

**MEMORANDUM OF AGREEMENT  
BETWEEN  
Humboldt-Toiyabe National Forest, Mountain City-Ruby Mountains-Jarvis Ranger  
District  
AND THE  
Nevada State Historic Preservation Officer  
REGARDING THE  
Mountain City Ranger Station Lower Compound Decommission**

**WHEREAS**, the Humboldt-Toiyabe National Forest (HTNF) plans to decommission the historic Mountain City Ranger Station Lower Compound (hereafter referred to as the Mountain City Ranger Station Historic District or MCRSHD) administrative site (USFS Site No. 04170610904, SHPO Undertaking UT 2018-5300) by in-situ demolition of five buildings (B9578, B9580, B9581, B9583, and B15674 within historic district #D34) to comply with Executive Order 13327 - Federal Real Property Asset Management of February 4, 2004 and to implement recommendations in the Humboldt-Toiyabe National Forest Facilities Master Plan (Attachment B), thereby making the undertaking subject to review under 54 U.S.C. § 306108, and its implementing regulations, 36 C.F.R. Part 800; and

**WHEREAS**, the HTNF has defined the undertaking's area of potential effects (APE) as a 39-acre area surrounding the administrative site (Attachment A). The site is located on Federally-managed lands administered by the HTNF in northern Elko County, Nevada, and includes seven buildings and one structure; and

**WHEREAS**, the Pump House building (B9582), formerly contributing to the MCRSHD, has been destroyed as the result of a 2018 wildland fire; and

**WHEREAS**, the HTNF has determined that the undertaking will have an adverse effect on the locally significant MCRSHD, which is eligible for listing in the National Register of Historic Places (NRHP) under the Secretary of Interior's (SOI) Significance Criteria A and C, and has consulted with the Nevada State Historic Preservation Officer (SHPO); and

**WHEREAS**, the HTNF has consulted with the Duck Valley Shoshone-Paiute Tribe, for which the Mountain City region has traditional significance; and

**WHEREAS**, in accordance with 36 C.F.R. § 800.6(a)(1), the HTNF has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with the specified documentation, and the ACHP has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

**NOW, THEREFORE**, the HTNF and the SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to resolve the adverse effect of the undertaking on the historic property.

## STIPULATIONS

The HTNF shall ensure that the following measures are carried out:

### I. TREATMENT FOR ADVERSE EFFECTS

#### A. Documentation of the MCRSHD

1. HTNF will take color digital images of exterior and interior views of all contributing resources to the district in accordance with the National Park Service's Photo Policy for "Best" practices as outlined in their document: [https://www.nps.gov/nr/publications/guidance/photo\\_policy\\_final.pdf](https://www.nps.gov/nr/publications/guidance/photo_policy_final.pdf). Photos will be keyed to an aerial photo or site plan.
2. Color digital images shall include exterior and interior views of all contributing resources to the district. Each building shall be documented by the following views (note: all elevations of buildings must be recorded to the greatest extent possible, dependent on vegetation and access) including:
  - a. the front and one side; and
  - b. the rear and one side; and
  - c. the front elevation; and
  - d. environmental view showing the building as part of its larger landscape; and
  - e. major elements of the building, including doors, windows, additions, etc.; and
  - f. details, such as materials and hardware; and
  - g. Interior photographs that should yield information about the floor plan. Three or four views should be sufficient to document the significant elements of the interior.
3. Sketch plan of the contributing resources to the district that indicates interior layout.
4. Photo log describing each view with the file name, direction of view, and description of view.
5. The HTNF shall submit draft digital copies of the photographs identified in Stipulation I.A.1-2 to the SHPO at least two (2) days prior to the initiation of any undertaking activities that would be visible in any image.
6. The SHPO will review the draft digital images within two (2) days of receipt. The SHPO will send its comments to the HTNF for action, if needed.
7. The HTNF shall review and address the changes requested by the SHPO.

8. Upon SHPO acceptance of the draft digital images, the HTNF may initiate the undertaking.

B. Avoidance of the Hay Barn/Fire Cache, Structure Resource Number B9584 (Structure).

1. The HTNF will retain the Structure indefinitely as an example of the Forest Service administrative architecture constructed during the New Deal era.
2. The HTNF will ensure that the Structure is adequately protected during demolition activities associated with the undertaking by the establishment of an Avoidance Area (hereafter referred to as the "Avoidance Area"):
  - a) The HTNF, in consultation with the SHPO, will designate an avoidance area around the Structure to ensure protection of the historic property's NRHP values.
  - b) The HTNF will attach a map of the Avoidance Area to this MOA that will be labeled Attachment D. Attachment of this map to the MOA will not require an amendment to the MOA per Stipulation IV below.
  - c) Following the completion of all photographs prepared in accord with Stipulation I.A.1-2 above, and prior to initiating surface disturbing activities associated with the undertaking, the HTNF shall place flagging or high-visibility temporary construction fencing around the Avoidance Area.
  - d) The HTNF shall monitor the Avoidance Area at least once per week during all construction activities or at least once per month when no construction activity is planned for the undertaking. Monitoring will ensure that all flagging and/or fencing remain intact and that no disturbances have occurred within the Avoidance Area. The HTNF shall provide electronic reports of these inspections to the SHPO within five (5) working days of the inspection.
  - e) The HTNF shall report any disturbances within the Avoidance Area to the SHPO within one (1) working day of receipt of the report of an inadvertent disturbance or unauthorized activity within the Avoidance Area.
  - f) The HTNF shall ensure that all personnel, employees of all contractors, and any authorized individuals inside the undertaking area are aware that no ground disturbance is permitted inside the Avoidance Area.
3. The Avoidance Area will remain in effect until the HTNF, in consultation with the SHPO, determines that all ground-disturbing activities associated with the undertaking are complete and there is no potential for unanticipated effects to the Structure from the undertaking.

C. Archaeological Monitoring during Demolition Activities.

For the purposes of this MOA, archaeological monitoring is defined as on-the-ground, close-up observation of ground disturbance by a qualified archaeologist who is empowered in a discovery situation to halt all activities in the immediate vicinity of the discovery with a buffer of 15 meters to ensure protection of the discovery.

The HTNF will ensure that an archaeological monitor is present during demolition activities at the MCRSHD. Monitoring personnel will meet the SOI Qualification Standards for archaeology.

D. Preservation Plan for the Structure

1. The HTNF will ensure that a draft Preservation Plan for the Structure is prepared that will take into account the requests of consulting parties for the reuse of the building, the SOI Standards for the Treatment of Historic Properties, and may include but not be limited to a condition assessment for the Structure, a prioritized list of maintenance and rehabilitation activities, and an annual maintenance schedule.
  - a) The HTNF shall ensure Forest Service staff or contractors meeting the SOI Qualifications Standards for architecture or historic architecture, as appropriate, prepare or approve this document.
  - b) The HTNF shall submit the draft preservation plan to the SHPO for review and comment. The SHPO will review the draft preservation plan within thirty (30) calendar days of receipt. If the SHPO does not respond within thirty (30) calendar days of receipt, the HTNF may finalize the preservation plan.
  - c) The HTNF shall revise the draft final preservation plan to address the SHPO comments.
  - d) The HTNF shall submit the revised final preservation plan to the SHPO for a thirty (30) calendar day from receipt review of the document.
  - e) The HTNF shall revise the draft final preservation plan to address any SHPO comments.
  - f) Upon SHPO acceptance of the preservation plan final draft, the HTNF may finalize the preservation plan.
  - g) The HTNF shall attach the final preservation plan for the Structure to this MOA that will be labeled Attachment E. Attachment of this preservation plan to the MOA will not require an amendment to the MOA per Stipulation IV below.

E. The HTNF will design and install a public interpretive panel on the MCRSHD property.



The interpretive panel would be designed to share historical information about the MCRSHD with visitors to the site.

1. The HTNF, the SHPO, and any consulting parties as appropriate, shall meet either in person or via conference call, to initiate the development of a public interpretive panel by no later than six (6) months following the execution of the MOA.
2. The HTNF, in consultation with SHPO and any consulting parties as appropriate shall determine a location for the public panel that is suitable for viewing by the public.
3. The HTNF shall submit draft designs and interpretive text for the interpretive panel to the SHPO and any consulting parties as appropriate no later than one (1) year following the execution of the MOA. The HTNF shall ensure the text and images are reviewed by Forest Service heritage staff for accuracy.
4. The SHPO will review and comment on the adequacy, appropriateness, and sufficiency of the interpretive panel text and design within forty five (45) days from receipt. If the SHPO does not respond within forty five (45) days of receipt, the HTNF may initiate the construction of the interpretive panel.
5. The HTNF shall ensure that the final interpretive panel will be installed by no later than five (5) years from the execution of this MOA.

## **II. DURATION**

This MOA shall be effective upon its execution by the last signatory and shall remain in effect, unless terminated, suspended, or amended, for five (5) years at which time it will expire unless extended. This MOA will automatically expire if its stipulations are not carried out within five (5) years from the date of its execution.

## **III. UNANTICIPATED DISCOVERIES OR UNANTICIPATED EFFECTS TO HISTORIC PROPERTIES**

If a discovery of cultural resources or human remains occurs during implementation of this undertaking, the HTNF agency official should take prudent and reasonable steps to ensure that the undertaking does not harm newly discovered cultural resources or affect human remains.

The HTNF agency official shall treat such discoveries in accordance with the unanticipated discovery plan found in Attachment C of this MOA developed in accordance with NHPA Section 106 and the Native American Graves Protection and Repatriation Act (NAGPRA) (FSM 2362.3).

#### **IV. REPORTING**

The HTNF shall provide the SHPO with an update summary report within sixty (60) days of the completion of measures found in Stipulations I.C and I.E above. This summary will include, but not be limited to, as appropriate:

- A. A summary report following completion of demolition and monitoring activities along with confirmation of the remaining structure; and
- B. A summary report following installation of the interpretive panel.

SOI-qualified personnel will complete both reports. They shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the HTNF's efforts to carry out the terms of this MOA.

#### **V. DISPUTE RESOLUTION**

Should any signatory to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the HTNF shall consult with such party to resolve the objection. If the HTNF determines that such objection cannot be resolved, the HTNF will:

- A. Forward all documentation relevant to the dispute, including the HTNF's proposed resolution, to the ACHP. The ACHP shall provide the HTNF with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the HTNF shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the SHPO, and provide them with a copy of this written response. The HTNF will then proceed according to its final decision.
- B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, the HTNF may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the HTNF shall prepare a written response that takes into account any timely comments regarding the dispute from the SHPO, and provide them and the ACHP with a copy of such written response.
- C. The HTNF's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

#### **VI. AMENDMENTS**

This MOA 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.

## **VII. TERMINATION**

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation VI, above. If within thirty (30) days (or another time period agreed to by both signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatory.

Upon termination, and prior to work continuing on the undertaking, the HTNF must either (a) execute an MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. The HTNF shall notify the SHPO as to the course of action it will pursue.

## **VIII. ANTI-DEFICIENCY ACT**

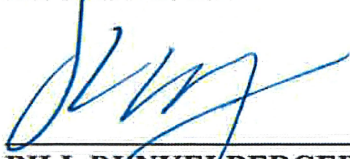
The HTNF's obligations under this MOA are subject to the availability of appropriated funds, and the stipulations of this MOA are subject to the provisions of the Anti-Deficiency Act. The HTNF shall make reasonable and good faith efforts to secure the necessary funds to implement this MOA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the HTNF's ability to implement the stipulations of this MOA, the HTNF shall consult in accordance with the amendment and termination procedures found at Stipulations VI and VII of this MOA.

**EXECUTION** of this MOA by the HTNF and the SHPO and implementation of its terms evidence that the HTNF has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

This MOA may be executed in counterparts, each of which shall constitute an original, and all of which shall constitute one and the same agreement.

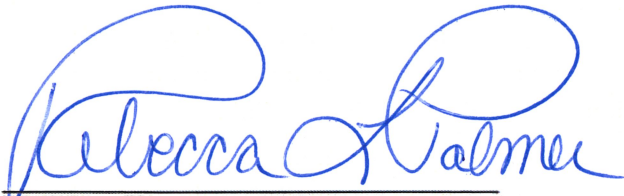
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**SIGNATORIES:**



**BILL DUNKELBERGER**  
**Humboldt-Toiyabe National Forest**  
**Forest Supervisor**

Date 10/3/18

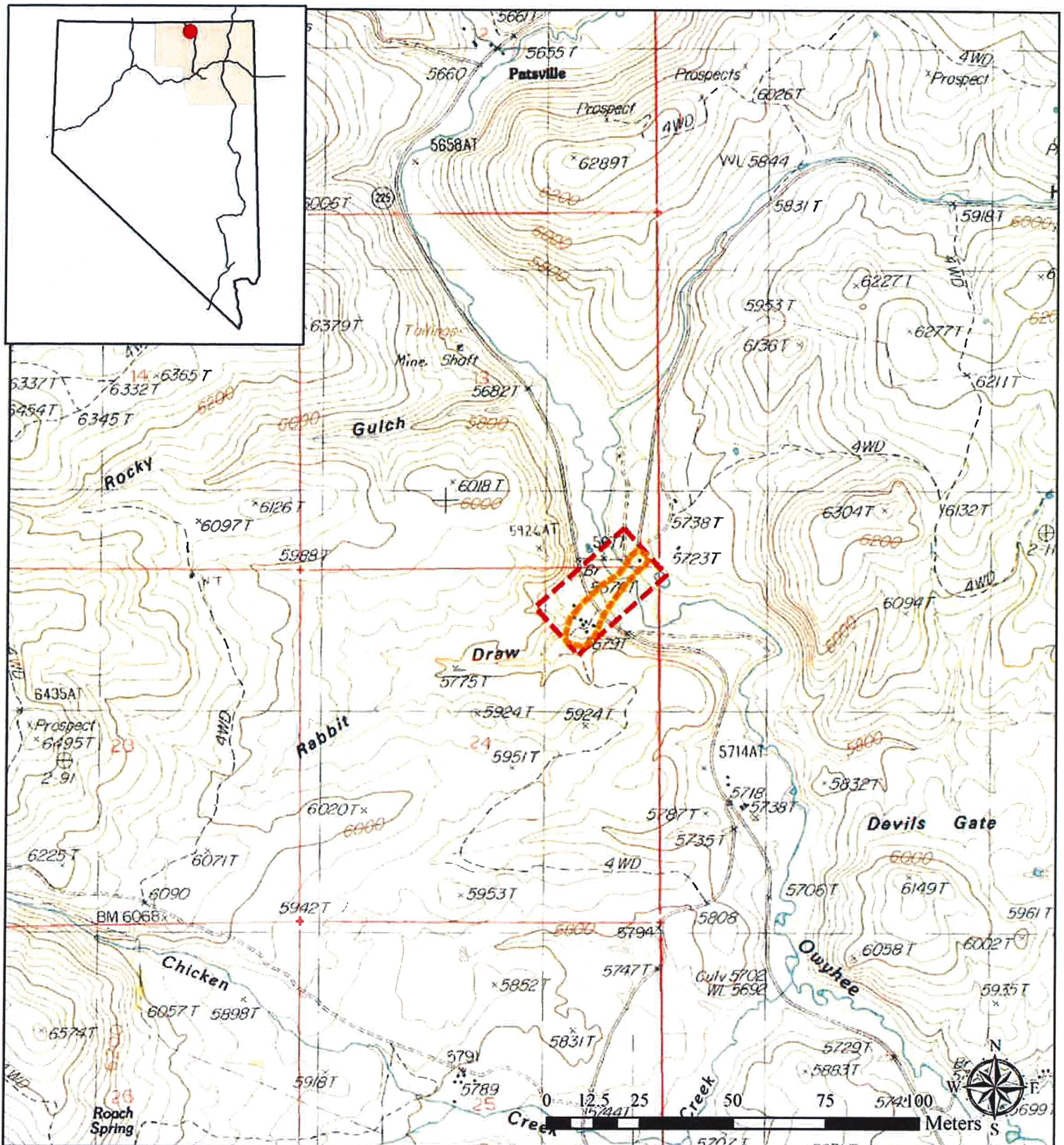


**REBECCA L. PALMER**  
**Nevada State Historic Preservation Officer**

Date 10/3/18

**Attachment A**  
**Area of Potential Effects and Site Map (D34)**





**Mountain City Ranger Station Lower Compound Decommission**  
**Humboldt-Toiyabe National Forest - Mountain City Ranger District**

**Mountain City Ranger Station Historic District (MCRSHD)**  
**MOA - Map of APE and Historic District Extent**

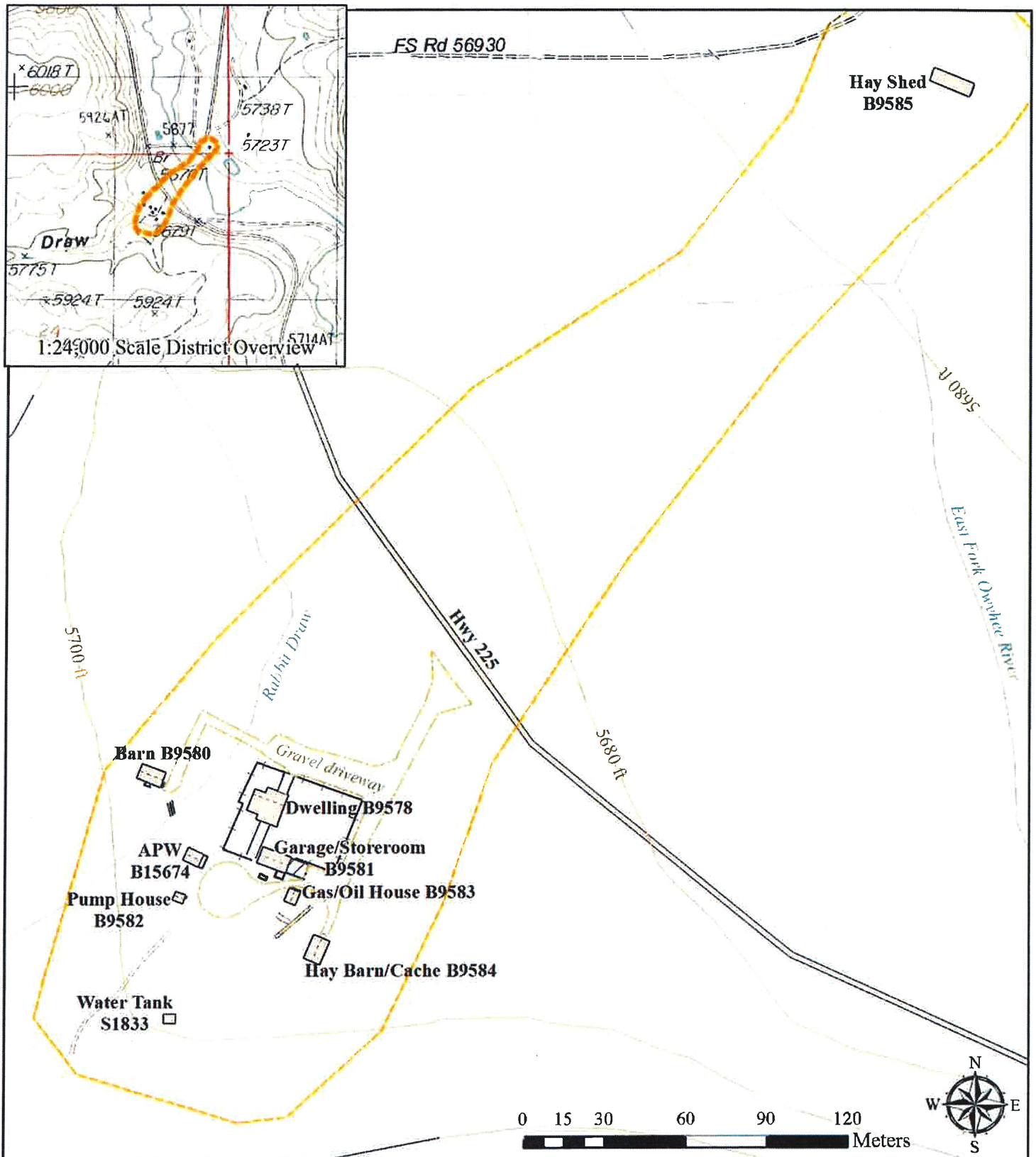
**Legend**

-  D34 District Boundary
-  APE

T. 45 N., R. 53 E. Section 24  
 Mountain City, NV 7.5 Min. USGS Quad

1:24,000 Scale



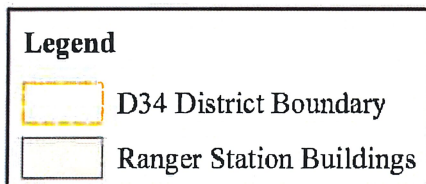


**Mountain City Ranger Station Lower Compound Decommission**  
Humboldt-Toiyabe National Forest - Mountain City Ranger District

**Mountain City Ranger Station Historic District (MCRSHD)**  
**MOA Plan Map**

T. 45 N., R. 53 E. Section 24  
Mountain City, NV 7.5 Min. USGS Quad

1:2,000 Scale



**Attachment B**  
**Humboldt-Toiyabe National Forest Facilities Master Plan**  
*(Excerpts included, full document available from the Elko Forest Service Office)*



# Humboldt-Toiyabe National Forest

## Facilities Master Plan



### APPROVAL SIGNATURES

Signature Robert L. Vaughn Date 9/10/04  
Forest Supervisor

Signature David D. Jupp Date 9/16/2004  
Director of Engineering

Signature Bert Kulaga Date 9/20/04  
Regional Forester

## I. Introduction

Consistent with Forest Service Handbook 7309.11, 7310-4, and 7312-1 the Humboldt-Toiyabe Facilities Master Plan provides a general guide for the acquisition, continued use, and disposal of fire, administrative, and other (FA&O) facilities. Recreation buildings are not considered FA&O facilities. The plan conforms to the direction established by the 1986 Humboldt National Forest Land Management Plan and the 1986 Toiyabe National Forest Land Management Plan and reflects the current management objectives and strategies of the Humboldt-Toiyabe National Forests.

The objective of the plan is to provide a sufficient mix of facilities with sites strategically located to minimize travel costs, maximize safety, maximize productivity, ensure public service and provide employee satisfaction while maintaining the Forest Service image and identity.

This is the first Facilities Master Plan since the Humboldt and the Toiyabe National Forests were combined in 1995. The Humboldt-Toiyabe National Forests consists of ten ranger districts, which are located in Carson City (NV), Bridgeport (CA), Austin (NV), Tonopah (NV), Las Vegas (NV), Mountain City (NV), Wells (NV), Jarbidge (NV), Ely (NV), and Winnemucca (NV).

## II. Management Direction

The Humboldt-Toiyabe National Forest is the second largest forest in the nation with 6,315,250 acres and has over 6,276 miles of inventoried miles of road. With such large resources to manage, the Facilities Master Plan (FMP) is a guide for economical and efficient management of the administrative sites, buildings, and work centers of the Forest. This FMP combines the former Toiyabe and Humboldt FMPs, which were completed in the late 1980s.

Presently, the Humboldt and Toiyabe Forest Land and Resource Management Plans (also known as Forest Plans), which are general in nature, state that unneeded administrative facilities shall be disposed of, while those that are needed will be maintained as funds allow. This 2004 FMP reflects the current management objectives and strategies in those plans. The Forest has recently started working on revising the two Forest Plans and combining them into one unified plan. When the Forest Plan Revision is completed, this FMP may need to be updated.

As many of the buildings age and deteriorate, limited budgets will be wisely spent if Forest personnel are able to forecast their needs and begin to adjust building use and ownership appropriately. In addition, the Forest has a depth of heritage resources to be valued and balanced against the need to reduce building overhead costs.

## IV. Historic Facility Assessment

Federal law requires the Forest Service to identify, evaluate, and protect cultural resources on public lands under its jurisdiction before conducting any activities that might affect the National Register eligibility of the resource. These requirements are mandated by the National Historic Preservation Act of 1966, as amended, the National Environmental Policy Act of 1974, the National Forest Management Act of 1976, and other pieces of legislation and policy.

Of the Forest's 171 administrative facilities that are 50 years or older, 92 (54%) of these are either listed in or are eligible for listing in the National Register of Historic Places (NRHP). 11 facilities are 50 years or older but have not been evaluated. Refer to the table of existing facilities in the executive summary for details.

This FMP recommends that 47 (51%) listed or eligible facilities are retained. 30 (32%) of listed or eligible facilities have been recommended for alternative uses such as recreation rentals, interpretive sites, or some activity by which maintenance costs are recovered. While these buildings do not leave Federal ownership, the task of seeking partners to maintain them, as well as administer these agreements certainly has the potential to effect future maintenance conditions. This could be positive or negative, depending on the quality of the partnership as well as the Forest's ability to seek partners and administer agreements. Buildings that are not currently utilized or maintained by the Forest might actually fare better than the benign neglect they have received in the past. It is appropriate that when facilities are recommended for alternative uses but no other partner is designated to maintain them, the Forest would continue to provide funding for maintenance.

Finally, the FMP recommends that 16 of the listed or eligible facilities be decommissioned. The decommissioning and eventual disposal of more than 9 percent of the historic forest administrative buildings is significant. Many of these buildings have little or no potential to be considered for retention by the Forest. Some are at administrative sites that have complex environmental problems (e.g., the Mountain City Lower Compound) or are inconvenient or appropriate locations (e.g., the Fir Street Compound). The development of alternative uses for these buildings is probably not a strong, viable option.

Most of the Forest's historic facilities have been formally evaluated in accordance with Section 110 of the National Historic Preservation Act. Prior to any undertaking such as decommissioning or development of alternative uses, a Section 106 review must be completed. This review, which includes review by the State Historic Preservation Office, may result in mitigation measures. In most cases, an environmental review (in compliance with NEPA) will also be required before any action is taken.

Ideally, a Programmatic Agreement (PA) will be developed with the Nevada and California SHPO's in the future. A PA would address maintenance objectives, treatment standards and guidelines, and a process to develop maintenance requirements for facilities that are selected for alternative uses. By accomplishing this task from a broad programmatic level, it prescribes the process of maintaining structures as historic while offsetting the loss of others.

**Building #1358, Gold Creek Cabin/Storage.** This building is listed in the National Register of Historic Places. It should be developed for an alternate use.

**Building #1382, Gold Creek Small Storage.** This building is ineligible for listing in the National Register and is no longer needed for administrative purposes. It should be decommissioned

**Building #1603, Gold Creek Toilet.** This building is eligible for listing in the National Register of Historic Places. It should be developed for an alternate use.

**Building #1501, Gold Creek Generator House.** This building is eligible for listing in the National Register of Historic Places. It should be developed for an alternate use.

**Building #1604, Gold Creek Toilet.** This building is ineligible for listing in the National Register and is no longer needed for administrative purposes. It should be decommissioned

#### **Mountain City Lower Compound**

This site is also commonly known as the Mountain City Lower (Old) Compound and is adjacent to the Mountain City Upper (New) Compound, located approximately two miles south of the town of Mountain City. The Lower Compound is eligible for listing on the National Register of Historic Places as a discontinuous district with seven of its nine structures contributing to the potential listing (along with the hay shed at the Upper Compound). Due to the site's poor condition, it is primarily utilized for storage. The deferred maintenance backlog of this site is mounting and current and future projected budgets cannot meet the increasing maintenance needs.

It is recommended to decommission the buildings, dispose of the land parcel, and make provisions at the Upper Compound to accommodate needed uses now provided at the Lower Compound, including storage, office, warehouse, and shop space. Acquisition of additional land at the Upper Compound would not be required for these additional uses.

**Building #H1115, Mountain City Dwelling Lower.**

**Building #H1306, Mountain City 4-Horse Barn Lower.**

**Building #H1308, Mountain City Garage/Storeroom Lower.**

**Building #H1309, Mountain City Gas & Oil House Lower.**

**Building #H1310, Mountain City Fire Cache (Old Hay) Lower.**

**Building #H1362, Mountain City Shed Lower.**

**Building #H1364**, Mountain City Cellar Lower Will be decommissioned in 2004 and removed from the site due to the roof caved in, which has made it a safety hazard.

**Building #H1366**, Mountain City Recreation Lower. This is also known as the APW building and is not eligible for listing.

**Building #H1367**, Mountain City Pumphouse Lower.

### **Mountain City Upper Compound**

This site is also commonly known as the Mountain City New Compound. Only the hay shed is eligible for listing on the National Register of Historic Places (refer to the discussion above). This site is currently well utilized but, due to fluctuations in staffing and the relocation of the Mountain City Ranger District office and most of its staff to Elko, much of the site is no longer needed. The compound has a water system that is contaminated with iron bacteria and a sewer lagoon that is under-utilized and in need of repair.

To meet current and project needs, several of the buildings (specifically the manufactured buildings not on permanent foundations) should be decommissioned. It is recommended that most of the permanent structures be retained for existing use to meet the housing need in this remote area. They should be modified to provide accessible accommodations. As a solution to the wastewater problem, leach field septic systems should be added to each of these structures so that the sewer lagoon can be decommissioned.

Upon decommissioning of the Lower Compound and the Mountain City Work Center (in town), new office, warehouse and shop space should be acquired at the Upper Compound. Little potential exists for conversion of existing Lower Compound buildings and relocation to the Upper Compound due to their present poor condition.

**Building #H1112**, Mountain City Residence Upper #2. This is a modular dwelling on a permanent foundation and should be retained.

**Building #H1151**, Mountain City Residence Upper #3. This is a modular dwelling on a permanent foundation and should be retained.

**Building #H1152**, Mountain City Residence Upper #4. This is a modular dwelling on a permanent foundation and should be retained.

**Building #H1154**, Mountain City Barracks Upper. This is a doublewide, manufactured dwelling that is not on permanent foundation. It should be decommissioned.

**Building #H1155**, Mountain City Duplex Upper. This is a modular duplex on a permanent foundation and should be retained as a barracks to provide separate but equal accommodations, which are currently needed.

**Attachment C**  
**Unanticipated Discovery Plan (Plan)**

***A. The Archaeological Monitor shall:***

1. Cease all activity within 50ft / 15 m of the discovery.
2. Notify the Forest Heritage Program Manager (HPM) (or District Heritage Specialist designee). The HPM will notify the SHPO and the Tribes as appropriate to the discovery type.
3. If required by the terms of the Plan, will leave all artifacts and materials in place but protect the discovery until consultation with the SHPO and the Tribe, as appropriate, is concluded.

***B. The Forest HPM and/or designated Heritage Specialists will:***

1. Document the discovery to support consultation. This should include, but is not limited to, documenting exposed artifacts and features; the extent of artifacts, features, and cultural horizons; and natural and cultural stratigraphy in open trenches or pits. The site record should include a Nevada Intermountain Antiquities Computer System (IMACS) form, a clear location map, and photographs of the discovery.
2. If required by the terms of the Plan, evaluate the cultural resources for National Register of Historic Places (NRHP) eligibility. If an eligibility recommendation cannot be made based on the data collected during recordation, additional testing may be required to further delineate the nature, extent, and significance of the discovery. Testing will be limited to a sufficient level needed to provide a recommendation of NRHP eligibility.
3. If historic properties meet NRHP eligibility, are not part of a class identified under Section E.2 below, and cannot be avoided by the undertaking, the Forest HPM in consultation with the SHPO and Tribes, will develop an action plan, mitigation plan, or emergency treatment plan for the affected cultural resources that is consistent with the *Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716-44742, September 23, 1983) (Standards) and that takes into consideration the ACHP's Section 106 Archaeology Guidance (2009; available online at [www.achp.gov/archguide](http://www.achp.gov/archguide)), and any other applicable guidelines or standards.

***C. The Forest HPM will:***

1. Make a final NRHP eligibility in consultation with the SHPO and Tribes if required by the terms of the Plan. More detailed guidance regarding this determination can be found in Sections D and E of this Plan.
2. If the discovery contains human remains, the Forest will follow the Discovery of Human Remains Protocol.

3. If associated or unassociated funerary objects or objects of cultural patrimony are discovered, the Forest will fulfill the requirements of NAGPRA as described in the Discovery of Human Remains protocol below.
4. If the cultural resources are determined to be not eligible for the NRHP (with SHPO concurrence if required by the terms of the Plan), work may resume with appropriate monitoring for further cultural resource disturbances.
5. If required by the terms of the Plan, if the cultural resources are eligible for the NRHP, the Forest HPM will consult with the SHPO and consulting parties to avoid, minimize, or mitigate further effects to the historic property. Mitigation effort may be contingent upon several factors, including the type and extent of the disturbed resource, the extent of the adverse effect, and whether or not it is possible to avoid any further effects to the historic property.

***D. Discoveries of Materials Less Than 45 Years of Age:***

All of the materials listed below are less than 45 years of age and, unless of exceptional significance as determined by the HPM or Heritage Specialist, are considered not eligible for the NRHP and do not merit recordation or mitigation if discovered during monitoring. The following materials will not be recorded:

1. Plastic products limited to Styrofoam® and other foamed polystyrene products, Velcro®, Teflon®-coated cookware, polyvinylchloride (PVC) pipe, high-density polyethylene, polypropylene, polyimide, thermoplastic polyester, linear low density polyethylene, liquid crystal polymers, and products marked with resin codes,
2. Cans made from aluminum or bi-metal, or those with pull-tab or push-tab (metal or plastic) openings,
3. Aluminum foil containers,
4. Synthetic tires and car parts unless determined to be over 45 years in age or found in association with resources over 45 years in age,
5. Modern electronics (CD players, VCRs, electronic appliances, personal electronics, computers, printers),
6. Compact disks, floppy computer disks, magnetic tape media,
7. Unidentifiable metal fragments not found in association with other historic materials,
8. Rubberized metal, and
9. Clothing or shoes made of plastic or synthetic materials unless determined to be over 45 years in age or found in association with resources over 45 years in age.

Archaeological monitors shall have sufficient familiarity with historic-era resources prior to monitoring at the project location to differentiate materials that are more than 45 years of age from more recent materials.



***E. Discoveries of Materials 45 Years of Age or Older:***

The HTNF shall ensure that all cultural resources more than 45 years in age will be recorded on appropriate forms, mapped, and photographed.

1. Mitigation for discoveries treated as eligible for the purposes of the undertaking (Section E2):
  - a. The archaeological monitor shall halt construction in the immediate vicinity of the discovery with a buffer of 15 meters to ensure protection of the discovery.
  - b. The archaeological monitor shall record the discovery on an IMACS form.
  - c. The archaeological monitor shall ensure that a location map and clear photographs of the discovery accompany each form.
  - d. The archaeological monitor shall notify the HTNF's Construction Manager that ground-disturbing activities in the buffered area may resume.
  - e. The HTNF or the archaeological monitor shall submit the required IMACS form for each individual discovery to the SHPO within fifteen (15) days of the discovery.
2. The following classes of prehistoric archaeological resources shall be treated as eligible for the NRHP under the SOI's Criterion D for the purposes of the undertaking:
  - a. Small, sparse (less than three pieces per square meter) lithic scatters.
  - b. Sparse occurrences of fragments of fire-affected rock weighing less than 15 grams (less than three pieces per square meter, with no other cultural constituents within 1 square meter).
  - c. Small clusters (less than 0.5 meters x 0.5 meters in horizontal extent) of unidentifiable, unworked, and not fire-affected shell or bone (whole or fragmented) not in association with artifacts or other cultural materials.
  - d. Isolated (not found within 30 meters of other artifacts) prehistoric artifacts.
3. The following classes of historic archaeological resources shall be treated as not eligible for the NRHP under the SOI's Criterion D for the purposes of the undertaking and no further consideration will be required if discovered:
  - a. Roadside disposal of debris or refuse.
  - b. Unmodified bovine, or other domesticated animal bone.
  - c. Small, isolated artifact concentrations (fewer than five artifacts or the fragments of one object) with no subsurface deposit.
  - d. Deposits of concrete, brick or other building materials not *in situ*.
  - e. Metal, concrete or ceramic pipes, conduits, or culverts not *in situ*.
  - f. Isolated (not found within 30 meters of other artifacts) historic artifacts.
4. For any discovery materials that do not meet criteria described in Sections D and E of this Plan, the HTNF shall proceed by documenting the discovery and consulting as if the discovery were eligible.

***F. Post-Review Discoveries Requiring NRHP Evaluation***

In the event that ground-disturbing activities reveal previously unidentified cultural resources that are not described in the categories found in Sections E.2 and E.3 above, the following procedures shall be implemented:

1. The archaeological monitor shall ensure that all ground-disturbing construction activity will cease within a 15-meter radius around the entirety of the discovery.
2. The archaeological monitor shall ensure that the discovery is adequately fenced or flagged and remains protected until consultation with the SHPO and the Tribe, as appropriate is concluded.
3. The archaeological monitor will initiate an evaluation of the discovery and within 24 hours, the archaeological monitor shall provide a NRHP eligibility recommendation for the discovery to the HTNF that will include a site record and a summary report.
  - a. Evaluations of cultural resources will be made, if possible, from the data collected during monitoring. If additional information is needed to evaluate the NRHP eligibility of a discovery, limited testing by hand excavation units (0.5 x 0.5 meter, 1 x 1 meter) will be conducted until sufficient information is collected to allow for a NRHP evaluation.
  - b. All testing operations will cease upon collection of sufficient data to allow for a NRHP evaluation.
4. The HTNF, within two (2) working days of receipt of the notification of the discovery, shall notify the SHPO and the Tribe, as appropriate, of the discovery and provide a NRHP eligibility determination for the discovery.
5. The SHPO, and the Tribes, as appropriate, shall have seven (7) working days from receipt to comment on the HTNF's determination of NRHP eligibility for the discovery. If no timely response is received, the HTNF will proceed in accordance with their determination.
6. If the HTNF, in consultation with the SHPO and the Tribe, as appropriate, determines that a discovery is not eligible for the NRHP, the HTNF will proceed with ground-disturbing activities in the buffered avoidance area.
7. If the HTNF, in consultation with the SHPO and the Tribe, as appropriate, determines that a discovery is a historic property and cannot be avoided by undertaking redesign, the HTNF shall develop a historic properties treatment plan (HPTP) that is consistent with the *Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716-44742, September 23, 1983) (Standards) and that takes into consideration the ACHP's Section 106 Archaeology Guidance (2009; available online at [www.achp.gov/archguide](http://www.achp.gov/archguide)), and any other applicable guidelines or standards.
8. The HTNF shall submit the draft HPTP to the SHPO for review.
9. The SHPO will provide comments to the HTNF within thirty (30) calendar days of receipt of any or all draft HPTPs. If no comments are received within the comment period, HTNF may proceed with finalization of the HPTP(s).

10. HTNF will address any comments provided by the SHPO and supply final HPTPs to the SHPO.
11. Upon approval of a final HPTP, HTNF may initiate treatment measures included in the finalized HPTP.

***G. Resumption of Work:***

1. Work in the immediate vicinity of the discovered materials may not resume until after the cultural resources are evaluated and adverse effects to historic properties have been avoided, minimized, or mitigated.
2. Resumption of work will be a decision by the appropriate Line Officer. In most cases, this will be the District Ranger, but in the case where human remains are involved it is recommended that the Forest Supervisor make this decision.

**Unanticipated Discovery of Human Remains**

If human remains or remains thought to be human are identified during project activities and construction, the HTNF will ensure that employees or contractors comply with the following protocol in addition to the Inadvertent Discovery Plan described above.

***The Project Supervisor or Contractor will:***

1. Ensure that employees or contractors do not take photographs of the human remains out of respect for Tribal concerns and of law enforcement forensic concerns.
2. Be responsible for the security and protection of human remains during NAGPRA consultations, until disposition of the remains is determined.

***The Forest HPM will:***

1. Notify appropriate law enforcement authorities and/or the County coroner about the human remains.
2. Work with law enforcement or the County coroner to determine the age and affiliation of the human remains.
3. If law enforcement officials determine the human remains are not of recent age or criminal concern, the Forest HPM will consult with affiliated Indian Tribes, the SHPO, and other consulting parties to fulfill the requirements of NAGPRA (43 CFR 10).

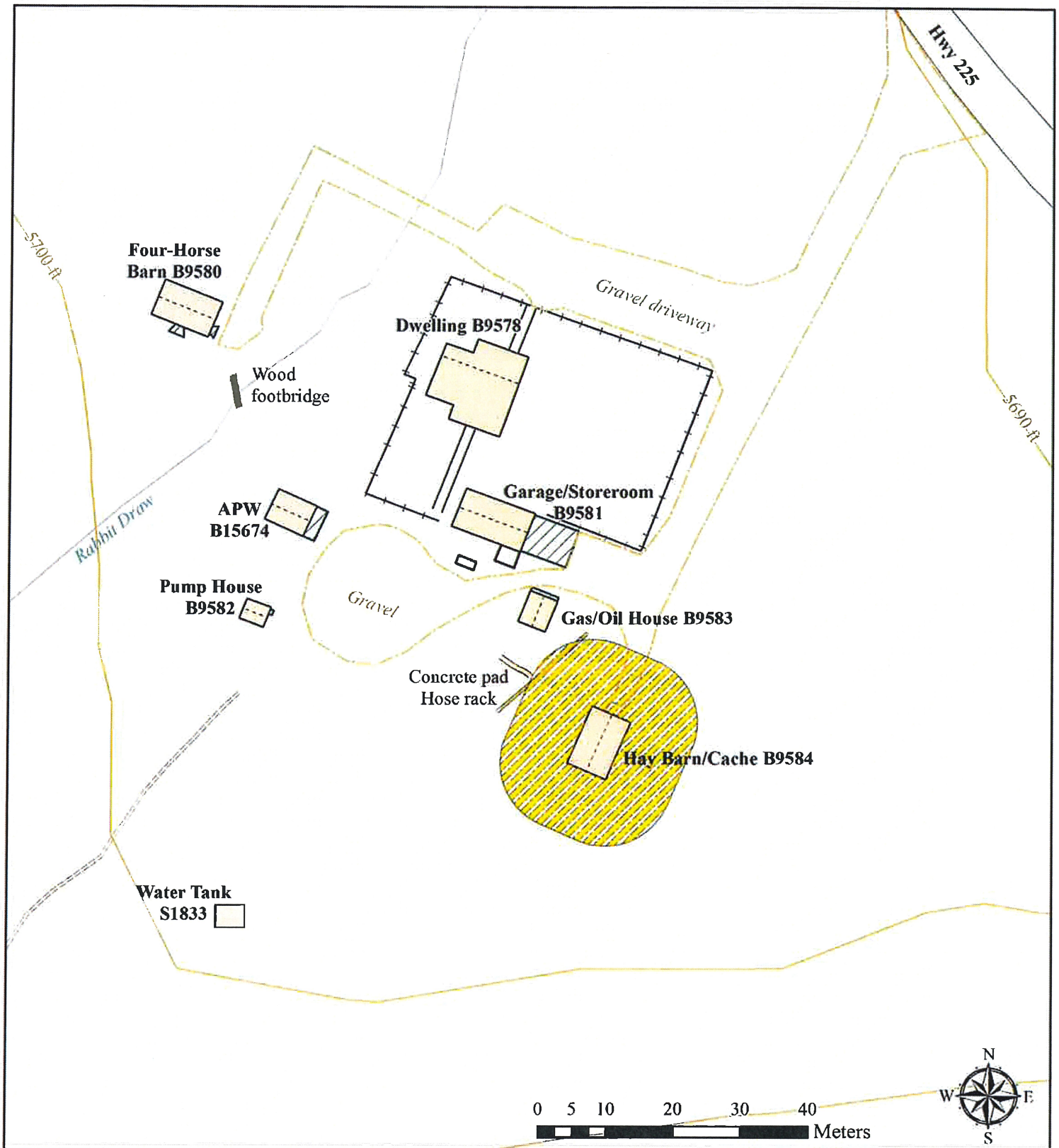
***The HTNF will:***

1. Provide a specialist with expertise in human osteology and human remains to make an in-situ assessment of the remains, under the direction of the Forest HPM, to document the remains and to determine the cultural affiliation that would guide the development of a written action plan.
2. Assist the Forest HPM in developing an Action Plan for the evaluation and disposition of the human remains that meets the requirements of NAGPRA (43 CFR 10) and 36 CFR Part 800.



***Resumption of Work:***

1. Work in the immediate vicinity of the human remains may not resume until after the disposition of the human remains is determined and a written binding agreement is executed between the necessary parties in accordance with 43 CFR 10.4(e).
2. Resumption of work will be a decision by the appropriate Line Officer. In most cases, this will be the District Ranger, but in the case where human remains are involved it is recommended that the Forest Supervisor make this decision upon the advice of the Forest HPM and the appropriate law enforcement officers.

**Attachment D**  
**Building B9584 Hay Barn/Fire Cache Avoidance Area Map**



### Legend

-  Ranger Station Buildings
-  B9584 Hay Barn 10-meter avoidance buffer

**Mountain City Ranger Station Lower Compound Decommission**  
Humboldt-Toiyabe National Forest - Mountain City Ranger District

**Mountain City Ranger Station Historic District (MCRSHD)**  
**MOA - B9584 Avoidance Area (10 meter buffer) Map**

T. 45 N., R. 53 E. Section 24  
Mountain City, NV 7.5 Min. USGS Quad

1:800 Scale