverse effect may only be made by a qualified-heritage professional (FSH 2309.12, Chapter 04.1).

1. The HPM may delegate some of these responsibilities to qualified-heritage program staff (Archeologist GS 193 series, Anthropologist GS 190 series, Archeological Technician GS 102 series, Historian GS 170 series) as appropriate, as long as professional oversight is maintained.

E. **Heritage-Program Staff.** Heritage-program staff (archeologists serving at the district or zone level) are trained in historic preservation specialties such as historic or prehistoric archeology, history, anthropology, ethnography, or architectural history who may conduct literature searches, field surveys, site documentation and monitoring, excavations, processing and analyzing data, maintaining databases, records and heritage collections, stabilizing sites, or helping the HPM with other historic preservation tasks. Heritage-program staff have the experience and skills pertinent to job duties under this PA.

1. For tasks where heritage-program staff do not possess the necessary qualifications, the OSF/OUA NFs shall obtain the services of SOI qualified individuals through FS indefinite delivery/indefinite quantity (IDIQ) contracts; the FS Region 8 blanket purchase agreement (BPA), supplemental project agreements with FS TEAMS Enterprise Unit and Tribes; or through challenge-cost share (CCS) agreements with the respective SHPOs.

### **III. INTEGRATING SECTION 106 CONSULTATION WITH NEPA PROJECT PLANNING (SCOPING)**

A. **NEPA Scoping.** The OSF/ONF NFs shall coordinate the Section 106 process with NEPA scoping for all individual undertakings subject to this PA [36 CFR § 800.3(b) and 36 CFR § 800.8(a)(1)].

1. The OSF/OUA NFs will circulate Schedules of Proposed Actions (SOPA) to

the SHPOs, THPOs, Tribes and other consulting parties on a quarterly basis. The SOPA is the only comprehensive package of proposed projects for the succeeding three (3) month period. The SOPA is provided for informational purposes and a response is not required.

2. The OSF/OUA NFs will transmit to the appropriate SHPOs, THPOs, Tribes and other consulting parties, specific project-announcement (scoping) letters that serve to initiate consultation under Section 106 of the NHPA.
  - a. The project announcement shall be accompanied by a letter of transmittal (Appendix 3) that, based on best-available information, indicates whether the referenced undertaking will be processed as an exempt undertaking (EU) pursuant to Stipulations V.C.2.a-c of this PA or if a field-survey report or project notification will be forthcoming pursuant to Stipulations V.B.4.a.
3. OSF/OUA NFs will submit new projects which unexpectedly arise during the course of a fiscal year and which are not included on the quarterly SOPA for review to the appropriate SHPOs, THPOs, Tribes and other consulting parties.
  - a. Emergency situations may occur that will require immediate attention and/or treatment. Such emergency situations and appropriate protocols are discussed at Stipulations VIII.A-F.
4. SHPOs, THPOs, Tribes and other consulting parties may elect to not receive the SOPA and NEPA scoping letters. For signatories not included on the NEPA mailing list, this information may be accessed on the OSF/OUA NFs websites at <http://www.fs.fed.us/sopa/forest-level.php?110810> and <http://www.fs.fed.us/sopa/forest-level.php?110809>. The first notice of a Section 106 undertaking received by these signatories shall be the field-survey report or project notification pursuant to Stipulation V.B.4.a or V.C.4 of this PA.

B. Prior to the Approval of an Undertaking and Signing a Decision Notice. The Forest Supervisor shall complete one of the following steps:

1. Make a finding that the undertaking is excluded from review pursuant to Stipulations V.C.1-3 of this PA and include documentation of the finding in the NEPA administrative record.
2. Make a finding of no historic properties affected in the APE and include documentation of the finding in the NEPA administrative record (Stipulations V.C.3, Streamlined-Section 106 Procedures).

3. Make a finding of no historic properties adversely affected in the APE and complete the procedures in Stipulation V.B.4.a-e, Standard-Section 106 Procedures.
4. Make a finding of historic properties adversely affected by the undertaking and follow the procedures at 36 CFR § 800.5 to 800.6.
5. Make a finding to phase Section 106 compliance in accordance with the procedures in Stipulations VI.A.1-3, Large Scale or Phased Projects. Notify the signatories prior to signing NEPA decisions and follow Stipulations V.B.2-4 for identification, application of the criteria of adverse effect, and further consultation.
6. Make a finding that the undertaking is in response to a disaster or emergency and follow procedures outlined in Stipulation VIII, of this PA.

#### IV. TRAINING

- A. The OSF/OUA NFs shall ensure that heritage professionals are provided with appropriate training consistent with current direction (FSM 2360, FSH 2309.12, and 54 USC 306131).
- B. The OSF/OUA NFs recognize and support the membership of heritage personnel in professional societies for enhancing knowledge and skills in their respective disciplines, and for acquiring current information for making informed recommendations and determinations under the terms of this PA.
- C. The OSF/OUA NFs shall assure that the forest-leadership team, project-planning staff and forest personnel maintain an up-to-date working knowledge of the requirements of the NHPA (54 USC 300101, et seq.), 36 CFR § 800, the Secretary of the Interior's Standards for Historic Preservation, the Native American Graves Protection and Repatriation Act (NAGPRA), and the Archaeological Resources Protection Act (ARPA).
- D. The OSF/OUA NFs shall assure that line officers, staff officers, leadership-team members and other decision-makers will receive training and instruction on the purpose, meaning, application and implementation of this PA within three (3) months following ratification. Initial training shall be presented to line officers, heritage program staff, NEPA staff and other decision makers. Initial training shall be conducted by the HPM who may request the assistance of the SHPOs and Tribes. If the assistance of SHPOs and Tribes is requested, notification shall occur by letter, email, telephone or fax no less than thirty (30) days prior to the scheduled training. Because of staff attrition and turnover, subsequent trainings shall be integrated within

the new employee on-boarding process. New employees with decision-making authority (line officers, staff officers, NEPA staff, heritage staff and others) shall receive this training through a one-on-one basis with the HPM or delegated heritage staff pursuant to Stipulation II.B.1 of this PA. Subsequent training shall occur within one month after the new employee reporting date.

- E. The OSF/OUA NFs shall assure that designated personnel receive the cultural-sensitivity training as yet to be developed by FS Region 8. This training may be conducted in cooperation with SHPOs and Tribes. The content and timing of this training, and coordination with SHPOs and Tribes, shall be the subject of future consultation and may require formal amendment of this PA through Stipulation X.A.

## V. REVIEW OF UNDERTAKINGS

- A. Initiating Consultation. The OSF/OUA NFs shall follow Stipulations III.A.1-4 for initiating consultation on all undertakings pursuant to this PA.
- B. Procedures. The OSF/OUA NFS shall implement the following procedures.
  - 1. Delineating Area of Potential Effect (APE)
    - a. For each undertaking not exempted under PA Stipulations V.C.1-3, the heritage professional shall establish the APE in a manner consistent with 36 CFR § 800.4(a)(1) and 36 CFR § 800.16(d).
  - 2. Identification, Evaluation, and Application of the Criteria of Adverse Effect
    - a. The OSF/OUA NFs will make a reasonable and good faith effort to identify historic properties as required by Section 106 (54 USC 306108) and Section 2363 of FSM 2360. Identification efforts will follow FSH 2309.12 (Chapter 30, Section 32), the ACHP's Section 106 Archaeology Guidance, and the SOI *Standards and Guidelines for Archaeology and Historic Preservation*.
    - b. The scope of identification efforts depends on existing knowledge, management purposes and need for the information, nature of the proposed undertaking, and the potential for adverse effects on historic properties. Pursuant to 36 CFR § 800.4(b)(1) the OSF/OUA NFs will carry out appropriate identification efforts which may include background research, consultation, oral-history interviews, sample-field survey, and field survey. Two methods of intensive field survey are utilized.

1. On lower slopes, survey transects normally follow cardinal directions and shovel tests are excavated on a 30-meter grid. On slopes between 0-12%, shovel tests are placed on transects at no greater than 30-meter intervals. On slopes between 12-25%, transects are spaced no greater than 100-meter intervals and shovel tests are only excavated in microgeographic areas with less than 12% slope. Slopes greater than 25% have transects spaced no greater than 100-meter intervals. Areas over 60% slope are hazardous and may be visually inspected at greater intervals when necessary. On these slopes, shovel tests will not be required. During the survey of areas over 12%, if slopes are encountered that are less than 12%, then these flatter areas will be surveyed at the appropriate transect and shovel test-spacing interval. If they can be safely explored, all rock outcrops and rock faces (60-100+% slope) will be examined for rock shelters, rock art or other evidence of cultural utilization.
2. In the direct gradient method, transects are oriented parallel to the valley axis or following the centerline of landforms such as ridges, valley walls, and terraces or floodplain edges. This technique is highly effective in narrow-mountain valleys and on steep, dissected landforms. Shovel tests are spaced along each transect at 30-meter intervals with the following caveat. The interval spacing may vary according to microenvironment (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, to maximize the potential for discovering as many sites as possible, landforms adjacent to any given transect or falling between the 30-meter interval and which appear to have intact soils and a high potential for human use (e.g., benches, ridge flats, prairie bumps, and floodplain terraces), will be opportunistically tested. Shovel tests are excavated until sterile subsoils are encountered or an impediment is reached that precludes further excavation. Most mountain soils are shallow-residual soils formed in bedrock. Deep-shovel testing (-50 cm. below surface) is reserved for depositional settings—floodplains, terraces,

benches, and lower-hill slopes. Sandy soils in the Red River Valley of the Gulf Coastal Plain are routinely subjected to deep-shovel testing. To promote artifact recognition, fill from each shovel test is screened using ¼-inch (or smaller) hardware cloth. In rare instances, a project may impact deposits that cannot otherwise be reached using deep-shovel testing. For such projects, deep testing may include coring, trenching or other means of evaluating the potential for intact, deeply buried historic properties that may be impacted by a given project.

- c. When an historic property is identified during field survey, additional-shovel testing will be conducted to assess the depth of cultural deposits, artifact content, and to establish site boundaries. Historic properties are delineated regardless of whether they extend outside the project's APE unless they extend onto private property. Historic properties will be delineated using 10-meter spaced shovel tests extending out in all four cardinal directions. At a minimum, two consecutive negative-shovel tests are used to define site boundaries. Larger sites will require multiple transects. Artifacts from the surface of a site may be selectively collected for analysis. All artifacts from shovel tests are collected. Whenever present diagnostic artifacts will be collected to determine time period, site function and NRHP eligibility.
- d. The qualified-heritage professional as defined at Stipulation IA1 will determine the National Register eligibility of all sites identified within the APE of an undertaking. These include archaeological sites, buildings and structures. This will consist of the categorization of all sites as NRHP eligible, listed, not eligible, or unevaluated. With the exceptions listed at Stipulation V.C.3.a of this PA, all other sites are considered eligible for the NRHP until formally determined to be not eligible. The OSF/OUA NFs, SHPOs, THPOs and Tribes will consult on eligibility determinations.
- e. The OSF/OUA NFs will apply the criteria of adverse effect at 36 CFR § 800.5(1) to historic properties.

### 3. Documentation and Reporting Standards

- a. The documentation of standing structures and buildings shall follow the *SOI Standards and Guidelines for Architectural and Engineering Documentation* and applicable state guidelines including the Arkansas Historic Preservation Program (AHPP)

*Survey Manual* of 1991 and the *Oklahoma Review and Compliance Manual* of 2015. The Oklahoma State Historic Preservation Office (OK/SHPO) *Historic Preservation Resource Identification Form* and the AHPP *Architectural Resources Form*, as amended, will be used to document standing structures and buildings.

- b. The documentation of archeological sites and isolated artifacts shall follow applicable state standards using forms developed and amended by the AAS and OAS. The AAS forms are found at <http://archeology.uark.edu/forms-records/> and the OAS forms are found at <http://www.ou.edu/archsurvey/cultural-resource-management/forms.html>.
- c. Field-survey reports will be formatted to comply with requirements of 36 CFR § 800.11, FSH 2309.12, Chapter 30, Section 32.7 and Chapter 40, Section 42.12 and applicable state standards as published in Appendix B of the Arkansas State Plan *Guidelines for Archeological Fieldwork and Report Writing in Arkansas*, as amended and in Fact Sheet #16 *Guidelines for Developing Archeological Survey Reports in Oklahoma and Report Components*, as amended.

#### 4. Consultation and Review

- a. When historic properties are present in the APE, the OSF/OUA NFs will provide information on the field survey, NRHP eligibility determinations and application of the criteria of adverse effect in a formal field-survey report to the appropriate SHPOs, THPOs, Tribes and other consulting parties for review and comment. For undertakings involving only standing structures and other elements of the built environment or for those undertakings not requiring a field survey, a project notification form (Appendix 3) may be used for consultation. With the exception of phased-compliance projects (Stipulation VI.A), the field-survey report or project notification will be provided prior to signing any decision document which could result in adverse effects to historic properties.
- b. Within thirty (30) days of receipt of a report or project notification, unless a longer review period has been requested, the appropriate SHPOs, THPOs, Tribes and other consulting parties shall review and provide comments on the APE, NRHP eligibility determinations, and application of the criteria of adverse effect. If no response is received, a memorandum will be placed in the project file documenting the lack of response. Pursuant to 36 CFR

§ 800.3(c)(4), the OSF/OUA NFs will continue to consider any comments received and renew consultation. A heritage professional shall enter the field-survey data into the NRM database and other databases of record.

- c. If the SHPOs, THPOs, Tribes and other consulting parties do not agree with the OSF/OUA NFs NRHP eligibility assessments, the OSF/OUA NFs shall seek to resolve the disagreement. In the event the disagreement is not resolved, the OSF/OUA NFs shall notify the ACHP and request its participation in the Section 106 review. The ACHP may request that the OSF/OUA NFs obtain a determination of eligibility per Stipulation V.B.4.d.
- d. If the OSF/OUA NFs, the SHPOs, THPOs, Tribes and other consulting parties do not agree on NRHP eligibility, or if the ACHP or the SOI so requests, the OSF/OUA NFs with the assistance of the Regional Forester, shall obtain a NRHP eligibility determination from the SOI pursuant to 36 CFR § 63.
- e. If the SHPOs, THPOs, Tribes and other consulting parties do not agree with the OSF/OUA NFs' assessment of adverse effects, the process at 36 CFR § 800.5(b)(2) will be followed.

#### C. Streamlined Procedures

1. Many routine undertakings within the OSF/OUA NFs have no potential to cause Adverse Effects to historic properties and can be exempted from further Section 106 review pursuant to this PA.
2. Exempt Undertakings (EUs) requiring no further consultation are listed in Appendix 4. Qualifying EUs are subject to the following stipulations.
  - a. All proposed undertakings shall be reviewed by a qualified-heritage professional to determine whether they meet the criteria of an EU.
  - b. The qualified-heritage professional shall undertake sufficient background work to assure that proposed EUs shall not affect known historic properties that are 45 years of age or older.
  - c. An EU form (Appendix 3) signed by a qualified-heritage professional and the designated-line officer shall document that the undertaking is an EU currently listed in Appendix 4. EU forms shall be placed in the NEPA project file and in the HPMs' file in the forest supervisor's office.



- d. A qualified-heritage professional shall record EU forms in the Natural Resource Manager (NRM) database and other databases of record for upward reporting.
  - e. Any post review discovery of an historic property, or unanticipated adverse effect to an historic property by the OSF/OUA NFs during the implementation of an EU will be treated in accordance with PA Stipulations VII.A-B, Unanticipated Discoveries.
  - f. All proposed undertakings qualifying as EUs shall be summarized in the annual report as stipulated in XIII.A.2.
3. In Arkansas, undertakings where the APE is surveyed at an intensive level per Stipulations V.B.2.b.1-2 of this PA and where historic properties are not present are exempt from further consultation when the following stipulations are met. Use of this exemption shall be documented as an EU under Stipulation 2 in Appendix 4.
- a. The OSF/OUA NFs, SHPOs, Tribes and other consulting parties agree that isolated artifacts (following applicable state definitions), undeveloped mineral-prospect pits, isolated wells, and trash dumps less than forty-five (45) years old are not historic properties and require no further consultation.
  - b. With the exception of field surveys conducted by archeological contracting firms, if no historic properties are found within the APE of an undertaking, the OSF/OUA NFs will not provide a field-survey report to signatory parties. The standard FS cultural resource report (CRR) form (Appendix 3) will document the field investigation and provide metadata for geographic information systems (GIS) data entry. Field-survey areas will be digitized for GIS coverage and a heritage professional shall enter these data into the NRM database and other databases of record for upward reporting.
    - 1. GIS shape files or .kmz files are available for distribution to signatory parties. The signatories may agree to distribution of these data on a project-by-project or annual basis.
    - 2. The CRR form documenting a field survey with no historic properties shall be provided to signatory parties for informational purposes.

3. The OSF/OUA NFs, SHPOs, THPOs, Tribes and other consulting parties agree to use the CRR form to populate their individual databases. The AAS will use these data to populate the Automated Management of Archeological Site Data in Arkansas (AMASDA) Database. These signatories will be responsible for the accuracy of their respective-records systems.
4. In Oklahoma, undertakings where the APE is surveyed at an intensive level per Stipulations V.B.2.b.1-2 of this PA and where historic properties are not present shall be submitted for a thirty (30) day review period pursuant to PA Stipulation V.B.4.b.
  - a. The ONF, SHPOs, Tribes and other consulting parties agree that isolated artifacts (following applicable state definitions), undeveloped mineral-prospect pits, isolated wells, and trash dumps less than forty-five (45) years old are not historic properties.
  - b. With the exception of field surveys conducted by archeological contracting firms, if no historic properties are found within the APE of an undertaking, the ONF will not provide a field-survey report to signatory parties. The standard FS CRR form (Appendix 3) will document the field investigation and provide metadata for GIS data entry. A project notification form (Appendix 3) shall be mailed with the CRR form documenting a field survey with no historic properties. Field-survey areas will be digitized for GIS coverage and a heritage professional shall enter these data into the NRM database and other databases of record for upward reporting.
    1. GIS shape files or .kmz files are available for distribution to signatory parties. The signatories may agree to distribution of these data on a project-by-project or annual basis.
    2. The ONF, SHPOs, THPOs, Tribes and other consulting parties agree to use the CRR form to populate their individual databases. These signatories will be responsible for the accuracy of their respective-records systems.

#### D. Assessment and Resolution of Adverse Effects

1. When avoidance is possible. The OSF/OUA NFs will approve alternatives or make modifications to a proposed undertaking to avoid adversely affecting historic properties. The HPM or qualified-heritage program staff shall assure that the following standard protection measures are implemented for

undertakings pursuant to this PA.

- a. Whenever possible, historic properties will be excluded from the project area APE by adjusting project boundaries to achieve a finding of no historic properties affected.
- b. When historic properties may not reasonably be excluded from a project area APE, the historic property shall be avoided. Avoidance means that no project activities may occur within historic property boundaries with the exception of using FS transportation system roads when the HPM or qualified-heritage professional recommends that such use will not adversely affect historic properties.
  1. Based on the nature of the undertaking, buffer zones may be established for historic property protection where the HPM or qualified-heritage professional determines they are necessary.
  2. No direct impacts will occur within thirty (30) meters of known site boundaries unless such buffers are precluded by elevation, topography, water bodies or other impediments. In such cases, buffer zones shall be no less than ten (10) meters wide.
  3. Buffer zones shall be clearly delineated prior to implementing any undertaking holding the potential to affect historic properties.
  4. Buffer zones shall be demarcated with coded-flagging tape and/or by the application of color-coded paint.
  5. Protection measures applied shall be documented in the *Site Protection Checklist* (Appendix 3). The *Site Protection Checklist* and historic property location maps shall be distributed to essential FS personnel to assure that protection measures are considered during project planning and implementation, and that they are included in contract specifications and permits as applicable.
- c. When historic properties can be preserved in place, the OSF/OUA NFs will make a finding of No Adverse Effect and consult with the appropriate SHPOs, THPOs, Tribes and other consulting parties pursuant to PA Stipulation V.B.4.b. Signatories shall have thirty

(30) days to respond.

2. When adverse effects cannot be avoided. If an adverse effect is found, the OSF/OUA NFs shall consult further to resolve the adverse effect pursuant to 36 CFR § 800.6.

#### E. Unusual or Controversial Circumstances

1. If the OSF/OUA NFs in consultation with the appropriate SHPOs, THPOs, Tribes and other consulting parties determine that a proposed project has potential effects that are unusual, controversial or not covered by PA stipulations, the OSF/OUA NFs will follow the standard process specified in *Protection of Historic Properties* (36 CFR § 800).

### **VI. LARGE SCALE OR PHASED PROJECTS IN WHICH TREATMENT LOCATIONS ARE NOT SPECIFICALLY IDENTIFIED AT THE TIME THE NEPA DECISION IS SIGNED**

#### A. Phased Identification and Evaluation

1. When a landscape-scale undertaking is proposed and effects to historic properties may not be fully determined because treatment locations are not identified or because the undertaking is too large to complete the fieldwork prior to signing the NEPA decision, the OSF/OUA NFs may use phased identification and evaluation pursuant to 36 CFR § 800.4(b)(2). Examples of landscape-scale undertakings in which effects to historic properties cannot be determined prior to approval include but are not limited to: projects exceeding fifty (50) linear miles or ten thousand (10,000) acres, certain adaptive management projects, NEPA decisions that anticipate events that have not yet happened (bark-beetle outbreaks, non-native invasive species, blowdowns, ice damage, catastrophic wildfires, and tornados)--but which require prompt attention when they do--and actions that are phased over a period of three (3) or more years. Should the OSF/OUA NFs use phased identification and evaluation, a heritage professional shall notify the SHPOs, THPOs, Tribes and other consulting parties during the NEPA scoping process. The notification shall include:
  - a. A letter stating the intent to use phased identification and evaluation pursuant to 36 CFR § 800.4(b)(2) and PA Stipulation VI.
  - b. A description of the undertaking along with the NEPA timeline and proposed undertaking implementation schedule (if known).
  - c. Maps of the general project area.

- d. A summary table and detailed location map of all previously recorded historic properties and previous field surveys in the general project area.
  - e. A narrative discussing the potential of the undertaking to cause Adverse Effects to historic properties with recommendations for historic property surveys.
2. The NEPA Decision Notice shall clearly indicate the decision to use phased identification and evaluation pursuant to 36 CFR § 800.4(b)(2) and PA Stipulation VI.
  3. For field survey, identification, documentation, application of the criteria of adverse effect, reporting and consultation, all provisions in PA Stipulations V.B.1-4 are applicable in phased identification. Consultation shall be concluded prior to project implementation. Provisions for unanticipated discoveries at PA Stipulations VII.A-B shall be followed. Pursuant to PA Stipulation VII.A.1.f, in the event that historic properties are adversely affected, the OSF/OUA NFs in consultation with the SHPOs, THPOs, Tribes and other consulting parties shall prepare memoranda of agreement (MOA) to mitigate adverse effects.

## **VII. Post Review Discoveries**

### **A. Historic Properties**

1. The OSF/OUA NFs recognize that historic properties may be discovered or unanticipated effects on historic properties may be identified after the completion of the Section 106 process under this PA. Upon such a discovery, the OSF/OUA NFs will follow these procedures:
  - a. The SHPOs, THPOs, Tribes and other consulting parties will be notified by the OSF/OUA NFs within forty-eight (48) hours upon discovery that an historic property has been affected by an undertaking. Notification shall occur by letter, email, telephone or fax. Signatories shall have thirty (30) days to respond.
  - b. If the undertaking has not been completed at the time the effect is discovered, all activities within one hundred (100) meters of the discovery and in the surrounding area where further subsurface archeological resources can reasonably be expected to occur shall cease, and reasonable efforts shall be taken to avoid or minimize harm to the historic property.

- c. A qualified-heritage professional as defined at Stipulation IA1 will evaluate the discovery and assess the effects by inspecting the work area to determine the extent of the damage, ensure that construction activities have halted, clearly mark the area of discovery by means of flagging or fencing to protect the area from looting and vandalism, develop possible treatment recommendations and implement additional protection measures as necessary until Stipulations VII.A.d-g are completed. A narrative discussing application of the criteria of adverse effect and recommended treatment measures shall be provided to signatories by mail, email or fax. Signatories shall have thirty (30) days to respond.
- d. When the OSF/OUA NFs and consulting parties agree that historic properties are not affected, the OSF/OUA NFs will document the decision.
- e. When the OSF/OUA NFs, ACHP, SHPOs, THPOs, Tribes and other consulting parties agree that historic properties are affected, the OSF/OUA NFs, ACHP, SHPOs, THPOs, Tribes and other consulting parties will develop a MOA to mitigate adverse effects to historic properties.
- f. When the OSF/OUA NFs, SHPOs, THPOs, Tribes and other consulting parties do not agree that historic properties are affected, the OSF/OUA NFs shall seek a formal NRHP eligibility determination from the Secretary and then revisit items e and f with the consulting parties.
- g. Upon request, signatories and other consulting parties shall be able to visit the site with Heritage Program staff.

#### B. Human Remains and/or Funerary Objects

- 1. Consistent with Arkansas Act 753 of 1991 (Grave Protection Act) and Arkansas Act 1533 of 1999 (Grave Protection Act Amendment); Oklahoma State Statutes 21 parts 1167-1168 (Burial Act); NAGPRA (43 CFR Part 10) or the NAGPRA and ARPA comprehensive agreements ratified previously and separately with the Caddo and Choctaw Tribes, if human remains and associated- or unassociated-funerary objects are encountered during implementation of an undertaking pursuant to this PA, the following steps will be followed.
  - a. All actions within one hundred (100) meters of the discovery shall cease. The OSF/OUA NFs will implement immediate protection measures including but not limited to respectful covering of the

remains and associated- or unassociated-funerary objects.

- b. In cooperation with FS law enforcement officers, the appropriate county sheriff, medical examiner and/or coroner, Heritage Program staff will implement additional measures, as appropriate, to protect the discovery from looting and vandalism but must not remove or otherwise disturb any human remains or funerary objects in the immediate vicinity of the discovery.
- c. The OSF/OUA NFs will notify the appropriate county sheriff, medical examiner and/or coroner, SHPOs, THPOs, Tribes and other consulting parties within forty-eight (48) hours of the discovery of human remains and associated- or unassociated-funerary objects. Notification shall occur by letter, email, telephone or fax.
- d. Upon official determination by the county sheriff, medical examiner and/or coroner that the remains are of such age as to preclude association with a crime or other recent event, and
  - i. If the evidence suggests the remains are Native American, the OSF/OUA NFs will follow the NAPGRA comprehensive agreements with the Caddo and Choctaw Nations or initiate consultation regarding the treatment and disposition of the human remains and funerary objects per 43 CFR10.4 with the lineal descendants and/or other affected THPOs and Tribes. Preservation in place without further excavation of the burial shall be the preferred action. In the limited circumstances where preservation in place is not an option the OSF/OUA NFs will offer the tribe(s) to whom the NAGPRA items are repatriated the option of reburial elsewhere on OSF/OUA NFs lands. If an agreed upon reburial location is identified on OSF/OUA NFs lands, that area will be subject to Section 106 review and consultation prior to reinterment.
  - ii. If the evidence indicates that the remains are not Native American, the OSF/OUA NFs will consult with the lineal descendants and/or appropriate SHPO, State Archaeologist, and other consulting parties regarding the treatment and disposition of the human remains and funerary objects. Preservation in place shall be the preferred action. Notification shall occur by letter, email, telephone or fax. Signatories shall have thirty (30) days to respond.
- d. With the exception of ARPA crime-scene investigations, it shall be the policy of the OSF/OUA NFs that human remains will not be

photographed.

## VIII. EMERGENCY UNDERTAKINGS.

- A. Definition. Emergency actions are those deemed necessary by the OSF/OUA NFs forest supervisors as an immediate and direct response to an emergency situation which is a disaster or emergency declared by the president, tribal government, or governor of the state, or other immediate threats to life or property. Emergency actions under this PA are only those implemented within thirty (30) days from the emergency. Examples of emergency actions may include but are not limited to responses to wildfires, hurricanes, tornados, straight-line winds and ice-storm damage, search and rescue operations, droughts, floods, oil spills, landslides, insect infestations, and subsequent-salvage operations. Pursuant to 36 CFR § 800.12(b)(1), the OSF/OUA NFs have developed the following process for addressing emergencies.
- B. Notification Preceding Emergency Actions. If the emergency action has the potential to affect historic properties, the OSF/OUA NFs will notify the ACHP, appropriate SHPOs, THPOs, Tribes and other consulting parties prior to undertaking the action, when possible. Initial notification shall occur by telephone or electronic mail followed by formal notice through postal delivery. As part of the notification, the OSF/OUA NFs shall provide a plan to address the emergency including the decision to conduct field survey following implementation of emergency actions (Stipulation VIII.D). Pursuant to 36 CFR § 800.12, the appropriate SHPOs, THPOs, Tribes and other consulting parties shall have seven (7) calendar days—or a shorter timeframe if necessary--to review and comment on the plan. Response by telephone, fax or electronic mail is satisfactory. If the appropriate SHPOs, THPOs, Tribes and other consulting parties do not comment or object to the plan within the review period, the OSF/OUA NFs shall implement the plan.
- C. Notification Following Emergency Actions. If the OSF/OUA NFs are unable to consult with the appropriate SHPOs, THPOs, Tribes and other consulting parties prior to implementing emergency actions, the OSF/OUA NFs shall notify the appropriate SHPOs, THPOs, Tribes and other consulting parties as appropriate after initiating the emergency action. This notification shall include a description of the emergency action taken, the effects of the action on historic properties and where appropriate, any further proposed measures to avoid, minimize, or mitigate potential adverse effects to historic properties. Notification shall occur by letter, email, telephone or fax.
- D. Field Survey. In many emergency and post-emergency situations, performing field survey prior to initiating emergency responses is neither safe nor practical. In such instances, when the undertaking has the potential to adversely affect historic properties, the OSF/OUA NFs will notify the appropriate SHPOs, THPOs, Tribes and other consulting parties and perform post-undertaking field survey. Notification shall



occur by letter, email, telephone or fax. Inadvertent discovery protocols at PA Stipulation VII.A-B will be followed.

- E. Reporting. After field surveys are concluded and pursuant to PA Stipulation V.B.4.a, a field-survey report describing historic properties, application of the criteria of adverse effect, and proposed mitigation measures may be submitted to the appropriate SHPOs, THPOs, Tribes and other consulting parties. Reporting and consultation protocols at PA Stipulations V.B.3.a-c and V.B.4.a-e shall be followed. In the event that historic properties are not identified, then streamlined procedures for reporting at PA Stipulations V.C.3-4 may be followed.
- F. Exemption. Pursuant to 36 CFR § 800.12(d), immediate rescue and salvage operations conducted to preserve life or property are exempt from these and all other provisions of this PA.

## **IX. CURATION**

- A. Collections and Records. The OSF/OUA NFs will assure that curation and disposition of all archeological collections and related documents are treated consistent with FSM 2360 and FSH 2309.12 Chapter 60 and will be housed in a facility meeting the standards in 36 CFR § 79. Collections resulting from field surveys and excavations undertaken by OSF/OUA NFs staff may be maintained in FS facilities or through cooperative agreements, may be curated elsewhere. In Arkansas, artifacts from contracted field survey and excavation projects are housed by the AAS. In Oklahoma, artifacts are curated at the Sam Noble Museum of History under their curation standards. Curation agreements are between the FS and the receiving institution. Currently, the FS has no deaccessioning policy and all artifacts, excepting cultural patrimony, are retained in perpetuity.

## **X. AMENDMENT**

- A. Body of Agreement. This PA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.
- B. Appendices. By mutual-written agreement of the signatory parties with a thirty (30) day response time, any appendix to this PA may be modified without formal amendment of this agreement. Modified appendices shall be distributed to all signatories and included in this PA.

## **XI. DISPUTE RESOLUTION**

- A. Consultation. Should any signatory, invited signatory, or concurring party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the OSF/OUA NFs shall consult with such party to resolve the

objection. If the OSF/OUA NFs determines that such objection cannot be resolved, the OSF/OUA NFs will:

1. Forward all documentation relevant to the dispute including the OSF/OUA NFs proposed resolution to the ACHP. The ACHP shall provide the OSF/OUA NFs with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision, the OSF/OUA NFs shall prepare a written response that considers any timely advice or comments from the ACHP and signatories and provide them with a copy of this written response. The OSF/OUA NFs will then proceed according to its final decision.
2. If the ACHP does not provide its advice within the thirty (30) days, the OSF/OUA NFs may make a final decision on the dispute and proceed accordingly. Prior to reaching a final decision, the OSF/OUA NFs shall prepare a written response that considers any timely comments from the signatories and provide them and the ACHP with a copy of such written response.
3. The OSF/OUA NFs' responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

## **XII. TERMINATION.**

- A. Consultation. If any signatory to this PA determines that its terms cannot be carried out, that party shall immediately consult with the other parties to develop an amendment per Stipulation X. If within ninety (90) days, or another time agreed to by the signatories, an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories.
- B. Post Termination Procedures. Once the PA is terminated, the OSF/OUA NFs must comply with 36 CFR § 800, Subpart 8, for each individual undertaking until it executes a new PA pursuant to 36 CFR § 800.6. The OSF/OUA NFs shall notify the signatories as to the course of action it will pursue.

## **XIII. MONITORING AND ANNUAL REPORTING**

- A. Annual Report. Each year following the execution of this PA or until it expires or is terminated, the OSF/OUA NFs shall provide all parties to this PA a summary report detailing work undertaken pursuant to its terms.
  1. The annual report [one (1) per forest] shall cover the fiscal year from October 1 to September 30 and will be distributed to signatory parties at least thirty (30) days prior to the annual meeting (Stipulation XIII.B).
  2. The annual report shall include but not be limited to a discussion of qualifications of all OSF/OUA NFs professional heritage staff, personnel

changes among line officers (rangers) and heritage staff, undertakings accomplished, field surveys completed, historic properties identified; status of protection, monitoring, and mitigation measures; ongoing public-education activities, routine activities excluded from consultation pursuant to Stipulations V.C.1-3 and Appendix 4 of this PA, issues encountered, and disputes or objections received and how these were resolved. The annual report will also address any additional parties who have become signatory or concurring parties to this PA in the past year.

B. Annual Meeting. The OSF/OUA NFs shall convene a meeting of the signatory parties within 18 months following implementation of this PA and thereafter on an annual basis. At any time, however, signatories may request a meeting regarding implementation of this PA. These meetings may be conducted in a mutually agreeable venue and/or format including field visits, face-to-face meetings and teleconferences or videoconferences.

1. Topics for discussion shall include but not be limited to a review of activities accomplished during the past fiscal year, issues encountered and recommended changes to the PA, and the upcoming program of work in the current fiscal year.

#### **XIV. DURATION**

- A. This PA will expire within 10 years from the date of its execution. Prior to such time, the OSF/OUA NFs may consult with the other signatories to reconsider the terms of the PA, extend the current PA, or amend it in accordance with Stipulation X.A.

#### **XV. ANTI-DEFICIENCY ACT STATEMENT**

The stipulations of this PA are subject to provisions of the Anti-Deficiency Act of 1998 (31 USC 1341). If compliance with the Anti-Deficiency Act alters or impairs the ability of the OSF/OUA NFs to implement the terms of this PA, the OSF/OUA NFs will consult in accordance with the dispute resolution, amendment or termination protocols in Stipulations X, XI or XII of this PA.

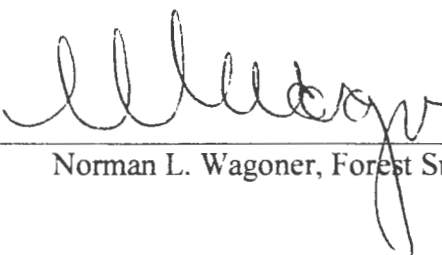
Execution of this agreement and implementation of its terms evidences that the FS has considered the effects of individual undertakings on historic properties from its on-going management of the OSF/OUA NFs, pursuant to the terms of this PA and has afforded the ACHP an opportunity to comment.

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**SIGNATORY:**

USDA FOREST SERVICE, Ouachita National Forest

By:  Date: 10/1/19  
Norman L. Wagoner, Forest Supervisor

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**SIGNATORY:**

USDA FOREST SERVICE, Ozark-St. Francis National Forests

By: Lori Wood Date: 10/2/2019  
Lori Wood, Forest Supervisor

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**SIGNATORY:**

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
John M. Fowler, Executive Director

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**SIGNATORY:**

ARKANSAS STATE HISTORIC PRESERVATION OFFICER


By: \_\_\_\_\_ Date: \_\_\_\_\_  
Stacy Hurst, SHPO

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**SIGNATORY:**

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

By:  Date: Oct. 8, 2019  
Bob Blackburn, SHPO



**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**INVITED SIGNATORY:**

**ARKANSAS STATE ARCHEOLOGIST**

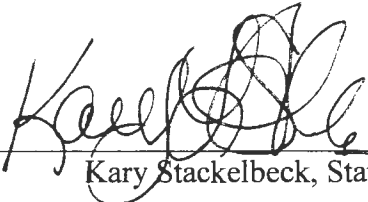
By: \_\_\_\_\_ Date: \_\_\_\_\_  
Ann Early, State Archeologist

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**INVITED SIGNATORY:**

OKLAHOMA STATE ARCHEOLOGIST

By:  Date: 11/21/2019  
Kary Stackelbeck, State Archeologist

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**CONCURRING PARTY:**

CHEROKEE NATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Chad Harsha, Director of Natural Resources

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**INVITED SIGNATORY:**

COUSHATTA TRIBE OF LOUISIANA

By: \_\_\_\_\_ Date: \_\_\_\_\_  
David Sickey, Chairman

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**INVITED SIGNATORY:**

DELAWARE NATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Deborah Dotson, President

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
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SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**INVITED SIGNATORY:**

OSAGE NATION

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Geoffrey M. Standing Bear, Principal Chief

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
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UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**INVITED SIGNATORY:**

THLOPTHLOCCO TRIBAL TOWN

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Ryan Morrow, Mekko

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
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SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**CONCURRING PARTY:**

**GARLAND COUNTY, ARKANSAS**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Darryl Mahoney, County Judge



**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
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SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**CONCURRING PARTY:**

LEE COUNTY, ARKANSAS

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Terry Sandefer, County Judge

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
PRESERVATION REGARDING THE PROCESS FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**CONCURRING PARTY:**

LOGAN COUNTY, ARKANSAS

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Ray Gack, County Judge

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
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SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**CONCURRING PARTY:**

HOWARD COUNTY, ARKANSAS

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Kevin Smith, County Judge

**PROGRAMMATIC AGREEMENT  
AMONG**

**U.S.D.A. FOREST SERVICE, OZARK-ST. FRANCIS NATIONAL FORESTS; U.S.D.A.  
FOREST SERVICE, OUACHITA NATIONAL FOREST; ARKANSAS STATE  
HISTORIC PRESERVATION OFFICER; OKLAHOMA STATE HISTORIC  
PRESERVATION OFFICER; AND THE ADVISORY COUNCIL ON HISTORIC  
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SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR  
UNDERTAKINGS ON THE OZARK-ST. FRANCIS AND OUACHITA NATIONAL  
FORESTS**

**CONCURRING PARTY:**

**PERRY COUNTY, ARKANSAS**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Toby Davis, County Judge