

AMENDMENT ONE TO
PROGRAMMATIC AGREEMENT
BETWEEN
THE HUMBOLDT-TOIYABE NATIONAL FOREST
AND
THE NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING NATIONAL HISTORIC PRESERVATION ACT COMPLIANCE
FOR
THE EAST WALKER LANDSCAPE HABITAT IMPROVEMENT PROJECT, LYON,
AND MINERAL COUNTIES, NEVADA.

WHEREAS, the Programmatic Agreement was executed on August 27, 2014;

WHEREAS, the Humboldt-Toiyabe National Forest (HTNF) is amending the Undertaking's geographic extent (project analysis area) to include two additional treatment areas; and

WHEREAS, the HTNF is amending stipulations to add acreage to incorporate the Rough Creek and Bodie Hills vegetation management treatment units and provide additional archaeological methods for these and any future units; and

WHEREAS, the Advisory Council of Historic Preservation (ACHP) has elected not to participate, HTNF will send an electronic copy of the executed amendment to the ACHP for their records; and

WHEREAS, the HTNF has an ongoing process of tribal consultation for this Undertaking with all applicable federally recognized tribes; and

NOW, THEREFORE, in accordance with Stipulation V.J of the Agreement, the HTNF and the Nevada State Historic Preservation Officer (SHPO) agree to amend the Agreement as follows:

1. Amend the first paragraph of Section III (Area of Potential Effect) so it reads as follows:

The Rough Creek and Bodie Hills vegetation management units for the undertaking includes approximately 14,115 acres and 2,563 respectively (see Rough Creek and the Nevada portion of Bodie Hills unit maps, Appendix D) as defined within the East Walker Landscape Habitat Improvement Project National Environmental Policy Act (NEPA) documents. However, based on subsequent refinements of the Area of Potential Effect (APE) for each unit's affected environment, it is anticipated that not all acreage within the undertaking's vegetation management unit will be affected by individual, phased project treatments. As areas of fuel reduction/vegetation management actions are determined, HTNF will define an individual APE to include the potential direct, indirect, and cumulative effects to cultural resources and properties of traditional religious and cultural importance from any undertaking activities without regard for land ownership.

2. Add new Stipulation V.B.6

6. For lop-and-scatter vegetation management treatment areas located in high-density lithic zones (often called lithic landscapes) in the vicinity of the Bodie Hills and the Mount Hicks obsidian sources, the HTNF shall record previously unknown lithic scatters in the lithic landscape areas only when lithic surface features exceed 25 meters in length or when diagnostic artifacts and/or tools occur. Attributes of the landscape shall include at a minimum the following characteristics: presence of raw toolstone nodules; presence/absence of nodules greater than 7 cm diameter; and evidence of local production. If a lithic scatter is spatially associated (within 100 meters) with a more complex historic property or unevaluated site (for example, a prehistoric antelope trap), HTNF shall record it as a feature or associated site and evaluate the lithic scatter for its contribution to the NRHP eligibility of the historic property or unevaluated site.

3. Amend Stipulation V.C.1 so that it reads as follows:

1. The HTNF will, in consultation with the SHPO and other consulting parties, evaluate identified cultural resources for NRHP eligibility by a qualified professional pursuant to 36 CFR 800.4(b)(1)(c) with the exception of the categorically ineligible resources identified in Stipulation V.C.5 below.

4. Add new Stipulation V.C.5

5. Categorically Ineligible Resources for this undertaking only. The HTNF, in consultation with the SHPO, determines that for the purposes of this undertaking only the following resources can be classified as categorically ineligible:
 - a. Prehistoric lithic scatters containing less than twenty unmodified flakes, lacking formed artifacts and found within a localized environment in which there is no or low potential for the presence of buried artifacts, features, or cultural deposits. These lithic scatters shall not contain more than 10 obsidian flakes that may be used through further research to obtain chronological information through obsidian hydration analysis and/or mobility/trade information through x-ray fluorescence obsidian source analysis. These resources shall not be associated with other historic properties or archaeological districts.
 - b. Unassociated historic artifact scatters not definitively associated with a specific historic theme as defined in the *Nevada Comprehensive Preservation Plan* (1991) and not depicted on the following documents: General Land Office (GLO) map; land status map; mineral survey records; Nevada State Museum records; State Water Engineer's records; 15-minute Quadrangle; or local city and county records.

5. Amend Stipulation V.D.2 so that it reads as follows:

2. The HTNF shall avoid effects to historic properties to the extent feasible through project design or redesign in accord with Appendix B with the exception found in Stipulation V.D.10 below.

6. Add new Stipulation V.D.10:
 10. HTNF, in consultation with the SHPO, tribes, and other consulting parties, has determined that hand cut, lop, and scatter in Phase 0 and 1 piñon-and-juniper expansion areas (see definition, Table C1 in PA) is not likely to pose an effect to the NRHP values of small prehistoric and historic properties and unevaluated sites less than 25 meters in size. Because of the anticipated minimal level of ground disturbance, HTNF will not avoid or monitor these types of cultural resources for hand cut, lop, and scatter treatments in Phase 0 and 1 piñon-and-juniper expansion areas.

7. Amend Stipulation V.E so that the title reads as follows:
 - E. Observing, Monitoring, Reporting and Timing

8. Amend Stipulation V.E.1 so that it reads as follows:
 1. Any signatory may observe actions carried out pursuant to this PA. To the extent practicable, observation activities should minimize the number of observers involved in the undertaking.

9. Add new Stipulation V.E.9:
 9. All proposed protection measures for any project will be summarized in a cultural resource narrative report by use of a table, to include: site numbers, site type, eligibility status, and specific treatment prescribed.

10. Add new Stipulation V.E.10:
 10. To ensure identified historic properties are given adequate protection during vegetation management implementation, HTNF may elect to conduct archaeological field monitoring. HTNF shall submit reported observations and results of all monitoring activities to the SHPO within 60 days of the project completion. Field monitoring reports will be an addendum to the cultural resources narrative report.

11. Amend Stipulation V.N.5 so that it reads as follows:

Forest Service Project Contact	NV SHPO Contact
Timothy Marshall, Forest Archaeologist	Rebecca Palmer, SHPO
Humboldt-Toiyabe National Forest Service	Department of Conservation and Natural

1200 Franklin Way Sparks, NV 89431	Resources 901 S. Stewart Street, Suite 5004 Carson City, Nevada 89701
Phone: 775-352-1253	Phone: (775) 684-3443
FAX: 775-355-5399	FAX: (775) 684-3442
E-Mail: tpmarshall@fs.fed.us	E-Mail: rlpalmer@shpo.nv.gov

12. Add new subsection as Appendix A.I.I:

1. Hand cut, lop, and scatter within Phase 0 and 1 piñon-and-juniper expansion areas when sites are absent; or when the following resources are present: isolated artifacts; sites that lack constructed features or extensive patterning; lithic scatters, even when some lithic patterns may be present; historic debris scatters; single rock rings lacking diagnostic artifacts; poorly defined lithic scatters or procurement areas with diffuse boundaries.

13. Amend the second paragraph of Appendix B so that it reads as follows:

Standard protective measures require that proposed ground-disturbing activities (hand lines, staging areas, skid trails, burn piles, landings, access roads) shall avoid historic properties. Per Stipulation V.D.10, avoidance measures for historic properties and unevaluated sites less than 25 meters in size in hand cut lop, and scatter vegetation treatment areas in Phase 0 and 1 piñon-and-juniper expansion areas are not routinely required. Avoidance activities shall not pedestal or in any way isolate a historic property from its natural surroundings.

SIGNATURES:

HUMBOLDT-TOiyabe NATIONAL FOREST

BY:  _____DATE: 3/14/17

Title: Forest Supervisor

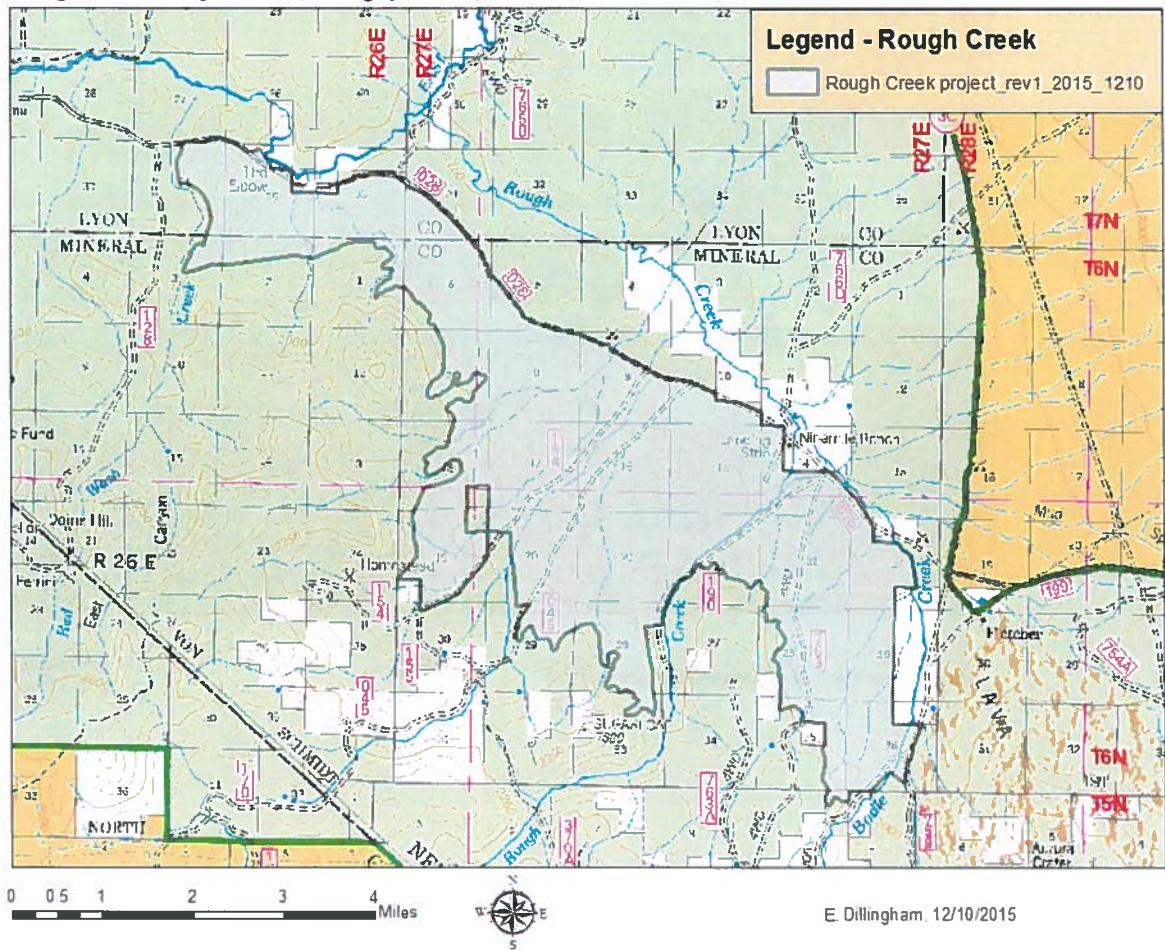
NEVADA STATE HISTORIC PRESERVATION OFFICER

BY:  _____DATE: 3/27/17

Title: Nevada State Historic Preservation Officer

Add to Appendix D. Project Area Maps for the Rough Creek and Bodie Hills Units.

Rough Creek Project Area, Bridgeport RD, HTNF



**Bodie Hills Project Area (Lower Rough Creek / Del Monte Unit),
Bridgeport RD, HTNF**

