

**AMENDMENT #1 TO  
PROGRAMMATIC AGREEMENT  
AMONG THE  
U.S.D.A. FOREST SERVICE, PACIFIC SOUTHWEST REGION (REGION 5),  
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,  
NEVADA STATE HISTORIC PRESERVATION OFFICER, AND THE  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE  
PROCESSES FOR COMPLIANCE WITH SECTION 106 OF  
THE NATIONAL HISTORIC PRESERVATION ACT  
FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE  
NATIONAL FORESTS OF THE PACIFIC SOUTHWEST REGION**

**WHEREAS**, the Agreement was executed on February 6, 2013;

**WHEREAS**, the Region 5 PA will expire in February 2018 and the Forest Service wishes to amend the PA to be in effect for an additional 5 years with an automatic extension for another 5 years (see specific language on page 3 of this document). In addition to renewing the existing PA, the Forest Service will do minor "administrative" clean-up and clarification of language in certain stipulations in consultation with the three other Signatories to the PA.

**NOW, THEREFORE**, in accordance with Stipulation 12.3 of the Agreement, the Forest Service, the California SHPO, the Nevada SHPO, and the ACHP agree to amend the Agreement as follows:

1. Delete Stipulation 1.3(c)(6)
  - a. Deletion proposed because this agreement has expired.
  
2. Amend Stipulation 4.2(a)(1)
  - a. Information by Forest detailing use of the PA, Screened Undertakings (Stipulation 7.2), for Section 106 actions submitted no later than March 1 following the prior fiscal year, or by an alternative date negotiated with SHPO by the Regional Heritage Program Leader. Undertaking descriptions for Class II: On-Site Historic Property Protection Measures (Appendix E, 2.1-2.3) where appropriate, shall include: project name and brief description, statement explaining potential project effects to historic properties if they were present, age of previous survey used and why that survey remains valid, number of historic properties present within APE and number of resources assumed eligible, standard protection measures implemented to avoid effects, level of effort in consultation, name of delegated heritage program staff (DHPS) making professional determinations if not HPM (attach official delegation letter).

3. Amend Stipulation 4.2(a)(2)
  - a. Information by Forest detailing Historic Preservation Program (Section 110) accomplishments for each Forest submitted no later than March 1 following the prior fiscal year, or by an alternative date negotiated with SHPO by the Regional Heritage Program leader.
  
4. Amend Stipulation 4.2(b)
  - a. The Regional Heritage Program Leader shall review the reports on Section 106 actions and Section 110 activities submitted by the Forests. Based on that review and other information provided by Forests, the Regional Heritage Program Leader shall develop a summary report for submission to SHPO and ACHP by the Regional Forester, and submit this report by no later than thirty (30) days prior to the annual meeting between the Signatories. This report shall also include a list of unanticipated effects reported by Forests, tribal liaison update, and a break out of the numbers of undertakings that are screened and the category of screening used with each of those undertakings if the data is available. An alternate date may be negotiated between the Regional Heritage Program Leader and the SHPO. The report may identify a need for further review of specific Forest programs if necessary.
  
5. Amend Stipulation 5.1(a)
  - a. The *Framework for Archaeological Research and Management for Forests of the North-Central Sierra Nevada (FARM)* may be implemented as the prehistoric archaeological element of any forest HPP for the Eldorado, Inyo, Sequoia, Stanislaus, and Tahoe National Forests, and the Lake Tahoe Basin Management Unit. If using the FARM as a basis for the prehistoric archaeological element of any forest HPP, tribal consultation protocols shall be a part of HPP, and additional elements and revisions to the FARM shall be reviewed and incorporated into HPPs where approved by the SHPO.
  
6. Amend Stipulation 5.3(b)
  - a. *Exchange of Data with SHPO.* Region 5 has developed and maintains corporate databases that include information about cultural resources and cultural resource investigations (NRM Heritage database) and geospatial data (Geographic Information System (GIS)) in accordance with Section 112(2) of the NHPA and FSM 2360. The NRM Heritage database will be updated with newly recorded and re-recorded cultural resource and survey data. Region 5 and SHPO may jointly work to develop or consider ways that facilitate the electronic submission of records for tracking agency actions provided any such information sharing is in accordance with confidentiality requirements in Section 304 of the NHPA, Section 9 of the ARPA, and the Food, Conservation and Energy Act of 2008 (25 USC 3056).

7. Amend Stipulation 7.2
  - a. The HPM/DHPS may determine that a specific undertaking subsumed under the list of Screened Undertakings found in Appendix D qualifies for certification as such under the streamlined procedures in this PA. Documentation regarding a Screened Undertaking's certification and exemption from additional review under this PA shall be retained in a Forest's cultural resources or project files, and entered into the Forest Service's NRM Heritage database.
  
8. Amend Stipulation 8.1(r)
  - a. Where a member of the public or an Indian tribe or other Indian group or individual objects at any time to the manner in which this PA is being implemented for a specific undertaking (Stipulation 12.1(b)), except where the subject Undertaking is part of a Forest Service NEPA objection process under 36 CFR 218.
  
9. Amend Stipulation 11.1(a)(1)
  - a. *Forest Line Officers.* Forest Heritage Program Managers and/or trained Heritage Program training cadre will provide a minimum of 2 hours of training for Forest Line Officers focused on a review of the agreement's basic components and the Line Officer's roles and responsibilities. The Forest Heritage Program manager may recommend that other District or Forest level staff also participate in such training. New Line Officers shall receive the minimum training within 60 days of reporting to a Forest, unless they have received it at a previous duty station. A one hour PA refresher training will be provided annually for Forest Line Officers and other District or Forest level staff by the Forest Heritage Program Manager or trained Heritage Program training cadre.
  
10. Amend Stipulation 12.1(d)
  - a. The Forest Service NEPA objection process at 36 CFR 218 (*Project-level Predecisional Administrative Review Process*), or successor regulations, shall be used to consider NEPA related objections involving historic properties. Until a draft NEPA decision for an undertaking is made, specific objections from Indian tribes, Indians, and interested parties about the identification of historic properties and their values, and the effects to and treatment of historic properties, within an undertaking shall be resolved under this PA's dispute resolution procedures (Stipulations 12.1(a) – 12.1(b)) or by 36 CFR Part 800 (36 CFR 800.4(d)(ii-iv), 800.5(c)(2-3), 800.9(a)). Once the agency makes a draft decision on an undertaking objections can follow the procedures at 36 CFR 218 or successor regulations in addition to the provisions of this PA.
  
11. Amend Stipulation 12.4(d)
  - a. The initial duration of this agreement shall be five (5) years; however, one (1) year prior to its expiration, Region 5 shall notify all Signatories of the

agreements automatic renewal for an additional five (5) years. If no objections are raised by the Signatories within that one (1) year, the PA shall automatically renew for an additional five-year period on midnight of the fifth anniversary date of its execution. Should an objection be raised, the Signatories shall consult to develop an amendment, as necessary, to address those concerns. Should the PA be extended for a total of ten (10) years, one (1) year prior to its expiration, Region 5 shall initiate consultation with all Signatories of the agreement for the purpose of renewal. Should no successor agreement be in place at the time of expiration, Region 5 shall comply with 36 CFR 800 for all individual undertakings.

12. Amend all Signatory pages (30-52) with correct names and titles.
13. Amend Appendix D, Stipulation 2.0(g)
  - a. Applications of pesticides, biocontrol agents, or herbicides that do not have the potential to affect access to or use of resources by Indians based on the nature of the undertaking or prior or current consultation with Indian tribes;
14. Amend Appendix D, Stipulation 2.0(i)
  - a. Activities that involve less than one cubic meter of cumulative ground disturbance per acre where such activities would not affect the integrity of historic properties;
15. Amend Appendix D, Stipulation 2.2
  - a. Screened Undertakings are to be reported in a table or some other tabular form that captures the number(s) of Screened Undertakings in each category (a-dd) in the Forest Annual Reports.
16. Re-letter Appendix E, Stipulation 1.3(1) and (2)
  - a. Sub-stipulations (1) and (2) should be (a) and (b).
17. Amend Appendix E, Stipulation 1.5
  - a. Monitoring by heritage program specialists may be used to enhance the effectiveness of the protection measures. The results of any monitoring inspection shall be documented in cultural resources reports and the NRM Heritage database.
18. Amend Appendix E, Stipulation 2.1(b)
  - a. Accumulation of sufficient snow as determined by the HPM/DHPS over archaeological deposits or historic features to prevent surface and subsurface impacts. Undertaking activities may be implemented over snow cover on historic properties under the following conditions:
19. Renumber Appendix E, Stipulation 2.2(a)(3)

- a. Renumbering should occur as (2) was skipped. It should be 1-5 and not 1, 3-6.
- 20. Re-letter Appendix E, Stipulation 3.3(f) and (g)
  - a. These Stipulations need to be re-lettered. Stipulations (d) and (e) are repeated twice and should become (f) and (g).
- 21. Reformat Appendix F, Stipulation 4.5(a) and (b)
  - a. The indentation should be changed for sub-stipulations (a) and (b).
- 22. Amend Appendix F, Stipulation 1.0, 10<sup>th</sup> paragraph
  - a. Mining generally falls into two trajectories.... DELETE "follows"
- 23. Amend Appendix H, Stipulation 3.1(a)(1)
  - a. An intensive inventory shall be completed in those portions of the APE where at risk historic properties are expected to occur and/or may be affected by the undertaking (e.g., fire, fire control lines). Where intensive inventory is not possible due to inaccessibility or other constraints, refer to clauses 3.1(c) and d, below. "d" should be placed in parens.
- 24. Amend Appendix H, 3.1(d)
  - a. Where intensive inventory is not feasible because of steep slopes (greater than 30<sup>0</sup>), a non-intensive inventory.... CHANGE 30 degrees to 30%.

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**SIGNATORY:**

**United States Forest Service, Pacific Southwest Region**

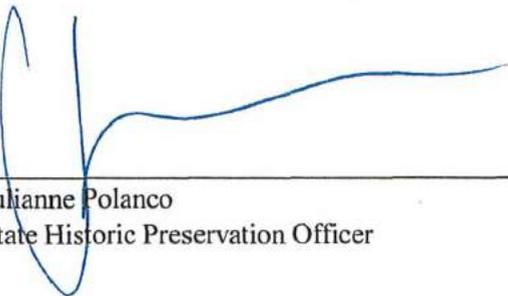
  
\_\_\_\_\_  
Randy Moore  
Regional Forester

1/23/18  
Date

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**SIGNATORY:**

**State of California, Office of Historic Preservation**

  
\_\_\_\_\_  
Julianne Polanco  
State Historic Preservation Officer

31 Jan 2018  
\_\_\_\_\_  
Date

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**SIGNATORY:**

**State of Nevada, Office of Historic Preservation**



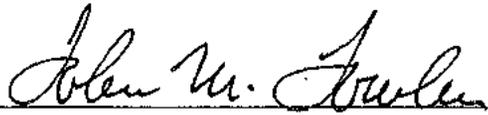
Rebecca L. Palmer  
State Historic Preservation Officer

01/29/18  
Date

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SIGNATORY:

Advisory Council on Historic Preservation

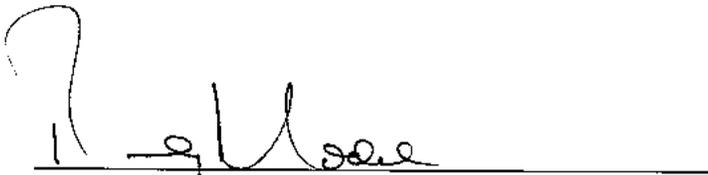
  
\_\_\_\_\_  
John M. Fowler  
Executive Director

\_\_\_\_\_  
Date 1/31/18

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**SIGNATORY:**

**United States Forest Service, Pacific Southwest Region**



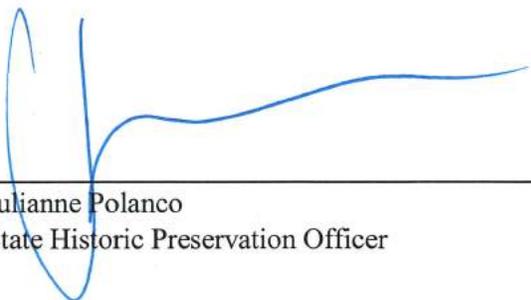
Randy Moore  
Regional Forester

1/23/18  
Date

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**SIGNATORY:**

**State of California, Office of Historic Preservation**

  
\_\_\_\_\_  
Julianne Polanco  
State Historic Preservation Officer

31 Jan 2018  
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Rebecca L. Palmer  
State Historic Preservation Officer

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**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**

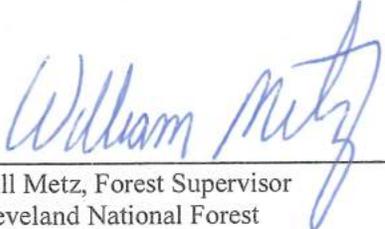
  
\_\_\_\_\_  
Jerome E. Perez, Forest Supervisor  
Angeles National Forest

October 19, 2018  
Date

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I CONCUR:

United States Forest Service, Pacific Southwest Region

  
\_\_\_\_\_  
Will Metz, Forest Supervisor  
Cleveland National Forest

  
\_\_\_\_\_  
Date

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I CONCUR:

United States Forest Service, Pacific Southwest Region



Laurence Crabtree, Forest Supervisor  
Eldorado National Forest

11/6/2013  
Date

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I CONCUR:

United States Forest Service, Pacific Southwest Region



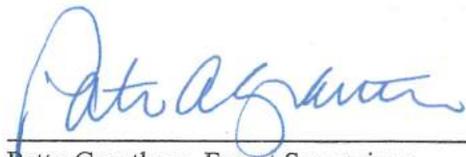
Tammy Randall Parker, Forest Supervisor  
Inyo National Forest

10/15/18  
Date

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**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**



---

Patty Grantham, Forest Supervisor  
Klamath National Forest

10.17.18

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Date

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**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**

  
\_\_\_\_\_  
Jeff Marsolais, Forest Supervisor  
Lake Tahoe Basin Management Unit

10/25/18  
Date

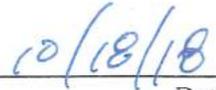
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**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**



\_\_\_\_\_  
Chris Schow, Acting Forest Supervisor  
Lassen National Forest

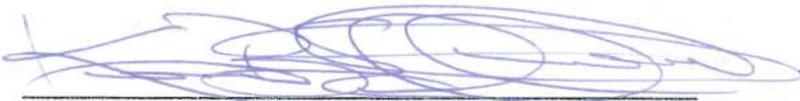


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**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**



**Kevin Elliott, Forest Supervisor  
Los Padres National Forest**

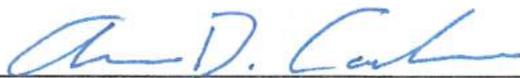
*29 Oct 2018*

**Date**

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**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**

  
\_\_\_\_\_  
Ann Carlson, Forest Supervisor  
Mendocino National Forest

11/13/18  
Date

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**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**

  
\_\_\_\_\_  
Amanda McAdams, Forest Supervisor  
Modoc National Forest

  
\_\_\_\_\_  
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**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**

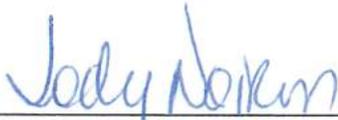
*for* Barbara Drake  
Daniel Lovato, Forest Supervisor  
Plumas National Forest

10/16/18  
Date

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**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**



\_\_\_\_\_  
Jody Noiron, Forest Supervisor  
San Bernardino National Forest



\_\_\_\_\_  
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THE NATIONAL HISTORIC PRESERVATION ACT  
FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE  
NATIONAL FORESTS OF THE PACIFIC SOUTHWEST REGION

I CONCUR:

United States Forest Service, Pacific Southwest Region



Teresa Benson, Forest Supervisor  
Sequoia National Forest

11/05/2018

Date

AMENDMENT #1 TO  
PROGRAMMATIC AGREEMENT  
AMONG THE  
U.S.D.A. FOREST SERVICE, PACIFIC SOUTHWEST REGION (REGION 5)  
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,  
NEVADA STATE HISTORIC PRESERVATION OFFICER, AND THE  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE  
PROCESSES FOR COMPLIANCE WITH SECTION 106 OF  
THE NATIONAL HISTORIC PRESERVATION ACT  
FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE  
NATIONAL FORESTS OF THE PACIFIC SOUTHWEST REGION

I CONCUR:

United States Forest Service, Pacific Southwest Region



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Scott Russell, Forest Supervisor  
Shasta-Trinity National Forest

11/13/18

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Date

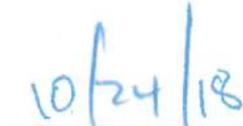
**AMENDMENT #1 TO  
PROGRAMMATIC AGREEMENT  
AMONG THE  
U.S.D.A. FOREST SERVICE, PACIFIC SOUTHWEST REGION (REGION 5)  
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,  
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FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE  
NATIONAL FORESTS OF THE PACIFIC SOUTHWEST REGION**

**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**



\_\_\_\_\_  
Dean Gould, Forest Supervisor  
Sierra National Forest



\_\_\_\_\_  
Date

**AMENDMENT #1 TO  
PROGRAMMATIC AGREEMENT  
AMONG THE  
U.S.D.A. FOREST SERVICE, PACIFIC SOUTHWEST REGION (REGION 5)  
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,  
NEVADA STATE HISTORIC PRESERVATION OFFICER, AND THE  
ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE  
PROCESSES FOR COMPLIANCE WITH SECTION 106 OF  
THE NATIONAL HISTORIC PRESERVATION ACT  
FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE  
NATIONAL FORESTS OF THE PACIFIC SOUTHWEST REGION**

**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**



Ted McArthur, Forest Supervisor  
Six Rivers National Forest

10/17/19  
Date

**AMENDMENT #1 TO  
PROGRAMMATIC AGREEMENT  
AMONG THE  
U.S.D.A. FOREST SERVICE, PACIFIC SOUTHWEST REGION (REGION 5)  
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,  
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FOR MANAGEMENT OF HISTORIC PROPERTIES BY THE  
NATIONAL FORESTS OF THE PACIFIC SOUTHWEST REGION**

**I CONCUR:**

**United States Forest Service, Pacific Southwest Region**

  
\_\_\_\_\_  
Jason Kuiken, Forest Supervisor  
Stanislaus National Forest

10/18/18  
Date

AMENDMENT #1 TO  
PROGRAMMATIC AGREEMENT  
AMONG THE  
U.S.D.A. FOREST SERVICE, PACIFIC SOUTHWEST REGION (REGION 5)  
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER,  
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NATIONAL FORESTS OF THE PACIFIC SOUTHWEST REGION

I CONCUR:

United States Forest Service, Pacific Southwest Region



Eli Ilano, Forest Supervisor  
Tahoe National Forest

11-15-19

Date