2010-0974

PROGRAMMATIC AGREEMENT AMONG THE PACIFIC SOUTHWEST REGION, USDA FOREST SERVICE, CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, NEVADA STATE HISTORIC PRESERVATION OFFICER, & THE ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING THE IDENTIFICATION, EVALUATION, & TREATMENT OF HISTORIC PROPERTIES WITHIN THE AREA OF POTENTIAL EFFECT OF PACK STATION OPERATIONS & ONE OUTFITTER GUIDE OPERATION ON THE INYO AND SIERRA NATIONAL FORESTS, CALIFORNIA & NEVADA

WHEREAS, the Inyo and Sierra National Forests (hereinafter "Forests" collectively; INF and SNF individually) are preparing for issuance of Special Use Resort Permits for 19 pack station operations and a burro based Outfitter Guide Special Use Permit (hereinafter "SUPs") (listed in Attachment 1); and

WHEREAS, the SUPs will authorize the presence of pack stations and associated facilities on the Forests, establish which trails are suitable for pack stock, and provide for services including day rides, spot-and-dunnage drops, and full service trips, define operating areas, identify campsites for full service trips, and designate group size; and.

WHEREAS, the Pacific Southwest Region has determined that issuance of SUPs by the Forests to the 19 Pack Station and one Outfitter Guide operations is an Undertaking as defined at National Historic Preservation Act (hereinafter NHPA) Section 301(7) (16 U.S.C. 470w(5)) and may have an effect on historic properties eligible for or listed on the National Register of Historic Places (NRHP); and

WHEREAS, a Programmatic Agreement (hereinafter PA) is needed because the large size of the area (Attachment 2: Maps) covered by the Undertaking precludes complete identification of historic properties, evaluation of their significance, and a full determination of the effects of SUP issuance on historic properties per 36 CFR §800.14(b)(1)(ii) prior to their court-ordered issuance date; and

WHEREAS, the Forests shall comply with the following laws in planning and executing this Undertaking: Antiquities Act of 1906 (34 Stat. 225; 16 U.S.C. 431-433), Historic Sites Act of 1935 (49 Stat. 666; 16 U.S.C. 461-467), NHPA (80 Stat. 915 et seq.; 16 U.S.C. 470 et seq.), Archaeological and Historical Preservation Act of 1974 (88 Stat. 174; 16 U.S.C. 469), the Archeological Resources Protection Act of 1979, as amended (93 Stat. 721 et seq.; 16 U.S.C. 470 et seq.), American Indian Religious Freedom Act of 1978 (92 Stat. 469; 42 U.S.C. 1996), Native American Graves Protection and Repatriation Act of 1990 (104 Stat. 3048-3058; 25 U.S.C. 3001-3013), National Environmental Policy Act of 1969, as amended (83 Stat. 852 et seq.; 42 U.S.C. 4321-4347), Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, and other authorities, as appropriate; and

WHEREAS, in developing this PA, the Forests have consulted with the California State Historic Preservation Officer, the Nevada State Historic Preservation Officer (hereinafter "SHPOs"); and the Advisory Council on Historic Preservation (hereinafter "ACHP"), in accordance with Section 110(a)(2) of NHPA and 36 CFR §800.14(b)(2); and

WHEREAS, in developing this PA the Forests have consulted with the Tribes listed in Attachment 3 and invited them to be concurring parties in accordance with Sections 101(d)(6)(B) and 110(a)(2) of NHPA, the American Indian Religious Freedom Act (as amended), the Native American Graves Protection and Repatriation Act, Executive Order 13007, Executive Order 13175, and 36 CFR Part 800 effective August 5, 2004; and

WHEREAS, the Forests have consulted with other consulting parties, including Pack Station and Outfitter Guide operators (Attachment 1), in accordance with 36 CFR 800.(c)(4) and invited them to be concurring parties;

NOW, THEREFORE, The Pacific Southwest Region of the US Forest Service, the SHPOs, and the ACHP agree that compliance with the following stipulations shall satisfy the Forests' Section 106 responsibilities for issuance and administration of the SUPs.

STIPULATIONS

The Forests shall ensure that the following stipulations are carried out:

1.0 Definitions

Unless otherwise noted, the definitions found at 36 CFR §800.16 apply thoughout the PA. Those definitions are supplemented with stipulations 1.1 through 1.14.

1.1 Historic Property: any prehistoric or historic district, site, building, structure, or object included in, eligible or potentially eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe that meet the National Register criteria per 36 CFR §800.16(l)(1).

1.2 Signatory Party(ies): the Regional Forester, ACHP and the SHPOs.

1.3 The Area of Potential Effect (APE): localities where permitted activities occur. The specific APE for each SUP will be determined by the Forests at the time each SUP is issued. The following localities are the APE elements:

a) Pack Station Permit Area: the pack station footprint (i.e., administrative buildings and associated features including spike camps), fences, pastures and corrals. Outfitter Guide do not have administrative facilities on INF land;

b) Transportation: system and non-system roads, system and user-defined trails, stock driveways including those used by people on foot or stock, stock driveways, and associated stock loading areas;
c) Concentrated Use Areas: campsites including latrine pits, fire rings, seating stones, outdoor kitchens, and storage areas; lunch stops, other stopping areas with no associated features; stock holding areas including picket lines, enclosed pastures, and areas enclosed with temporary fencing; and watering sites (including troughs); and
d) Dispersed Use Areas: where stock is put out to graze without any enclosure; and open riding areas where any Forest user, including pack station customers, may ride off trail.

1.4 Special Use Permit: A special use authorization which provides permission, without conveying an interest in land, to occupy and use National Forest System land or facilities for specified purpose, and which is revocable, terminable and non-compensable.

1.5 Pack Station Operation: Pack station operations are concessionaire developments that include a complex of enterprises including localities where clients meet the packer. They usually include structures, some of which may be permanent.

1.6 Outfitter Guide Operation: This designation includes all commercial outfitting operations involving services for accommodating guests, transporting persons, and providing equipment, supplies, and materials. It also includes commercial guiding activities wherein the guide furnishes personal services or serves as a leader or teacher.

1.7 System/Non-system Roads and Trails: System roads and trails are those that are listed on the Forest inventory. A non-system road or trail may be distinct and readily followed or intermittent, and provides access to lesser-used destinations, such as campsites, viewpoints, or remote areas not served by system roads or trails. The latter are also referred to as user-defined trails.

1.8 Intensive Inventory: is a systematic, detailed examination of an area designed to gather and document information about the number, location, condition, and distribution of historic properties within an Undertaking's APE. On the INF it consists of pedestrian survey with spacing of 25 meters or less; on the SNF spacing of 30 meters or less.

1.9 Sensitive Trails on the SNF: any trail on the SNF documented by Snyder (2001) as being within a historic Native American travel route or any other trail documented through ethnographic literature or Native American oral tradition as being a route of Native American travel through the SNF portion of the JM/AA Wilderness. Trails constructed for the purposes of stocking wilderness lakes with fish or packer created recreation trails dating from the early 1920s and later will not be considered sensitive for heritage resources unless they are located within a Native American travel corridor.

1.10 Resources of Interest (ROI): for purposes of this PA, ROI are NRHP listed, NRHP eligible, and unevaluated properties that may be adversely affected by pack station operations. ROI were determined during the Cumulative Effects Analysis (CEA) of the Ansel Adams and John Muir Wildernesses. The CEA was a multi-year study that includes monitoring data from over 300 historic properties. Additional information was provided by observations made in the non-Wilderness operating area of the SNF. ROI include:

a) Historic trash dumps;
b) Drift fences;
c) Features associated with historical mining that are susceptible to trampling damage;
d) Pack station permit areas;
e) Railroad grades and other railroad logging features susceptible to trampling damage;
f) Historical and prehistoric rock structures;
g) Prehistoric quarries and workshops;
h) Sparse lithic scatters; and
i) Prehistoric habitation and food processing sites.

1.11 Sample Universe: the total number of known ROI within the APE. From the sample universe a representative sample, the sample fraction, will be chosen for monitoring.

1.12 Implementation Monitoring: monitoring done to determine whether management actions implemented to protect historic properties are effective.

1.13 Impact Monitoring: monitoring done in order to determine whether on-going activities have an impact on historic properties.

1.14 CY: Calendar Year; i.e., January 1 through December 31.

2.0 Purpose and Scope

The purpose of this PA is to institute a program of phased identification and evaluation as described at 36 CFR §800.4(b)(2) in order to meet the Forests' responsibilities under Section 106 of the NHPA and related authorities for issuance of the SUPs. Forest specific schedules for completion of the tasks enumerated below are provided in Attachment 4.

2.1 This PA documents compliance with the NHPA and addresses historic preservation concerns of three National Environmental Policy Act (NEPA) actions. The first NEPA action is a programmatic statement of trail and commercial pack stock management and direction for the subject wildernesses on the Inyo and Sierra National Forest: *Trail and Commercial Pack Stock Management in the Ansel Adams and John Muir Wildernesses Environmental Impact Statement 2005* (hereinafter FEIS).

The second two NEPA actions are Forest specific documents that tier to the first, provide direction for all other pack station and subject outfitter guide operating areas on the two Forests, and provide for issuance of the SUPs. They are: the *Commercial Pack Station and Outfitter/Guide Permit Issuance Inyo National Forest;* and the *Commercial Pack Station Permit Reissuance for the Sierra National Forest and Trail Management Plan for the Dinkey Lakes Wilderness 2006* (hereinafter SUP FEISs).

3.0 Treatment of Historic Properties

3.1 The Forests shall complete inventories in the following APE elements.

3.1.1 Pack Station Permit Areas and Concentrated Use Areas.

Intensive inventory as defined in stipulation 1.8 has been conducted at all Pack Station Permit Areas. On the INF, the inventory of Concentrated Use Areas will be completed in CY 2007. On the SNF, the inventory of concentrated use areas will be completed in CY 2011.

3.1.2 Transportation Areas

The following discussion pertains to pack station and outfitter guide use on trails. Trail work performed by the Forests is addressed in stipulation 5.0 below.

On the INF, intensive inventory has been carried out on 86% of the roads and trails approved for stock use and stock drives on all of the operating areas with the exception of the Montgomery Pass Wild Horse Viewing Area (MPWHVA).

In the MPWHVA, inventory information has not been properly reported. Although six sites are known to be located along roads approved for use in this area, it is uncertain how intensively these roads have been inventoried. An inventory of Nevada roads will be done and a report sent to Nevada SHPO by the end of CY 2007.

On the SNF, intensive inventory has been carried out on 58% of the approved roads and trails. The collective experience of several field archaeologists over the last three decades has shown that fish or packer created recreation trails dating from the early 1920s and later rarely cross or affect any ROI. The only ROI that occasionally does occur along these trails, although rare, is a sparse lithic scatter. The SNF will focus available resources to complete inventory of the remainder of the trails which have the great majority of the use and, in turn, the use has some likelihood of effecting ROI.

Based on analysis of the results of impact monitoring (see Attachment 5: Monitoring Program), it will be determined whether continued trail use is causing impacts to ROI. If impacts are found, intensive inventory will be conducted on the remaining portions of trails in the affected area(s).

3.1.3 Inventory Buffers

Inventory buffers will be determined by professional judgment in the field by a qualified professional (see stipulation 6.2 below). The buffer is that area in which packing or outfitter guide activity may have adverse effects on ROI. In general, where unconstrained by terrain, the trail buffer is 30 meters, stock driveways 125 meters, and concentrated use areas 60 meters. Inventory at Pack Station Permit Areas will be done within the permitted area.

3.2. Avoidance of Effects.

In all cases, avoidance of effects is the preferred treatment for ROI. This will be accomplished either through use of The Standard Resource Protection Measures contained in Attachment B of the *First Amended Regional Programmatic Agreement among the U.S.D.A. Forest Service, Pacific Southwest Region, California State Historic Preservation Officer and Advisory Council on Historic Preservation Regarding the Process for Compliance with Section 106 of the National Historic Preservation Act for Undertakings on the National Forests of the Pacific Southwest Region, Appendix B* (see Attachment 6) (or their successor agreement[s]) (hereinafter Regional PA), or through procedures in approved HPMPs. If there is uncertainty about whether associated activities may be affecting historic properties (e.g., Dispersed Use Areas), monitoring (stipulation 3.7; Attachment 5) may be used as a protection measure until it is determined that historic properties are not being affected, or effects to historic properties are identified.

3.3 Sparse Lithic Scatters.

Where adverse effects cannot be avoided to sparse lithic scatters on the Forests in California, they will be treated under the provisions of the *California Archaeological Resource Identification and Data Acquisition Program: Sparse Lithic Scatters* (hereinafter CARIDAP).

CARIDAPs will be conducted when and where found necessary on a case-by-case basis. Reports of CARIDAP assessments will be included in the Annual Regional PA report. Native American tribes, organizations, or individuals will be notified at least 30 days prior to a CARIDAP investigation.

3.4 Evaluation of NRHP eligibility.

3.4.1 The Forests shall evaluate all Pack Station Permit Areas for NRHP eligibility per 36 CFR §60.4. Evaluation of the Pack Station Permit Areas located on the INF will be completed in CY 2006. Evaluation of the Pack Station Permit Areas located on the SNF will be completed by CY 2010.

3.4.2 All other ROI that cannot be avoided in accordance with stipulation 3.2 by permitted activities shall be evaluated by the Forests for NRHP eligibility per 36 CFR §60.4. This includes sparse lithic scatters in Nevada. Work will be conducted when and where found necessary.

3.5 Assessment of Effects.

If effects cannot be avoided and an ROI has been determined to be eligible for the NRHP, the Forest will make an assessment of the effects following the procedures at 36 CFR §800.5.

3.6 Treatment of Adverse Effects.

If it is determined that there is an adverse effect consultation with the PA signatories will occur and one of the following treatment options will be chosen:

a) No action, where a Forest Supervisor determines that protective actions are inappropriate or infeasible;
b) Relocating or redirecting activities and programs causing impacts;
c) Capping or covering historic properties with earth, rock, plants that hold the soil and discourage excavation, or other appropriate material;
d) Education and interpretive use as appropriate to the operating area;
e) Law enforcement;
f) Stabilization; and
g) Data Recovery.

3.7 Monitoring and Adaptive Management.

A 25% sample of ROI within the APE shall be monitored (see Attachment 5: Monitoring Plan).

Three thresholds for adaptive management action are identified in the Monitoring Plan:
a) Adverse effects to all or portions of historic properties due to the ineffectiveness of protective measures;
b) Discovery of an adverse effect in an area where there had been none; and
c) American Indian report of difficulties in accessing traditional use areas as a result of permitted activities.

When an adverse effect is discovered, the Forests shall make use of the process and options in stipulation 3.6. If difficulty in access is reported, the Forest shall meet with the permittee and the affected tribes to resolve the issue.

4.0 Historic Property Management Plans (HPMPs)

Each Forest shall develop an HPMP for its pack station operations. The INF HPMP will include the burro based outfitter guide operation. The Forests shall develop their HPMPs and request

signatory and concurring parties provide comments within 30 days. The comments will be taken into account by the Forests prior to finalizing their HPMPs. At a minimum, the HPMPs shall include stipulations 4.1 through 4.6, with permittee specific sections. Permittees will only be responsible for implementing the portion of the Forests' HPMPs that apply to their area of operations.

HPMPs will be developed from information in the relevant Heritage Resources Reports and Archaeological Reconnaissance Reports, and shall be maintained in the Forests' Heritage Resources Files and filed with the SHPOs. The Forests' Permit Administrators and Heritage Resources Staffs will be responsible for working with the permittees to implement the HPMPs. Compliance with the HPMPs shall be a condition of the SUPs. Failure of one permittee to comply with the HPMP will not affect the other permittees' SUPs or be grounds for termination of this PA.

4.1 Confidentiality (see also stipulation 6.4).

Confidentiality agreements will be developed between the Forests and the permittees to deal with sensitive and administratively confidential information where it is necessary to provide that information to the permittees for resource protection.

4.2 Protection and Mitigation.

An historic property by historic property list of required actions needed to protect ROI during pack station operations and to lessen or mitigate adverse effects to ROI from pack station operations will be maintained by the Forests and provided to the permittees. At a minimum this shall include:

a) A map of ROI to be avoided during operations; and
b) A description of the ROI, including locational information.

The protection/mitigation measure to be applied shall be chosen from the management options in stipulation 3.6. Compliance with these requirements will be a condition of the SUPs. The permittees will be responsible for implementing the agreed upon measures and protecting administratively confidential information as agreed upon in the confidentially agreement.

4.3 Repair, Maintenance and Replacement.

If any of the footprint or other privately owned facility on Forest land is found to be eligible for the NRHP, all repair, maintenance and replacement activities shall be done in coordination with the Forest Heritage Program Manager (hereinafter HPM).

The HPM may approve routine repair and maintenance per the Routine Repair and Maintenance Protection Measures found in the Regional PA (Attachment 6). If a proposed activity meets the

stipulations in Attachment 6, the Heritage Resources Staff shall provide written approval (project approval letter required).

All other work must be done in kind, using materials and colors consistent with the period of significance as specified in *The Secretary of the Interior's Standards for Rehabilitation, and Guidelines for Rehabilitating Historic Buildings* unless otherwise negotiated with the appropriate SHPO. The permittees are responsible for work on their property, including payments for materials and labor.

4.4 Education.

The Forests will be responsible for educating the permittees on the relevant laws protecting historic properties. The permittees shall in turn ensure that their employees and clients are aware of these protections.

Where available, the Forests will provide interpretive material for the permittees' use, including "campfire talks" as schedules permit.

4.5 Adaptive Management.

The Forests shall make adjustments to the HPMPs and to operations as necessary as new data become available through baseline data collection and monitoring as described in the Adaptive Management Plan of the FEIS Records of Decision 2005 and 2006 and in the Monitoring Plan (Attachment 5). These adjustments will not be considered amendments to the PA.

Monitoring under the Adaptive Management Plan is a Forest responsibility; however, opportunities for partnering with the permittees and others will be explored to the fullest extent. Extensive use will be made of photo monitoring points. Once the photo monitoring points are established, the permittees and volunteers who receive the proper training will be able to implement the protocol.

4.6 Discovery and Inadvertent Effect.

If previously unknown ROIs discovered, or an inadvertent effect to a known ROI occurs, activities in the vicinity shall cease and the discovery reported to the HPM of the relevant Forest. The provisions of NAGPRA will be applied where appropriate.

The HPM shall review the information and, in consultation with the appropriate SHPO, determine the appropriate course of action for the permittee(s) and the Forest.

If human remains are found, the appropriate county coroner and the HPM must be notified within 24 hours. The HPM shall be responsible for contacting the appropriate American Indian tribe(s) and individuals.

5.0 Trail work

5.1 Routine maintenance will be conducted by the Forests under the Trails Management direction in the FEIS and the SUP EISs. This work may be conducted on all trails (depending on funding or other maintenance resources) and includes cleaning and repairing drainage structures (i.e. water bars, rolling dips, berm removal etc); clearing the trail tread of obstacles such as rock, slough, trees, and brush; clearing the trail tread to specified width and grade; and replacement or repair of trail structures such as steps, walls, causeway, etc.

5.1.1 Historic property location modeling done in the INF and in Yosemite National Park has demonstrated that historic property types affected by pack station operations are not found on slopes greater than 15%; therefore on un-inventoried trails on the California portion of the INF trail segments located in areas having greater than 15% slope routine maintenance may proceed without coordination between the Forest Trails Coordinator (hereinafter TC) and HPM. On trail sections having less than 15% slope, this coordination will occur prior to routine maintenance except in the case of obstacle removal that would otherwise force traffic off the trail. These latter instances will be reported to the HPM within 30 days.

This model has not been tested in the western Great Basin; therefore all trail work in the Nevada portion of the INF will require coordination.

5.1.2 Although formal modeling has not been done on the SNF, inventory results show that historic property types affected by pack station operations in that portion of the Sierra Nevada are regularly found along the trails despite steep slopes; therefore, coordination with the HPM and the TC shall be done prior to all routine maintenance on un-inventoried trail sections except in the case of obstacle removal that would otherwise force traffic off the trail. These instances will be reported to the HPM within 30 days.

5.1.3 Where historic properties or potential historic properties are adjacent to or bisected by a trail, routine maintenance will be confined to the existing tread. Where this is not possible, coordination between the HPM and the TC on appropriate treatment measures is required.

5.1.4 Where trail features such as walls, steps, causeways, coffer dams, etc. may be historic properties, repair shall consist of replacement in kind per *The Secretary of the Interior's Standards for Rehabilitation, and Guidelines for Rehabilitating Historic Buildings* unless otherwise negotiated with the appropriate SHPO.

5.2 Reconstruction projects exceeding the recurring routine maintenance work as describe in stipulation 5.1 above undergo an appropriate planning and NEPA process, completion of the Section 106 process, and consultation with affected tribes and interested parties. Consultation will include borrow areas (places from which material such as cobbles is taken) in the APE.

5.3. The Mono Trail Corridor is under consideration for listing on the National Register as Traditional Cultural Property. Tribes traditionally associated with its trails will be notified of maintenance that is beyond routine maintenance as described in 5.1 above.

6.0 Administrative Stipulations

6.1 Reporting.

Each Forest shall provide a report of annual accomplishments under this PA during the life of the PA to the signatory and concurring parties by 1 March of the following year. The report to California SHPO shall be included in the Forests' Annual Report under the Regional PA.

The reports shall include an assessment of how well the PA is working and, if necessary, make recommendations for adjustments to the Forests' schedules or propose amendments if needed. The signatories shall consider the recommendations and provide comments within 30 days. Agreement on adjustments to the Forests' schedule is not considered an amendment to the PA.

6.2 Professional Qualifications.

All activities prescribed in this PA shall be carried out by or under the direct supervision of a person or persons meeting, at a minimum, the Secretary of Interior's *Professional Qualifications Standards* (48 FR 44738-39) in the appropriate disciplines. Nothing in this stipulation, however, may be interpreted to preclude the Forests or any agent or contractor thereof from using personnel who do not meet the Professional Qualification Standards provided such are supervised by the HPM or other professionally qualified individual.

6.3 Curation Standards.

The Agencies shall ensure, that to the extent permitted by applicable federal law and individual Forest standards, the materials and records generated and materials collected (if any) as a result of activities prescribed in this PA are curated in accordance with 36 CFR Part 79. Information normally contained in Pack Station Special Use Permit Files will continue to reside there.

6.4 Confidentiality.

The parties to this PA acknowledge that historic properties covered by this document are subject to the provisions of Section 304 of the National Historic Preservation Act of 1966 and Section 9 of the Archaeological Resources Protection Act as they relate to the disclosure of sensitive and protected information; and, having so acknowledged, will ensure that all actions and dissemination of documentation prescribed by this PA comply with these sections.

6.5 Dispute Resolution.

Should any party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, one or both Forests shall consult with such party to resolve the objection. If the Forests determine that such objection cannot be resolved, the Forests will:

a) Forward all documentation relevant to the dispute, including the Forest's proposed resolution, to the ACHP. The ACHP shall provide the Forests 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 Forests shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. The Forests 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 Forests may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the Forests shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA, and provide them and the ACHP with a copy of such written response.

c) The responsibility of the Forests to carry out all other actions subject to the terms of this PA that is not the subject of the dispute remains unchanged.

6.5.1 If at any time during implementation of the measures stipulated in this PA an objection pertaining to such implementation is raised by a member of the public, the affected Forest shall notify the signatory parties to the PA in writing of the objection and take the objection into consideration. The affected Forest shall consult with the objecting party and, if the objecting party so requests, the SHPO for no more than 15 days. Within ten days following closure of this consultation period, the affected Forest shall render a decision regarding the objection and notify all consulting parties of its decision in writing. In reaching its decision, the affected Forest will take into account any comments from the consulting parties regarding the objection, including the objecting party. Forest decisions regarding the resolution of the objection will be final.

The affected Forest Supervisor may decide to exclude non-substantive objections or objections that have been previously addressed from the notification, consideration, and consultation requirements of this stipulation.

6.6 Amendments.

Any signatory party to this PA may propose that this agreement be amended, whereupon the signatories shall consult for no more than 30 days to consider such amendment. This PA may be amended only upon the written agreement of all the signatory parties. If it is not amended, this

PA may be terminated by either signatory party in accordance with the stipulations in the following section.

6.7 Termination.

6.7.1 If this PA is not amended as provided for above, or if a signatory party proposes termination of this PA for other reasons, the signatory party proposing termination shall, in writing, notify the other parties to this PA and explain the reasons for proposing termination, and consult with the other parties following the dispute resolution process identified above, for at least 30 days to seek alternatives to termination.

Should such consultation result in an agreement on an alternative to termination, then the parties shall proceed in accordance with the terms of that agreement.

6.7.2 Should such consultation fail, the signatory party proposing termination may terminate this PA by promptly notifying the other parties to this PA in writing. Such termination shall go into effect upon receipt by all parties of this notification. Termination hereunder shall render this PA without further force or effect and require the Forests to either consult to develop a new PA, conduct Section 106 review for remaining activities per 36 CFR §800.3-800.7, or request, consider, and respond to ACHP comments per 36 CFR §800.7.

6.8 Duration of the PA.

6.8.1 Unless terminated pursuant to above, superceded by an amended PA, or extended, this PA shall be in effect following execution by the signatories and remain in effect for the term of the SUPs.

6.8.2 The terms of this PA shall be satisfactorily fulfilled when all the items in the PA are complete.

6.8.3 The terms of this PA will take effect on the date that it has been executed by the ACHP.

Execution of this PA and implementation of its terms evidences that the Forest Service has afforded ACHP a reasonable opportunity to comment on the Undertaking and its effect on historic properties, and that the Forests have taken into account the effects of the Undertaking on historic properties.

SIGNATORIES

Thomas L. Tidwell

BERNARD WEINGARDT, Regional Forester
Pacific Southwest Region, USDA Forest Service

DEC 07 2006
Date

John M. Fowler

JOHN FOWLER, Executive Director
Advisory Council on Historic Preservation

12/21/06
Date

Stephen D. Mikesell for

MILFORD WAYNE DONALDSON
California State Historic Preservation Officer

12/13/06
Date

Alan M. Baldwin for

RONALD M. JAMES
Nevada State Historic Preservation Officer

12/13/06
Date

I Concur

JEFFREY E. BAILEY, Supervisor Inyo National Forest	Date
EDWARD COLE, Supervisor Sierra National Forest	Date
COTTONWOOD PACK STATION Dennis Winchester	Date
ROCK CREEK PACK STATION Herbert and Craig London	Date
BISHOP PACK OUTFITTERS Mike and Tess Anne Morgan	Date
BRIAN & DANICA BERNER'S PACK OUTFITS Greg and Danica Berner	Date
FRONTIER PACK STATION Dohnel Brothers	Date
REDS MEADOWS PACK TRAIN Bob Tanner	Date
RAINBOW PACK STATION Greg and Ruby Allen	Date
MCGEE PACK STATION Lee and Jennifer Roeser	Date
MAMMOTH LAKES PACK OUTFIT John and Loree Summers	Date

GLACIER PACK OUTFIT M. A. Stewart	Date
D&F STABLES Brad and Tami Myers	Date
YOSEMITE TRAILS PACK STATION Larry Knapp	Date
MINARETS PACK STATION Bart Topping	Date
HIGH SIERRA PACK STATION John and Jenise Cunningham	Date
CLYDE PACK OUTFITTERS Allen and Deborah Clyde	Date
LOST VALLEY PACK STATION Richard Ross	Date
MUIR TRAIL RANCH Adeline Smith	Date
EASTERN HIGH SIERRA PACKER'S ASSOCIATION President	Date
HIGH SIERRA HIKERS ASSOCIATION Peter Browning	Date
KERN VALLEY INDIAN COMMUNITY Robert Robinson, Chairperson	Date
BRIDGEPORT PAIUTE INDIAN COLONY Charlotte Baker, Chairperson	Date

WALKER RIVER PAIUTE TRIBE Victoria Guzman, Chairperson	Date
MONO LAKE INDIAN COMMMUNITY Charlotte Lange, Chairperson	Date
MONO LAKE KUZEDIKA[a] INDIAN CULTURAL PRESERVATION FOUNDATION Raymond Andrews, President	Date
UTU UTU GWAITU PAIUTE TRIBE Joseph Saulque, Chairperson	Date
BISHOP PAIUTE INDIAN TRIBAL COUNCIL Gerald Howard, Chairperson	Date
BIG PINE PAIUTE TRIBE OF OWENS VALLEY Jessica Bacoch, Chairperson	Date
FT. INDEPENDENCE COMMUNITY OF PAIUTE INDIANS Carl Dahlberg, Chairperson	Date
PAIUTE-SHOSHONE INDIANS OF THE LONE PINE COMMUNITY Marijanne Young, Chairperson	Date
TIMBISHA SHOSHONE TRIBE Georgia Kennedy, Chairperson	Date
SOUTHERN SIERRA MIWUK NATION Anthony Brochini, Chairperson	Date
NORTH FORK RANCHERIA OF MONO INDIANS OF CALIFORNIA Judy Elaine Fink, Chairperson	Date

NORTH FORK MONO TRIBE Ron Goode, Chairman	Date
COLD SPRINGS RANCHERIA Travis Coleman, Chairperson	Date
DUNLAP BAND OF MONO INDIANS Ben Charlie, Sr., Chairperson	Date
MONO NATION James Bethel, Chairperson	Date
BIG SANDY RANCHERIA Connie Lewis, Chairperson	Date
PICAYUNE RANCHERIA Dixie Jackson, Chairperson	Date

Attachment 1: Affected Pack Station Operations

The pack station operations administered by the Inyo National Forest are:

- Frontier Pack Outfit, Mono County
- Agnew/Reds Meadow Pack Station, Mono County
- Mammoth Lakes Pack Outfit, Mono County
- McGee Creek Pack Outfit, Mono County
- Rock Creek Pack Outfit, Mono County
- Pine Creek Pack Station, Inyo County
- Bishop Creek Pack Outfit, Inyo County
- Glacier Pack Outfit, Inyo County
- Sequoia/Kings Pack Station, Inyo County
- Mt. Whitney Pack Trains, Inyo County
- Cottonwood Pack Outfit, Inyo County
- Rainbow Pack Outfit, Inyo County

The outfitter guide operation administered by the Inyo National Forest is:

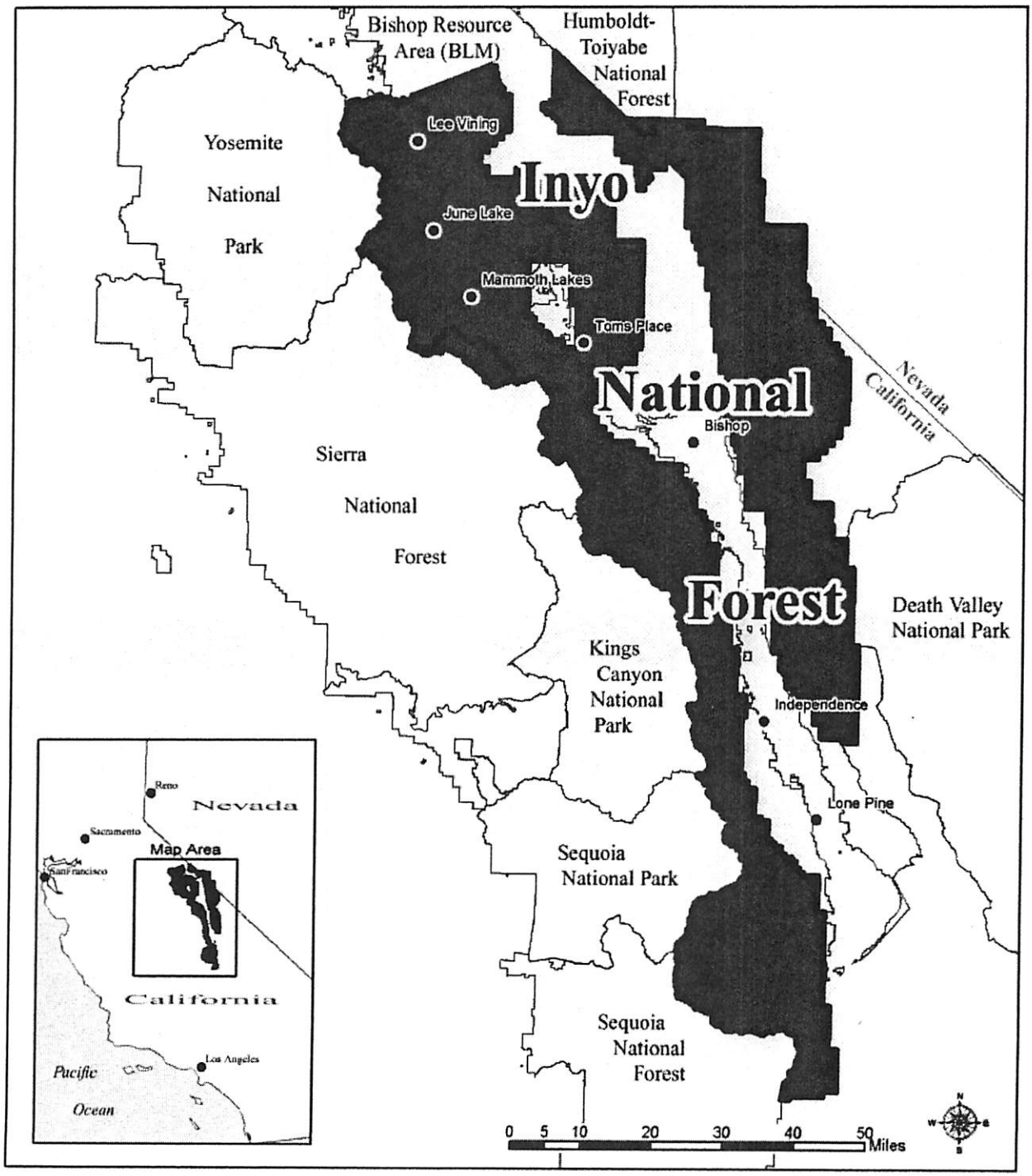
- Three Corner Round Pack Outfit, Inyo County (burros)

The pack station operations administered by the Sierra National Forest are:

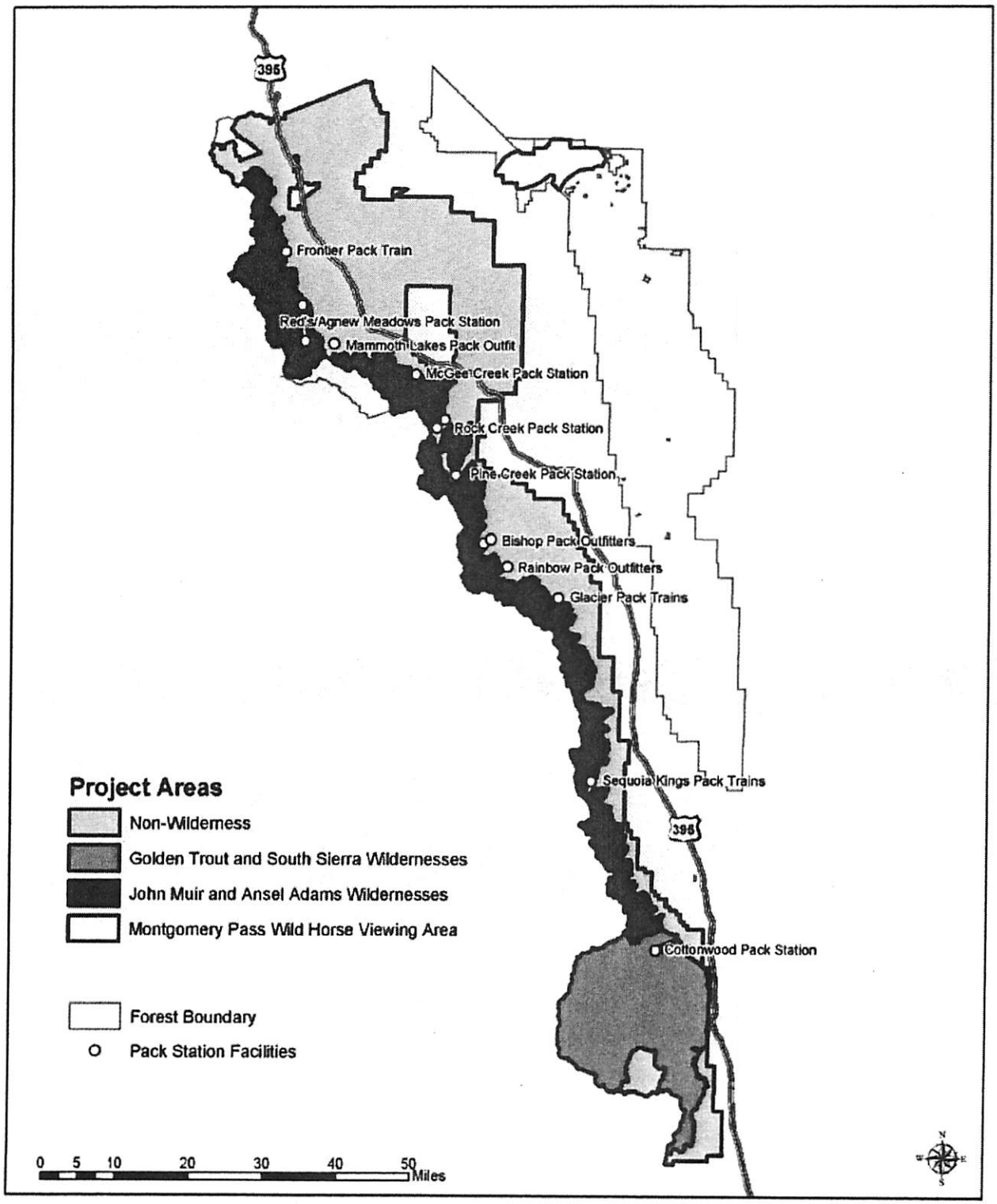
- Yosemite Trails Pack Station at Fish Camp, Mariposa County
- Minarets Pack Station at Miller Meadow, Madera County
- High Sierra Pack Station at Edison Lake, Fresno County
- D&F Pack Station at Huntington Lake, Fresno County
- Lost Valley Pack Station at Florence Lake, Fresno County
- Muir Trail Ranch at Blaney Meadow, Fresno County
- Clyde's Pack Outfitters at Dinkey Creek, Fresno County

Attachment 2: Maps

INYO NATIONAL FOREST VICINITY MAP



INYO NATIONAL FOREST PACK STATION OPERATING AREAS



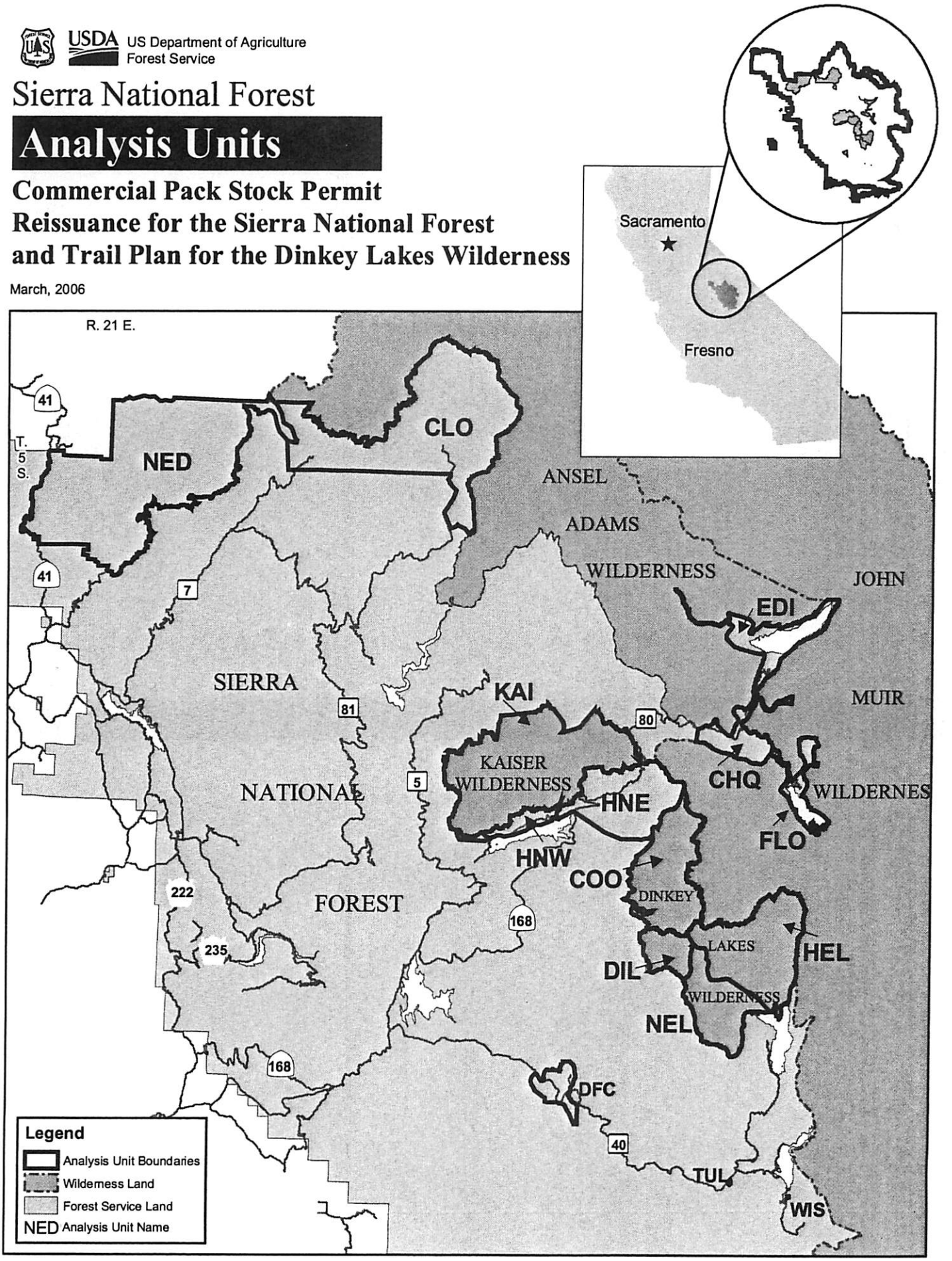
US Department of Agriculture
Forest Service

Sierra National Forest

Analysis Units

Commercial Pack Stock Permit Reissuance for the Sierra National Forest and Trail Plan for the Dinkey Lakes Wilderness

March, 2006



Attachment 3: Affected Tribes

Big Pine Paiute Tribe of Owens Valley
Big Sandy Rancheria
Bishop Paiute Indian Tribal Council
Bridgeport Paiute Indian Colony
Cold Springs Rancheria
Dunlap Band of Mono Indians
Fort Independence Community of Paiute Indians
Kern Valley Indian Council
Mono Lake Indian Community
North Fork Mono Tribe
North Fork Rancheria of Mono Indians
Paiute Shoshone Indians/Lone Pine Community
Picayune Rancheria
Timbisha Shoshone Tribe
Utu Utu Gwaitu Paiute Tribe
Walker River Paiute Tribe

ATTACHMENT 4: Schedule for Completion of Work (Dates refer to Calendar Years)

TABLE 1: INF Packing PA Implementation Schedule	
2006	*General*
	1. Complete SUP EIS analysis.
	2. Begin work on Historic Property Management Plans.
	Ansel Adams & John Muir Wildernesses
	1. Inventory designated camps; conduct CARIDAP at FS#05045101463.
	2. Select specific site impact monitoring locations; develop photo monitoring record form and instructions; train monitors.
	3. Determine evaluation needs for drift fences scheduled for removal.
	Non-Wilderness
	1. Complete NRHP evaluation of eastside pack stations.
	2. Determine need for addition inventory work.
	3. Finalize monitoring plan.
	Golden Trout & South Sierra Wildernesses
	1. Determine need for additional inventory work.
	2. Finalize monitoring plan.
	Montgomery Pass Wild Horse Viewing Territory
	1. Determine need for additional inventory work in consultation with Nevada SHPO.
2007	*General*
	1. Complete Historic Property Management Plans.
	2. Complete inventory of designated stock camps.
	Ansel Adams & John Muir Wildernesses
	1. Impact and implementation monitoring.
	2. Assess effects at sites possibly impacted by designated camps; determine appropriate treatment.
	3. Evaluate drift fences over 50 years of age if needed.
	Non-Wilderness
	1. Impact and implementation monitoring.
	2. Begin assessment of effect of pasture and corral use on associated sites.
	3. Possible additional inventory if indicated in final analysis for FEIS.
	Golden Trout & South Sierra Wildernesses
	1. Impact and implementation monitoring.
	2. Possible additional inventory if indicated in final analysis for FEIS.
	Montgomery Pass Wild Horse Viewing Territory
	1. Complete inventory of roads as needed.
	2. Determine appropriate protection measures for resources around Truman Spring. Determination shall include testing the deposit at the campsite.
	3. Implement measures at Truman Springs, including modifying Frontier Pack Operation's HPMP if findings as needed.
	4. Modify monitoring program as needed based on analysis.

2008	*Ansel Adams & John Muir Wildernesses*
	1. Impact and implementation monitoring.
	2. Complete treatment at designated camps.
	Non-Wilderness
	1. Impact and implementation monitoring.
	2. Additional work to be determined.
	Golden Trout & South Sierra Wildernesses
	1. Impact and implementation monitoring.
	2. Additional work to be determined.
	Montgomery Pass Wild Horse Viewing Territory
	1. Impact and implementation monitoring.
	2. Additional work to be determined.
2009	1. Three year review of accomplishment of scheduled tasks.
	2. Impact and implementation monitoring.
	3. Additional work to be determined.
2010	1. Impact and implementation monitoring.
	2. Additional work to be determined.
2011	1. Five year review of accomplishment of scheduled tasks.
	2. Five year analysis of monitoring results, to include evaluation of hypotheses, changes in the monitoring program, and adaptive management adjustments as needed.
	3. Additional work to be determined.
2012 through 2027	1. Continuation of monitoring program.
	2. Adjustment of HPMP as new information is obtained, monitoring analysis indicates a need for change, or if use patterns are altered.

TABLE 2: SNF Implementation Table

Task	Implementation Date(s)	Description of work to be done	Who will do work
Thematic Evaluation of all Pack Stock Headquarters 50 years and older under government permit	2006 through 2010	DPR site forms will be completed for all facilities 50 years or older. To the extent possible, the Eastside Contextual History will be used to address the larger historic context. Administrative histories for each pack station with facilities over 50 years old will be developed. Pack Stations with headquarters buildings over 50 years: Yosemite Trails & D&F. Pack Stations with spike camp buildings over 50 years old: Yosemite Trails, D&F, High Sierra and Clyde's Pack Outfitter. One evaluation report for all permitted facilities will be submitted to the Office of Historic Preservation for review	District/Forest Heritage staff, contractor, or Enterprise Team.
Historic Evaluation of all drift fences	2007	Historic assessment for NR eligibility will be done as per the Packing PA for all drift fences over 50 years	District/Forest Heritage staff,

over 50 years old		old	contractor, or Enterprise Team.
Inventory of designated stock camps	2006 through 2011	86 stock camps on SNF have been or will be examined. Inventory and impact assessments will be included in SNF Annual Regional PA report. Based on prior inventory/findings, District archaeologists will provide input as part of an integrated field team. It may not be necessary for heritage specialists to visit all stock camps if prior inventory is adequate.	District Heritage staff.
Baseline Data Collection	2006 through 2010	Analysis areas lack some baseline data on SNF. Existing data will be reviewed to determine if any fieldwork is necessary, as adequately covered areas will not need to be revisited. Inventory and impact assessments will be included in SNF Annual Regional PA report.	District archaeologists or persons adequately supervised by a professional archaeologist (or contractor, or Enterprise Team).
Integrated Monitoring	2006 through 2026	FEIS prescribed monitoring for areas with multiple resource effects. Archaeologists may not monitor all locations if there are no known heritage concerns at a particular place. Annual monitoring reports will be included in SNF Annual Regional PA report.	District Heritage staff
Single Resource Monitoring	2006 through 2026	25% of heritage sites with ambiguous effects will be monitored to determine condition trends. Annual monitoring reports will be included in SNF Annual Regional PA report.	District Heritage staff or other adequately supervised persons will undertake single resource monitoring.
Evaluation of all prehistoric archaeological sites within pack stock permitted facilities	2006 and beyond if necessary	All prehistoric sites within the permit boundaries for a pack station will be formally evaluated under 36 CFR 60.4 regulations—Yosemite Trails PS has 1 site; Minarets PS has 1 site; D&F PS has 1 site; High Sierra PS has 2 sites; with none at Muir Trail Ranch or Lost Valley Pack Stations. Yosemite Trails is done; Minarets is done pending concurrence by SHPO; D&F will have 1 CARIDAP done in 2006; High Sierra has one already evaluated and one CARIDAP slated for 2006. Summary reports of CARIDAP findings will be prepared for the SHPO. If a site is found not eligible for treatment under CARIDAP a more substantive evaluation will be scheduled which may be done beyond 2006. Evaluation summaries will be included in SNF Annual Regional PA report.	District/Forest Heritage staff
Sparse lithic scatters impacted by pack stock operations	2006 through 2026	Application of CARIDAP. For sparse lithic scatters, assessment of significance may be less impacting than relocation of pack stock operations. CARIDAPs will be conducted when and where found necessary on a case-by-case basis. Reports of CARIDAP assessments will be included in the SNF Annual Regional PA report. Native American tribes, organizations, or individuals will be notified at least 30 days prior to a CARIDAP investigation.	District archaeologists or other adequately supervised persons will undertake CARIDAP assessments.
Sites other than sparse lithic scatters affected by pack stock operations	2006 through 2026	Avoidance is the preferred method of treatment, however alternative protection measures may be developed to reduce or eliminate impacts to more complex heritage resources. Protection measures will need to be developed on a case-by-case basis.	District/Forest Heritage staff

		Effectiveness of treatment measures will be monitored as appropriate.	
Sites formally evaluated as eligible to the NR with adverse pack stock effects	2006 through 2026 as necessary	Development of mitigation plans as Memoranda of Agreement for Adverse Effects under 36 CFR 800. All prescribed treatments in the MOA will be included in the affected pack stations' HPMP. Pack stations that may need to have MOAs include the High Sierra Pack Station, Yosemite Trails Pack Station, and possibly the Minarets Pack Station.	District/Forest Heritage staff
Completion of HPMPs	HPMPs 2006-2007 HPMP revisions 2007-2026 as necessary	HPMPs will be developed within one year of SUP issuance for all pack stations and revised as necessary. Under the adaptive management strategy frequent revisions of the HPMP may be warranted and necessary depending on circumstances	District/Forest Heritage staff

Attachment 5: Monitoring Plan

OVERVIEW

Introduction

An overview of the monitoring methodology and framework is presented to be followed by forest specific approaches. The methodology and framework were developed for implementation of the FEIS.

Methodology

Table 1 summarizes the monitoring plan methodology.

Table 1: Methodology

Variable	Hypothesis	Method	Personnel	Threshold for Management Action
Historic property condition*, including Traditional Cultural Properties (implementation)	Measures taken to protect historic properties are effective.	Establishment of baseline data where needed; comparison of condition over time through photo monitoring.	Heritage and other forest staff, tribal personnel, permittees, and volunteers.	Loss of historic properties at significant sites, features or landscapes.
Impact assessment (ambiguous effects)	Activities defined as "ambiguous effects" do not have an adverse effect on historic properties.	Establishment of baseline data where needed; comparison of condition over time through photo monitoring; assessment of agents of impact.	Heritage and other forest staff, tribal personnel, permittees, and volunteers.	Discovery of a potential adverse effect.
Native American access to traditional use areas	Reasonable access by tribes, tribal communities, organizations and individuals is ensured by existing direction.	Passive Reports of difficulties from tribal members; Proactive: forest will solicit input to determine whether there is a systemic problem at quarterly and other meetings.	Tribal personnel; Tribal Relations and other forest staff.	Receipt of a complaint.

*"historic property" in this context means historic and potentially historic properties.

The monitoring plan is built around three variables:

- Historic Property Condition. This variable refers to maintaining the integrity of properties for which some management action will be taken to protect historic or potentially historic properties. These actions may include but are not limited to area closures, relocation of an activity, education of users, capping deposits, and establishing barriers.

- Impact Assessment. This variable deals with the activities that have been defined in the Strategy as having ambiguous effects on historic properties, such as dispersed grazing.
- Native American Access. This variable concerns the ability of individuals, groups, communities, and tribes with traditional cultural ties to the operating areas for traditional cultural activities.

Each variable has an associated hypothesis that will be tested by the appropriate monitoring techniques:

- Hypothesis #1: Management measures taken to protect historic and potentially historic properties are effective.
- Hypothesis #2: Activities defined as "ambiguous effects" do not have an adverse effect on the historic properties.
- Hypothesis #3: Reasonable access by tribes, tribal communities, organizations, and individuals is ensured by existing management direction and practice.

Hypotheses 1 and 2 will be monitored through direct observation of historic property condition through time. In the majority of cases baseline data exist and many monitored at least once. Where baseline data do not exist (e.g., a site noted but not formally recorded during rapid assessment work) that will be established.

Historic property condition will be tracked through photo monitoring and completion of monitoring forms. Historic properties and significant variables within the properties to be monitored will be decided by qualified professionals per Stipulation 6.1. Monitoring data points will be established on the ground by qualified professionals. Each monitoring point will be identified on a map, by GPS (cover permitting), by narrative description of its cultural and environmental location, and a picture of the point itself. For each point, the element(s) to be photographed from that point, compass bearing, scale etc. will be identified. Depending upon property type, other observations may be needed (e.g., a count of obsidian flakes in an established sample plot). All data will be recorded on a monitoring form. Data interpretation will be done by a qualified professional.

If during impact assessment a potentially adverse effect is observed, additional analysis will be undertaken to determine what the agent of impact is. This will require the involvement of a qualified professional, often in consultation with other specialists (e.g., hydrologist, range conservationist).

Hypotheses #3 has a passive and an active component. The former relies upon reports to officers of the forest of difficulties encountered. The latter will involve incorporating specific queries regarding access in quarterly and other meetings between the forests and the tribes.

The threshold for management action regarding each of the variables will be triggered under the following circumstances:

- Loss of historic properties due to the ineffectiveness of management measures taken to protect them.
- When an ambiguous effect appears to have an adverse effect on historic properties.
- Reported difficulties in access by American Indians with traditional tie to the area.

Loss of historic properties and adverse effects are based on loss of the historic property characteristics that make it eligible or potentially eligible for the National Register of Historic Places. This determination will be made based on type of site and special characteristics of individual sites vis á vis regional research issues.

ANSEL ADAMS & JOHN MUIR WILDERNESSES

Adaptive Management Framework

This approach was developed as part of the Adaptive Management Plan for the *Trail and Commercial Pack Stock Management in the Ansel Adams and John Muir Wildernesses Environmental Impact Statement.* Upon completion of the *Commercial Pack Station and Outfitter/Guide Permit Issuance, Inyo National Forest* and the *Commercial Pack Station Resort Reissuance and Trail Management Plan for the Dinkey Lakes and Kaiser Wilderness Areas Environmental Impact Statement, Sierra National Forest,* the monitoring plan will be expanded to incorporate needs yet to be identified in the front country and other wilderness areas of the Forests.

There are two methods for monitoring within the Adaptive Management Plan, integrated and single resource monitoring. The objective of integrated monitoring is "...is to monitor and provide evaluation of management actions in locations where multiple resource concerns or risks have been identified and pack stock use is authorized. This type of monitoring will occur frequently (annually or bi-annually) until desired conditions have been reached at which point continued monitoring will be less frequent."

One advantage of integrated monitoring is that once the data collection protocols are established, data collection for multiple resources can be done by one person or crew. The integrated monitoring locations are presented in Table 2.

Table 2: Integrated Monitoring Table

Analysis Unit	Forest	Destinations	Interval
French Canyon	SNF	French Lake; Elba, L, Moon Lakes; "Waterfall" camp, Royce Lake; Merriam Meadow.	Annual
Purple Bench	INF	Purple Lake; Ram Meadow, Purple Bench, Virginia Meadow.	Annual
Silver Divide	SNF	Grassy Lake, Jackson Meadow, Peter Pande Lake, Olive Lake, Wilbur May.	Annual
Cascade Valley	SNF/INF	Iva Belle, Island Crossing, Second Crossing, Third Crossing, Cascade/Purple Junction.	Annual

Fourth Recess	SNF	Fourth Recess Lake, Third Recess Junction, Hopkins Junction, Third Recess Trail, Third Recess Meadow.	Annual
Sadler	SNF	Sadler Lake and grazing area.	Annual
Upper Fish Creek	INF/SNF	Tully Lake, Upper Fish grazing, Horse Heaven, Tully Hole.	Every 2 years
Glacier	SNF	Golden Trout Lakes, Muriel Lake, Wahoo Lake.	Annual
Graveyard	SNF	Lower Graveyard Lake, Graveyard Meadows, Upper Cold Creek Meadows.	Annual
Rush	INF	Clark Lakes, Spooky Meadow, Weber Lake, Alger Lake, Alger Meadow.	Annual
McGee	INF	Round Lake, Martins Meadow, Baldwin, Steelhead Lake, Big McGee Lake.	Every 2 years
Sallie Keyes	SNF	Sallie Keyes Lake, Boot Meadow.	Every 2 years
Silver Peak	SNF	Mott Lake, Silver Pass Meadows, Pocket Meadow.	Annual
Thousand Island	INF	Thousand Island Lake, Meadow, Badger Lake and Meadow, Garnet Lake and inlet.	Annual
Upper Rush	INF	Davis Lake, Rogers Meadow, Marie Lake, Waugh camp, Donahue camp and meadow.	Annual
Bishop creek	INF	Marie Louise Lake, Long lake inlet, Bull Lake.	Every 2 years
Convict	INF	Genevieve/Edith Lake, Cloverleaf Lake.	Every 2 years
Hilton	INF	Second and Davis Lakes, Hilton meadow, Turk Meadow, 3rd and 4th Lakes.	Annual
Pine Creek	INF	Upper Pine Lake, Honeymoon Lake.	Every 2 years
Pioneer	SNF	Mudd Lake, Upper Lakes Basin.	Annual
Sabrina	INF	Moonlight Falls, Dingleberry Lake, Baboon Lake.	Every 2 years
Shadow-Ediza	INF	Shadow Trail corridor, Ediza Lake, Laura Lake.	Annual
Triple Divide	SNF	Slab Lakes, Anne Lake.	Every 2 years
Seldon	SNF	Hilgard Branch, Bear Creek, Rosemarie Meadow, Rose Lake, Lou Beverly Lake.	Annual
King Creek	INF	Anona Lake, Ashley Lake, Superior Lake, Holcomb Lake, Fern Lake.	Annual

The areas identified for heritage resources monitoring under single issue monitoring are listed in Table 3. These areas have high enough heritage and tribal concern to warrant the addition effort.

Table 3: Heritage Resources Single Issue Monitoring Locations

Analysis Unit	Forest	Destinations	Interval
Glacier Divide	SNF	On-going impacts, strong tribal concerns.	Annually
Second Recess	SNF	On-going impacts, strong tribal concerns.	Annually
Hopkins	SNF	On-going impacts, strong tribal concerns.	Annually

INF Monitoring
Upon the recommendation of the Region 5 Heritage Program Manager and the Advisory Council on Historic Preservation, a minimum 25% sample fraction will be chosen from all the sites identified as monitoring candidates.

Currently, five properties have been identified as implementation monitoring candidates, yielding a sample fraction of two. The purpose of implementation monitoring is to determine whether the avoidance or other mitigation measures are effective. All are within the integrated monitoring area; therefore, monitoring needs for this category will be met by the implementation plan.

Forty six sites are candidates for impact monitoring, yielding a sample fraction of 12. These sites are located in areas of unknown or ambiguous effect. The sample will be distributed as evenly as possible through each of the areas of ambiguous effect: along trails, near camps and in dispersed grazing areas. This sample fraction may also be met within the areas of identified above.

SNF Area Managed by the INF
In the area of the SNF managed by the INF there are three candidates for implementation monitoring and 11 for impact monitoring, yielding sample fractions of one and four, respectively. All will be selected from the areas of integrated monitoring.

SNF
On the Sierra National Forest there are 26 candidates for implementation monitoring and 118 for impact monitoring, yielding sample fractions of seven implementation sites and 30 impact sites. Again, the sample can be met within the integrated and single issue monitoring areas.

Table 4: Monitoring Sample in the Ansel Adams & John Muir Wildernesses

Unit	Implementation Monitoring		Impact Monitoring	
	Sample Universe	Sample Fraction	Sample Universe	Sample Fraction
INF	5	2	45	12
SNF/INF	3	1	11	4
SNF	26	7	118	30

ALL OTHER OPERATING AREAS

INF
The APE outside of the Ansel Adams & John Muir Wilderness on the INF is divided into three areas, two in California and one in Nevada. In California are Non-Wilderness and the Golden Trout & South Sierra Wildernesses. The Montgomery Pass Wild Horse Viewing Area is located in Nevada. These areas are still under analysis for the *Commercial Pack Station and Outfitter/Guide Permit Issuance Inyo National Forest,* scheduled for release in December 2006. The following numbers are estimates based on the current state of knowledge and assuming that an action alternative will be chosen. If the no action alternative is chosen, there will be no commercial pack stock operations.

Non Wilderness
There are potentially adverse effects occurring to 13 Resources of Interest, one in a camp and 12 in pastures or corrals. These sites have not been evaluated nor the effect of pack station operations on historic properties, if any, determined. Because of this, there is no identified implementation monitoring needs in this area.

There are 72 in areas of ambiguous effect associated with riding trails and stock drives. The sample fraction for Impact Monitoring is 18.

Golden Trout/South Sierra Wilderness
There are four Resources of Interest are receiving direct impacts from camping; an additional 42 are located in a restricted camping zone where use will be restricted. These 46 sites are all candidates for implementation monitoring, yielding a sample fraction of 12.

Twenty six Resources of Interest are located along trails. Ninety seven are located in the remainder of the Golden Trout and South Sierra Wildernesses. Because previous decisions leave all areas of these two wildernesses open to camping, all these sites are in an area of ambiguous. This being the case, there are, strictly speaking, 121 candidates for Impact Monitoring; however, much of the area is not within the tradition use area of the pack station operators. In order to deal with this uncertainty, we will consider the 26 sites along trails to be the sample universe, yielding a sample fraction of 7. Because SUP reporting requirements, we will be able to determine whether new areas are being used on an annual basis and adjust our monitoring strategy accordingly.

Montgomery Pass Wild Horse Viewing Territory
One Resources of Interest is located at a camp and our implementation monitoring will be focused there. There are six Resources of Interest along trails and so impact monitoring candidates.

Table 5: INF Monitoring Sample

	Implementation Monitoring		Impact Monitoring	
Operating Area	Sample Universe	Sample Fraction	Sample Universe	Sample Fraction
Non-Wilderness	0	0	73	18
GT/SS	46	12	26	7
MPWHVA	1	1	6	2

SNF
Analysis areas outside the John Muir and Ansel Wildernesses on the Sierra National Forest include the Kaiser and Dinkey Lakes Wildernesses as well as non-wilderness operating areas.

Outside the Ansel Adams and John Muir Wildernesses, the SNF identified six sites for implementation monitoring and 50 that need monitoring for ambiguous effects. The six sites identified for implementation monitoring are to ensure that avoidance protection measures are working to eliminate direct impacts to the sites. The 50 sites identified for

ambiguous effects are mostly related to sites being bisected by trails or near established stock camps. The 56 sites were found in the following analysis units (AUs);

Table 6: Monitoring Needs per SNF Analysis Unit					
Analysis Unit	**District**	**Location**	**# sites for implementation monitoring**	**# sites for ambiguous effects monitoring**	**Total**
Kaiser	HS	Kaiser Wilderness	0	2	2
Dinkey Lakes	HS	Dinkey Lakes Wilderness	0	0	0
Coyote	HS	Dinkey Lakes Wilderness	0	5	5
Helms	HS	Dinkey Lakes Wilderness.	0	2	2
Nelson	HS	Dinkey Lakes Wilderness	0	0	0
Clover	BL	Non-wild.	2	14	16
Nelder	BL	Non-wild	10	5	15
Edison	HS	Non-wild	1	8	9
Chinquapin	HS	Non-wild	0	0	0
Florence Lake	HS	Non-wild	0	2	2
East Huntington	HS	Non-wild	0	7	7
West Huntington	HS	Non-wild	0	1	1
Dinkey FC	HS	Non-wild	0	2	2
Tule Meadow	HS	Non-wild	0	0	0
Wishon	HS	Non-wild	0	0	0
Total			13	48	61

Table 7: Monitoring Sample in the Kaiser & Dinkey Lakes Wildernesses and Non-wilderness Operational Areas			
Implementation Monitoring		**Impact Monitoring**	
Sample Universe	**Sample Fraction**	**Sample Universe**	**Sample Fraction**
13	4	48	12

Attachment 6: Standard Protection Measures

ATTACHMENT B

STANDARD RESOURCE PROTECTION MEASURES

The following protection measures shall be implemented as appropriate for all subject Undertakings managed under this [Regional] PA. When these protection measures are effectively applied, the Forest will have taken into account the effect of these Undertakings on historic properties.

I. At a minimum, historic properties shall be excluded from areas where activities associated with an Undertaking will occur.

   A. All proposed activities, facilities, improvements, and disturbances shall avoid historic properties. Avoidance means that no activities associated with an Undertaking that may affect historic properties, unless specifically identified in this PA, shall occur within an historic property's boundaries, including any defined buffer zones. Portions of Undertakings may need to be modified, redesigned, or eliminated to properly avoid historic properties.

      1. For historic properties eligible for the NRHP under 36 CFR 60.4(d), or those that may be important only for the information they contain, the physical demarcation of historic properties, and their exclusion from an Undertaking's proposed activity areas is a minimum requirement.

      2. Physical demarcation and avoidance during the implementation of an Undertaking is also required for other historic properties eligible for the NRHP under other criteria. But minimum protection requirements shall also include the use of buffer zones to extend the protection area around historic properties where setting is an important attribute, and the proposed activity may have an effect on the setting's quality.

      3. Linear sites may be crossed or bounded in areas where their features or characteristics clearly lack historic integrity, that is, where those portions (taking into account any buffer zones related to setting) do not contribute to site eligibility or values.

   B. All historic properties within an APE shall be clearly delineated prior to implementing any associated activities that have the potential to affect historic properties.

1. Historic property boundaries shall be delineated with coded flagging and/or other effective marking. Activities within historic property boundaries will be prohibited with the exception of using developed Forest transportation systems when the HRM recommends that such use is consistent with the terms and purposes of this agreement.

2. Historic property location and boundary marking information shall be conveyed to appropriate Forest Service administrators or employees responsible for implementation so pertinent information can be incorporated into planning and implementation documents, and contracts (e.g., clauses or stipulations in permits).

C. Buffer zones may be established to ensure added protection where the HRM or other professional archaeologist determines that they are necessary. The use of buffer zones in conjunction with other avoidance measures is particularly applicable where setting contributes to the property's eligibility under 36 CFR 60.4, or where it may be an important attribute of some types of historic properties (e.g., historic buildings or structures; historic or cultural properties important to Native Americans). The size of buffer zones needs to be determined by the professional archaeologist on a case-by-case basis. Landscape architects may be consulted to determine appropriate viewsheds for historic resources. Knowledgeable Native Americans should be consulted when the use or size of protective buffers for Native American traditional or cultural properties needs to be determined.

D. When any changes in proposed activities are necessary to avoid historic properties (e.g., project modifications, redesign, or elimination; removing old or confusing project markings or engineering stakes within site boundaries; or revising maps or changing specifications), these changes shall be completed prior to initiating any activities.

E. Monitoring may be used to enhance the effectiveness of protection measures in conjunction with other measures (Stipulation IV). The results of any monitoring inspections shall be included in the annual report (Stipulation VI.B(1)(f)).

II. The Forest HRM may provide written approval for the work specified below within the boundaries of historic properties, under carefully controlled conditions. All activities performed under category II standard resource protection measures must be documented in SRs, pursuant to this PA; none may be performed under exemptions.

A. The following specified activity(ies) may be approved under the conditions detailed below:

1. Felling and removal of hazard, windthrow, and salvage trees within historic properties under the following conditions:

a. Felled trees may be removed using only the following techniques:

(1) hand bucking and carrying,

(2) rubber tired loader,

(3) crane/self loader,

(4) helicopter;

b. Equipment operators shall be briefed on the need to reduce ground disturbances (e.g., minimizing turns);

c. No skidding nor tracked equipment shall be allowed within historic property boundaries; and

d. All such activities must be monitored by qualified heritage specialists at the time of tree removal.

2. Placement of foreign, non-archaeological material (e.g., padding or filter cloth) over an archaeological deposit to prevent surface and subsurface impacts. Such foreign material may be utilized on an archaeological deposit under the following conditions:

a. engineering will design the foreign material depth to acceptable professional standards;

b. engineering will design the foreign material use to assure that there will be no surface or subsurface impacts to the archaeological deposit;

c. the foreign material must be easily distinguished from and cannot mix with the underlying archaeological deposit;

d. the foreign material must be removable should research or other heritage need require access to the archaeological deposit at a later date; and

e. Native American or other public concerns about the use of the foreign material will be addressed prior to use.

B. Any such specified activities within the boundaries of historic properties shall be reviewed during the annual report to assess continuation of or need for changes in the protection measure.

III. The Forest HRM shall provide written approval (project approval letter required) for the specific activities listed in section III.C, below, involving the routine repair and maintenance of historic structures.

A. Forests shall emphasize the repair of existing elements, rather than in-kind replacement, whenever prudent and feasible (i.e., where economical; or where materials and skills are available).

1. When applying these protection measures, the Forest HRM shall verify that the proposed work conforms to recommendations set forth in *The Secretary of the Interior's Standards for Rehabilitation, and Guidelines for Rehabilitating Historic Buildings.*

2. Repair or in-kind replacement treatments shall apply to no more than 20% of the historic fabric, materials, workmanship, or design of a structure's distinctive elements (e.g., foundations or footings, walls, porches, etc. [excepting roofs and windows]).

3. Where proposed repair or in-kind replacement, or other historic preservation activities, may have an effect on a structure's historic character (i.e., affecting original fabric, materials, workmanship, or design, involving more than 20% of a distinctive structural element):

a. case-by-case consultation pursuant to 36 CFR 800 is required;

b. persons meeting the Secretary of the Interior's Standards and Guidelines for Professional Qualifications, or the Office of Personnel Management X118 standards at the journeyman level, for historian, historic archaeologist, architect, historic architect, landscape architect, or restoration engineer, must review, supervise, or complete the project, as preservation needs dictate.

B. All activities approved for the below listed protection measures shall be documented in the Forest's Annual Report.

C. Routine Repair and Maintenance Protection Measures

1. Structural Elements

a. Repair or replacement of siding, trim, or hardware, when done in-kind to match historic material, design, and color.

b. Repair of window frames or shutters by patching, splicing, consolidating, or otherwise reinforcing or replacing in-kind those parts that are either extensively deteriorated or are missing. The same historic configuration of panes shall be retained.

c. Replacement of window frames to match historic material and design. The same historic configuration of panes shall be retained.

d. Replacement of glass, when done in-kind to match historic form and design. Window panes may be double or triple glazed as long as the glazing is clear and replacement does not alter the historic window form. This excludes the use of tinted glass, use of which requires consultation.

e. Maintenance of features, such as frames, hoodmolds, paneled or decorated jambs and moldings, through appropriate surface treatments such as cleaning, rust removal, limited paint removal, and reapplication of protective coating systems using historic color and texture.

f. Repair or replacement of doors, when done in-kind to match historic material and form.

g. Repair or replacement of porches, cornices, and stairs when done in-kind or to match historic material and design, and the style, materials, and character of the structure.

h. Repair or replacement of foundations when the work does not change the structure's historic appearance.

i. Repair or replacement of roofs or parts of roofs that are deteriorated, when done in-kind or where matching historic material and design. In areas of high fire danger, fire retardant roofing is allowed. If fire retardant materials are used, the materials must match the original roofing color and be as compatible with the design and character of the building as possible. Adequate anchorage for roofing material to guard against wind damage and moisture penetration shall be provided.

2. Surfaces:

a. Painting interior or exterior surfaces, when the new paint matches the existing or historic color. If the existing paint color is not desirable and the historic color is not known, the color should be in keeping with historic color schemes for nearby or similar structures. Damaged or deteriorated paint may be

removed to the next sound layer by hand-scraping or hand-sanding. Use of abrasive methods, such as sandblasting, is not covered by this treatment.

b. Replacement or installation of caulking and weather-stripping around windows, doors, walls, and roofs.

c. Removal of hazardous materials or surfaces such as asbestos and lead paint, and replacing them with nontoxic materials that resemble the historic surfaces as closely as possible.

3. Interior Elements:

a. Replacement of modern appliances and fixtures (e.g., ranges, refrigerators, and bathroom fixtures). When associated historic cabinetry is intact, and the interior, in general, retains its historic appearance, the cabinetry will be retained.

b. Repair or replacement of floor coverings, when done in-kind to match historic material and design.

c. Rendering inoperable, but not removing, gas lighting fixtures, when another inconspicuous light source is used.

d. Floor, wall, or ceiling refinishing in-kind.

4. Utility Systems:

a. Installation of mechanical equipment that does not affect the visual integrity or exterior fabric of the building.

b. Replacement, removal, or upgrading of electrical wiring.

c. Replacement of floor furnaces and floor registers with surface-mounted wall heating systems or hot water appliances. Repairs to the floors will be done with in-kind materials and design.

d. Repair, replacement, removal, or upgrading of water and plumbing systems when historic features, such as hand pumps, are left in place. Historic plumbing fixtures should be retained and used if possible.

e. Replacement of metal water tanks with ones of fiberglass, when the color and texture of the existing or historic tank are replicated or when landscaping camouflages the replacement tank. Redwood tanks with plastic inserts are

also feasible. Construction of a structure around a tank to control temperature is allowed when landscaping camouflages the change.

f. Replacement of and enlarging liquid propane gas systems, if tanks are screened with landscaping materials.

g. Replacement of communications equipment, when the same size, shape, and general configuration are retained, excluding large antenna and communications dishes.

h. Replacement of lightning rod wiring with new copper wire.

5. Surrounding Features (see Ground Disturbing Activities, section 7, below):

a. Replacement of signs in-kind.

b. Ongoing maintenance of immediately surrounding landscaping, including such modifications as removing hazardous vegetation, adding vegetation that blends with the historic landscape, or adding rocks to define paths, where not otherwise prohibited, so long as historic landscape characteristics are maintained.

c. Installation of interpretive signs or exhibit structures which are not attached to historic structures and do not visually intrude on the historic property. Signs should be constructed of materials and painted colors that harmonize with the historic property and its setting.

d. Repair or replacement of driveways and walkways done in-kind to match existing or historic materials and design.

e. Repair or replacement of fencing done in kind to match existing or historic material and design.

f. Addition of a completely removable accessibility ramp which blends with the historic materials and style of the structure itself.

g. Repair, replacement, or addition of exterior lighting that blends with the landscaping and style of the building.

6. New Materials:

a. Installation of dry insulation.

b. Installation of fire or smoke detectors or burglar alarms.

c. Installation of skirting over a structure's crawl space, if constructed or painted a color to match or blend with the structure.

d. Installation of security systems or security devices, such as dead bolts, door locks, window latches, and door peep holes.

7. Ground Disturbing Activities (where no known conflicts with other historic properties, e.g., prehistoric archaeological deposits, may exist):

a. Excavations for repair or replacement of building footings or foundation work within two (2) feet of existing footings and foundations.

b. Installation of utilities, such as sewer, water, or storm drains, electrical, gas, or leach lines, and septic tanks, where installation is restricted to specific areas previously disturbed by installation of these utilities.

c. Tree planting or removal in areas that have been previously disturbed by these activities, including nursery beds and arboreta, provided historic landscaping is maintained.