

**AMENDMENT TWO**  
**PROGRAMMATIC AGREEMENT**  
**AMONG**  
**THE DEPARTMENT OF THE INTERIOR,**  
**BUREAU OF LAND MANAGEMENT, WELLS FIELD OFFICE, NEVADA**  
**AND**  
**THE NEVADA STATE HISTORIC PRESERVATION OFFICER**  
**REGARDING THE LONG CANYON PROJECT,**  
**ELKO COUNTY, NEVADA**

**WHEREAS**, the Programmatic Agreement (PA) was executed in June 2013; and

**WHEREAS**, the Bureau of Land Management (BLM) Wells Field Office, desires to clarify the government-to-government consultation that BLM conducted prior to and following execution of the PA; and

**WHEREAS**, the BLM, in consultation with the State Historic Preservation Office (SHPO), is modifying the process for evaluation and treatment of some categories of historic properties discovered during the Long Canyon Project to streamline the process of identification, documentation, and mitigation of these sites; and

**WHEREAS**, in accordance with the PA, this amendment is effective upon BLM submission of a signed copy to the Advisory Council on Historic Preservation (ACHP); and

**NOW THEREFORE**, in accordance with Stipulation XIII of the PA, the BLM and SHPO agree to amend the PA as follows:

1. Amend the fifth Whereas clause so it reads as follows:

**WHEREAS**, the BLM has a responsibility to consult with, and has been in the process of consulting with the Confederated Tribes of the Goshute Reservation, and has invited the Te-Moak Tribe of the Western Shoshone, Duckwater Shoshone, Duck Valley Shoshone Paiute, Elko and Wells Band Councils into consultation, these Tribes have been identified as interested parties for this PA and offered an opportunity to participate in the Section 106 process for identifying properties of traditional cultural and religious significance and been offered an opportunity to participate as concurring parties to this PA; and

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**1** Amendment Two to the PROGRAMMATIC AGREEMENT AMONG THE DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT, WELLS FIELD OFFICE, NEVADA AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER REGARDING THE LONG CANYON PROJECT, ELKO COUNTY, NEVADA

2. Amend Stipulation IV.B.i so that it reads:

- i. All cultural resources, except those categorized in Appendix B.1, identified within the APE shall be evaluated for NRHP eligibility. Newmont's cultural resource contractor shall provide the BLM with eligibility recommendations upon completion of an inventory report. The BLM will concur, disagree, or request additional information before determining eligibility. The BLM will then forward all recommendations to SHPO for review.

3. Add new subsection to Stipulation IV.B:

- ii. BLM, in consultation with SHPO, has determined that cultural resources categorized in Appendix B.1 shall be treated as eligible for the purposes of the Long Canyon Project.

4. Renumber Stipulation IV.B.ii as Stipulation IV.B.iii.

5. Renumber Stipulation IV.B.iii as Stipulation IV.B.iv.

6. Renumber Stipulation IV.B.iv as Stipulation IV.B.v.

7. Amend Stipulation IV.B.v so that it reads:

- v. The BLM, in consultation with SHPO, shall ensure that cultural resources identified within the applicable APE, except those categorized in Appendix B.1, are evaluated for the NRHP prior to the initiation of activities that may have an adverse effect on such resources.

8. Renumber Stipulation IV.B.v as Stipulation IV.B.vi.

9. Amend Stipulation IV.C.iii so that it reads:

- iii. When avoidance is not practical and data recovery is proposed to lessen or mitigate project related adverse effects to historic properties eligible under criterion D (36 CFR 60.4), except cultural resources categorized in Appendix B.1, BLM, in consultation with SHPO, shall ensure that Newmont's cultural resource contractor develops an appropriate Historic Properties Treatment Plan (HPTP) in order to mitigate adverse effects to historic properties. The HPTP shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation (48 FR 11716-37) and shall conform to the stipulations outlined in the Nevada State Protocol and BLM manual 8140.26 and following the guidance provided in the ACHP's

Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites, dated June 17, 1999. Newmont's cultural resource contractor shall procure all appropriate BLM permits prior to initiation of any treatment.

10. Add new subsection to Stipulation IV.C:

iv. BLM, in consultation with the SHPO, has determined that cultural resources categorized in Appendix B.1 shall be adequately mitigated with the actions described in Appendix B. 2 through Appendix B.5.

11. Add new subsection to Stipulation IV.C:

v. BLM will submit a HPTP report or Addenda to an existing HPTP to SHPO, and the Tribes as appropriate, for review and comment. SHPO will make every effort to review a HPTP as expeditiously as staffing and workload permit. BLM shall document and consider any comments offered by SHPO or Tribes and such comments will be subject to confidentiality requirements.

12. Renumber Stipulation IV.C.iv to IV.C.vi.

13. Renumber Stipulation IV.C.v to IV.C.vii.

14. Renumber Stipulation IV.C.vi to IV.C.viii.

15. Renumber Stipulation IV.C.vii to IV.C.ix.

16. Renumber Stipulation IV.C.viii to IV.C.x.

17. Amend Stipulation V.A so that it reads as follows:

A. When previously unidentified cultural resource sites or human remains are discovered, all Long Canyon Project related activities within 50 meters of the discovery will cease immediately and Newmont, or its cultural resource contractor, shall secure the location to prevent vandalism or other damage in consultation with the BLM. Newmont, or its authorized representative, shall notify the BLM authorized officer of the discovery by telephone within 24 hours, followed by written confirmation. All surface disturbing activity within the 50 meters of the point of discovery shall remain suspended, except in the areas of previously approved active roadways or other features of the Long Canyon Project that BLM determines are not like to pose any additional adverse effect to

the new discovery. Newmont shall ensure that the suspension remains in effect until after the discovery has been evaluated, any necessary mitigation measures completed, and the BLM authorized officer has issued a written NTP.

18. Amend Stipulation V.D so that it reads as follows:

D. BLM shall report new discoveries to SHPO once a month. BLM shall also submit this report to Tribes, as appropriate. This report shall contain the BLM's decision to allow Long Canyon Project-related activities to proceed, or require further evaluation, or require mitigation measures.

19. Amend Stipulation V.E so that it reads as follows:

E. The BLM, in consultation with the SHPO, has determined that cultural resources in the categories described in Appendix B.1 will be treated as eligible for the National Register under criterion "D" for the purposes of the Long Canyon Project, and will be mitigated in the manner described in Appendix B.2 through Appendix B.5. Any deposits containing human remains will not be treated using the process outlined in Appendix B.2.

20. Add new subsection to Stipulation V:

F. If, in consultation with the SHPO, the BLM determines that mitigation is appropriate for cultural resources not described in the categories contained in Appendix B.1, the BLM shall solicit comments from the SHPO, and as appropriate, Tribes, to develop mitigating measures. Any comments offered by the SHPO and Tribes will be documented, considered in dealing with the discovery, and subject to confidentiality requirements.

21. Rename Stipulation V.F to Stipulation V.G.

22. Amend Stipulation VI.B so that it reads as follows:

B. The BLM shall ensure that all draft final archeological reports resulting from actions pursuant to this PA will be provided to the SHPO, and as appropriate, made available to other consulting parties, such as those with data sharing agreements, approved by the BLM. All such reports shall be consistent with the Department of Interior's Formal Standards and the latest edition of BLM Nevada's Guidelines and Standards for Archaeological Inventory for Final Reports of Data Recovery Programs (42 FR 5377 79). All reports shall include site forms and other supporting documentation. The SHPO shall review all draft final reports and if the SHPO concurs or does not respond

within 30 working days of receipt, BLM shall assume SHPO concurrence and finalize the reports.

23. Add new subsection to Stipulation VII:

C. The BLM, in consultation with SHPO, has determined that the valley floor and surrounding margins have significant numbers of features and/or sites and therefore the BLM has declared the area as “archaeologically sensitive” and is requiring both archaeological and tribal monitors to be present during ground disturbing activities (Appendix C).

24. Add new subsection to Stipulation VIII.A:

iii. The BLM had determined that the cultural resource discovered is described in one of the categories found in Appendix B.1 and:

a. BLM has authorized the mitigation in the manner described in Appendix B.2 through Appendix B.5; and

b. Newmont’s cultural resource contractor has completed the fieldwork phase of the mitigation described in Appendix B.2 through Appendix B.5; and

c. BLM has accepted a summary description of the fieldwork performed including a schedule for the reporting of that work.

25. Renumber Stipulation VIII.A.iii to Stipulation VIII.A.iv and amend the stipulation so that it reads as follows:

iv. The BLM, in consultation with SHPO, Tribes, and other consulting parties as appropriate, has approved a HPTP for historic properties affected by the Long Canyon Project within the phased work areas except for those described in Appendix B.1; and

26. Renumber Stipulation VIII.A.iv to Stipulation VIII.A.v.

27. Renumber Stipulation VIII.A.v to Stipulation VIII.A.vi.

28. Renumber Stipulation VIII.A.vi to Stipulation VIII.A.vii.

**SIGNATORIES:**

**Bureau of Land Management Elko District**

 Date July 17, 2015  
Melanie A. Peterson  
Wells Field Office Manager

**Nevada State Historic Preservation Office**

*for*  Date July 17, 2015  
Rebecca L. Palmer  
Nevada State Historic Preservation Officer

## Appendix B

The purpose of Appendix B is to streamline the process of agency review of cultural resources, documentation, and mitigation of specific resource types listed below that are anticipated to be discovered in relatively large numbers during ground disturbing activities related to the construction for the Long Canyon Project.

This programmatic approach treats certain cultural resources as eligible for the National Register under criterion “D” for the purposes of the Long Canyon Project and expedites the specific mitigation of the discovery without SHPO consultation.

This approach does not apply to cultural resources containing human remains and does not alter the guidelines under Nevada State law or NAGPRA for human remains and/or related funerary objects.

1. The following categories of cultural resources have been and are expected to be found during the monitoring of ground disturbing activities related to Long Canyon Project construction and the BLM, in consultation with SHPO, has determined that they will be treated as eligible for the purposes of the Long Canyon Project:
  - a. isolated hearths, fire cracked rock (FCR) concentrations, ash stains, roasting pits, earth ovens, and any other isolated pit feature.
  - b. ceramic concentrations or ‘pot drops’.
  - c. tool and ground stone caches.
2. In order to mitigate the effect of the Long Canyon Project on cultural resources described in Attachment B.1, the BLM shall ensure that the Newmont’s cultural resource contractor:
  - a. Fully documents the cultural resource on an IMACS forms. In cases where features are discovered in a previously recorded site, an IMACS form update shall be required; and
  - b. Will have the newly discovered site number added to both the ARPA permits and the Fieldwork Authorization Request prior to any mitigation/excavation; and
  - c. Will contact the BLM prior to excavation activities and provide a copy of the IMACS form. No excavation activities will occur without approval from the BLM. All excavations will have tribal monitors present during all excavation activities; and
  - d. Will transmit all site documentation via email (pdf), along with a summary report of the mitigation, to the BLM upon completion of the fieldwork portion of the mitigation; and
  - e. The BLM will submit the summary report to SHPO for their records and will issue a NTP for Long Canyon Project construction activities within the avoidance area for the mitigated feature/site.

3. Mitigation for the cultural resource type B.1.a (isolated hearth features) listed above shall include:
  - a. Exposing the feature in plan view and mapping using a total station transit or GPS unit with sub-meter accuracy; and
  - b. Removing the entire feature for processing in the lab or removing one half of the feature for lab analysis and field screening the other half of the feature through 1/8" mesh in no greater than 10 cm levels); and
  - c. Collection of excavated fill for lab analyses will include, as appropriate, macrobotanical, residues such as starch and phytoliths, radiometric, faunal, and artifact. All collected materials from the screening will be collected for further analysis.
  
4. Mitigation for cultural resource type B.1.b (ceramic concentrations or 'pot drops') listed above shall include:
  - a. Mapping using a total station transit or GPS unit with sub-meter accuracy; and
  - b. Excavation of one or more 1 m x 1 m shovel scrape units(to cover the entire pot drop surface scatter) to recover additional buried pot sherds; and
  - c. Attempt to reconstruct the pot(s) in the laboratory; and
  - d. Temper and/or chemical analysis of a sample of sherds.
  
5. Mitigation for cultural resource type B.1.c (tool or ground stone caches) listed above shall include:
  - a. Mapping using a total station transit or GPS unit with sub-meter accuracy; and
  - b. Excavation of one or more 1 m x 1 m shovel scrape units(to cover the entire tool/groundstone cache) to recover additional artifacts; and
  - c. Lithic technological analysis of the recovered cache items.
  
6. Any modifications to the mitigation actions described in Appendix B.3-5 requires BLM approval prior to the proposed modification. All modifications to the mitigation actions proposed must still result in the recovery of all National Register values of the cultural resource.



# Appendix C



