

PROGRAMMATIC AGREEMENT
AMONG
U.S. DEPARTMENT OF AGRICULTURE, FOREST SERVICE, SOUTHERN REGION,
THE STATE HISTORIC PRESERVATION OFFICERS OF
ALABAMA, ARKANSAS, FLORIDA, GEORGIA,
KENTUCKY, LOUISIANA, MISSISSIPPI, NORTH CAROLINA, OKLAHOMA,
PUERTO RICO, SOUTH CAROLINA, TENNESSEE, TEXAS, VIRGINIA, AND
WEST VIRGINIA
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
CONCERNING THE MANAGEMENT OF HISTORIC PROPERTIES
ON NATIONAL FOREST LANDS IN THE SOUTHERN REGION

WHEREAS, the U.S. Department of Agriculture, U.S. Forest Service, Southern Region (Forest Region), in consultation with the State Historic Preservation Officers in the states which constitute the Southern Region (SHPOs), and the Advisory Council on Historic Preservation (Council), has determined that Forest Region activities on the 35 National Forests and 1 National Grassland listed in Attachment 1, hereinafter collectively referred to as the "National Forests," may affect properties listed in or eligible for listing in the National Register of Historic Places (National Register); and,

WHEREAS, the Forest Region has determined that identification and evaluation of historic properties that might be affected by Forest Service activities must be conducted in order for the Regional Forester, the appropriate Forest Supervisor, and other agency officials to take such effects into account in evaluating alternatives and in making decisions pursuant to the National Environmental Policy Act (NEPA), the National Forest Management Act (NFMA), the National Historic Preservation Act of 1966 (NHPA)(16 U.S.C. 470), and related authorities; and

WHEREAS, a region-wide coordinated program would improve consistency and accountability in the development and application of appropriate measures to inventory, evaluate, protect, interpret, enhance, and manage historic properties among the National Forests; and

WHEREAS, a coordinated program may best be accomplished under a single Programmatic Agreement (PA) which sets forth a process for cooperation between the Forest Region and the SHPOs, and conditions under which National Forest-based planning can take place under Region-wide standards for inventorying, evaluating, protecting, enhancing, and managing historic properties affected by the activities and programs administered and carried out by the individual National Forests; and

WHEREAS, the Forest Region has requested the comments of the Council pursuant to Section 106 and Section 110(f) of the National Historic Preservation Act (NHPA)(16 U.S.C. 470), as amended, and its implementing regulations, Protection of Historic Properties (36 CFR Part 800); and

WHEREAS, successful implementation of this Agreement depends on completion of a supplemental Memorandum of Understanding (MOU) between each National Forest and the appropriate SHPO defining more specifically the manner in which they will interact and consult under this Agreement, thereby taking into account the wide diversity of resources, management constraints, and State and other interests within the Forest Region; and

WHEREAS, for the sake of consistency between standard Forest Service practice and statutory definitions, the term "cultural resources" will, for the purposes of this Agreement, be used interchangeably with the term "historic properties" as defined in Section 301(5) of the NHPA (16 U.S.C. 470w);

NOW, THEREFORE, the Forest Region, the SHPOs, and the Council agree that this program shall be implemented in accordance with the following stipulations in order to take into account the effect of Forest Region activities on historic properties.

STIPULATIONS

The Forest Region will ensure that the following measures are carried out, except where another party to this PA is specifically named below.

I. Forest-Wide Planning and USFS/SHPO Coordination

A. The Forest Region will ensure that the appropriate SHPO and, on request, the Council, is provided with copies of the relevant current National Forest Land and Resource Management Plan(s) (LRMP), existing Cultural Resource Overview documents, and a set of maps of the National Forests in that state, within 30 days of the effective date of this Agreement. In addition, copies of relevant Regional or Washington office directives pertaining to cultural resources issues will be provided as they become available.

B. The National Forests will consult with the SHPOs during the regular review of activities under the LRMP, and make any necessary additions to existing Management Prescriptions or other Forest-wide planning tools based on implementation of this

Agreement during the revision or amendment of the LRMP or within 3 years from the date of this Agreement, whichever is sooner.

C. The National Forests will incorporate references to this Agreement into LRMPs as they are amended or revised.

D. Supplemental Process Memoranda of Understanding

1. Implementation of this Agreement will be facilitated by development and implementation of supplemental Memoranda of Understanding (MOUs) tailored to the needs and conditions of individual National Forests and States.

3. Within 1 year from the date of this Agreement, each National Forest shall prepare, in consultation with the appropriate SHPO, such a proposed MOU, including any specific modifications to the list of activities on National Forest land excluded from further review (see Stipulation V.B.) or limitations on the use of Cultural Resource Technicians, other paraprofessionals, and volunteers (see Stipulation VIII and Attachment 2).

3. The National Forest will provide proposed MOUs, with any supporting documentation and evidence of the SHPO's concurrence, to the Forest Region and the Council for review. Upon the acceptance of the MOU by the Regional Forester and the Council, its terms shall be considered an addendum to this Agreement. The MOU may be reviewed periodically and revised as needed in the same manner as the original MOU.

II. Public Participation

A. The Forest Region and the National Forests will establish mechanisms for seeking information and advice from local and state governments, public and private organizations, interested Native American groups, and other interested persons likely to have knowledge of or concerns with historic properties on the National Forests, with reference to the Council's Public Participation in Section 106 Review: A Guide for Agency Officials (ACHP, 1989), and incorporating such information into identification, evaluation, and treatment efforts (36 CFR 800.1(c)).

B. Within 1 year of the effective date of this Agreement, the Forest Region will provide guidance to the National Forests on effective public participation measures, including ways to give interested members of the public the opportunity to comment upon mitigation plans where appropriate (see Stipulation V.D.).

III. Identification of Historic Properties

A. The National Forests will make a reasonable and good faith effort to identify historic properties on National Forest System lands by following their procedures under NEPA as well as 36 CFR § 800.4 where there are specific undertakings requiring inventory or general Forest inventories being carried out under Section 110 (a)(2) of NHPA.

Identification efforts will be consistent with the Section 110 Guidelines (ACHP and NPS, November 1989), the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716, September 29, 1983), and applicable USFS standards. MOUs between individual National Forests and SHPOs may agree on more specific State standards based on State Historic Preservation Plans. Each National Forest will complete its identification responsibilities in consultation with the SHPO by:

1. Developing and maintaining a current data base, including but not limited to:

- locations of historic properties;
- descriptions of historic properties (state of integrity and preservation, sensitivity to damage, and potential significance);
- probable distributions of unrecorded historic properties (based on ethnographic, historical, and archeological information); and
- extent, nature, and status of identification activities conducted or underway on the National Forest.

2. Reviewing and updating the Forest Cultural Resource Overviews(s) within 3 years of the date of this Agreement, and at least every five years thereafter.

3. Developing, testing, and improving the accuracy of site locational models referenced in the Forest Cultural Resource Overview(s) in consultation with the SHPO in order to organize existing site information and prioritize future survey locations and methods. When subject to scientific testing, such models may provide the basis for depicting zones of archeological sensitivity or similar parameters on USGS quadrangles (or a computerized Geographic Information System (GIS)) for each of the National Forests.

4. Conducting or causing to be conducted systematic historic property inventories pursuant to the 1988 amendments to the Archeological Resources Protection Act (ARPA). In consultation with SHPOs, the National Forests will develop and implement standard field inspection methods to assess the condition of known historic properties, including any damage from vandalism or other unauthorized activities.

B. Unless otherwise agreed upon in State-specific MOUs, the National Forests will provide historic property survey reports to the appropriate SHPO for review and comment during the planning stages of proposed activities. Within 30 calendar days of receipt of the completed documents, unless a longer commenting period has been mutually established and agreed upon in State-specific MOUs, the SHPO shall review and comment on the report. The National Forests will take into account any comments received in a manner consistent with 36 CFR § 800.4.

C. The National Forests, in consultation with the Forest Region, will establish a mutually acceptable schedule for meeting with individual SHPOs on a regular basis to ensure that the identification work performed on each National Forest meets the goals of the State Historic Preservation Plan, the Forest Land and Resource

Management Plan, and the Forest Region.

IV. Evaluation of Historic Properties

A. Each National Forest will evaluate the significance of all properties which may be eligible for the National Register identified on lands owned or controlled by them. The evaluations shall be conducted in accordance with 36 CFR § 800.4(c), 36 CFR Part 60, relevant National Register Bulletins issued by the National Park Service, FSM 2361 Guidelines, and in a manner consistent with the Secretary of the Interior's Standards for Evaluation (48 FR 44716). MOUs between individual National Forests and SHPOs may establish more specific criteria, based on State Historic Preservation Plans, existing historic contexts for resources within the state, or other factors.

B. Each National Forest will provide information on historic property evaluations, including opinions on eligibility with reference to the National Register criteria (36 CFR § 60.4), to the SHPO for review and comment subsequent to inventory conducted pursuant to Section 110(a)(2) of the NHPA or prior to signing any decision document which could result in effects on historic properties.

1. Within 30 calendar days of receipt of a completed evaluation, the SHPO should comment on the National Forest's determination that a property:
 - a. is recommended as eligible for inclusion in the National Register, has already been determined eligible for listing and/or is listed in the National Register (Class I property); or
 - b. is recommended as potentially eligible for inclusion in the National Register, but requires additional information to make a final determination. In this case, the site will be treated as if it is eligible until demonstrated otherwise through appropriate testing and/or other documentation (Class II property); or
 - c. is recommended as ineligible for listing in the National Register (Class III property).
2. In the event identification and evaluation are conducted simultaneously, information submitted for SHPO review may be combined into one document. Unless different time frames are agreed to in an MOU between the National Forest and SHPO, if by the end of 30 calendar days, the SHPO has not disagreed in writing with the National Forest's findings or requested a time extension acceptable to the National Forest within which to respond, the National Forest may assume SHPO concurrence in its conclusions.
3. If the National Forests and the SHPO do not agree on eligibility, or if the Council or the Secretary of the Interior so request, the National Forest, with the assistance of the Forest Region, shall obtain a determination of eligibility from the Secretary of the Interior (through the Keeper of the National Register pursuant to applicable National Park Service procedures).

C. As part of its separate Federal agency responsibilities under Section 110(a)(2) of the National Historic Preservation Act, the Forest Region will establish a program to complete evaluation of properties which may be eligible for the National Register (Class II properties), and to nominate to the National Register properties which are eligible (Class I properties not already listed). The Forest Region program will be consistent with the procedures set forth in 36 CFR Part 60, and may be the subject of additional coordination by an individual National Forest and SHPO through their MOU.

V. Project Planning and Review

A. Consultation on an Annual Program of Work

1. Prior to the beginning of each fiscal year, each National Forest shall develop and submit to the SHPO for review and comment a cultural resources plan of work for the forthcoming fiscal year. The plan will be a comprehensive package of proposed projects for the succeeding 12-month period (planning year). Included in the plan will be the list of those projects requiring no further review under this Agreement. The package will include maps showing proposed project areas and a table containing the proposed USFS cultural resource action priority assignments. New projects which unexpectedly arise during the course of a fiscal year will be submitted for review to the SHPO on a case-by-case basis.
2. The SHPO should provide comments to the National Forest within 60 calendar days of receipt of a cultural resources Plan of Work. Any comments will be taken into account by the National Forest in its annual work planning.

B. Activities Requiring No Further Review Under This Agreement

1. The following routine activities on National Forest land will require no further review under this Agreement, unless modified by an MOU (Stipulation I.D.):
 - Research activities involving no destructive actions on known historic properties (including demolition or dismantling) or ground disturbance;
 - Permits, easements, rights-of-way, and leases that do not authorize ground disturbance;
 - Easement acquisitions;
 - Land acquisitions;
 - Routine road maintenance and road and parking area resurfacing where work is within previously maintained surfaces, ditches, and cut and fill slopes;
 - Maintenance or alteration of existing facilities less than 50 years old (i.e.,

administrative structures, recreation structures, boat launch ramps, campgrounds, cattleguards, fences, stock tanks) that do not involve additional ground disturbance;

- Pesticide spray projects involving no timber thinning or other ground disturbance;
- Withdrawal revocations (lands that return to Forest Service control from other Federal or State agencies);
- Wilderness study areas;
- Snagging and clearing of streams within stream channels, not including work on terraces, cutbanks, and similar locations;
- Installation of sign posts and monuments, unless within known historic property boundaries; and
- Routine foot trail maintenance that does not involve new ground disturbance.

C. Activities Requiring Further Review Under This Agreement

1. For each activity not categorically excluded from further review in accordance with Stipulation IV.B. above or an approved MOU, prior to signing any decision document for a proposed project the National Forest shall prepare and submit to the SHPO documentation containing, at a minimum, the following information:

- a. specific information on the nature and location of a proposed project;
- b. an assessment of the potential effect of the project on historic properties, including a description of the area of potential effect;
- c. a summary of identification and evaluation efforts and results (including State and National Forest site forms if applicable);
- d. recommendations for avoiding, minimizing, or mitigating any adverse effects (including historic property protection and enhancement measures if applicable); and
- e. maps, photographs, and other graphics necessary to understand the project and its effects on historic properties.

2. Standards for reporting archeological sites or historic architectural features will, at a minimum, conform to the Secretary of the Interior's Standards for Documentation (48 FR 44728-37).

3. The SHPO will respond to a request for comments accompanied by the information outlined in Stipulation V.C.1. within 30 days of receipt. If the National Forest and the

SHPO agree that the project will not adversely effect historic properties, the National Forest will keep a record of this determination and may proceed to implement the project in accordance with any conditions agreed upon with the SHPO.

4. Should the National Forest, in consultation with the SHPO, determine that a project will adversely affect historic properties, or should the National Forest and the SHPO be unable to agree on conditions to support a determination of no adverse effect, the National Forest will notify the Council and the Forest Region and follow the remaining steps in 36 CFR Sec. 800.5(e)-800.6.

D. Mitigation Guidelines

1. Wherever prudent and feasible, Class I and II historic properties (see Stip. IV above) will be preserved in place, and subject to the protection and management policies contained in this Agreement.

2. Where it is not prudent and feasible to establish appropriate preservation measures, the National Forest will consult with the SHPO and, as appropriate, the Council and the Forest Region to reach agreement on the development and implementation of appropriate measures to minimize or mitigate adverse effects.

3. Until regulations implementing the Native American Graves Protection and Repatriation Act (NAGPRA, P.L. 101-601) are promulgated, the Forest Region will follow the guidelines set forth in the Southern and Eastern Regions' Human Remains Policy (Attachment 3) and in applicable state laws for dealing with human remains and related objects.

VI. Protection, Enhancement and Management of Historic Properties

A. It shall be the policy of the Forest Region to:

1. Conduct no activities that may cause an effect to unrecorded historic properties, with particular attention to areas of potential effect identified by site locational models as having a moderate or high likelihood to contain archeological sites or other historic properties, until historic property inventories have been conducted.

2. Conduct no activities that might have an effect on identified Class I and II historic properties without first obtaining written comments from the SHPO and, as needed, from the Council pursuant to this Agreement. When such consultation results in a determination that there is no feasible or prudent alternative to the proposed action, the National Forest will not proceed with the proposed activity until the remaining steps in 36 CFR 800.5-800.6 have been followed.

3. Ensure that all research and development/technical work, including special use permits,

at Class I and Class II historic properties is conducted in accordance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716 et seq.) and the permit requirements of ARPA. Any such work will be conducted following consultation with the appropriate SHPO.

4. Ensure that ethnic and Native American concerns in decisions affecting historic properties identified with Native Americans or particular ethnic communities are taken into account by following the provisions of Stipulation II, the Southern and Eastern Region Human Remains Policy, applicable statutes, and related Forest Service policies.
5. Provide an appropriate level of historic property monitoring, security, and law enforcement activity to reduce or prevent site looting and vandalism.
6. Work to ensure that National Forest interpretive plans are in harmony with state interpretive plans and facilities.
7. Actively encourage partnerships with SHPOs and other state and local historic preservation agencies as well as businesses who wish to further enhancement and interpretation of the cultural heritage.
8. Include historic properties in environmental awareness programs and integrate them with the interpretive component of the recreation program. Educational brochures, pamphlets, monographs, and other works of a popular and technical nature will be disseminated emphasizing the relevance, fragility and other values of such properties to the public and appropriate USFS staff to ensure historic property awareness in implementing the land management plans.
9. Not disclose locational or other confidential information on Class I or Class II properties, unless there is a specific project-related need to know or unless the historic properties identified are adequately protected.
10. Develop and encourage interpretive facilities at well-protected historic properties as deemed appropriate by the National Forest, in consultation with the SHPO and the Forest Region.
11. Complete management plans for historic properties that have been determined by the National Forest, in consultation with the SHPO, as being worthy of preservation/protection. These include measures necessary to protect and maintain historic and cultural values, and to interpret and sensitively reuse significant prehistoric or historic features and structures. The Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards (1985; prop. rev. 1992) will form the basis for determining the appropriateness of proposed acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction. For buildings or structures, the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings will form the basis for determining the appropriateness of proposed maintenance actions, rehabilitation work, or modifications to such properties.

12. Establish, develop, and coordinate partnership, volunteer, and outreach programs for historic preservation and other aspects of historic property management on National Forests and encouraging the development of these state-wide and regionally. To the extent feasible, and with direct supervision from an appropriately qualified professional, using volunteers to monitor, conduct surveillance, construct protective devices, participate in public interpretation, and participate in other tasks as appropriate. It is understood that the term "appropriately qualified professional" in this context means an individual trained as an archeologist, historian, historic architect, or anthropologist and meeting the professional qualifications standards set forth in either the appropriate Office of Personnel Management Qualification Standards, or the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9). It is also understood that the supervision, training and/or oversight activities of such professionals will be within their areas of professional expertise. The National Forests and the Forest Region will consult the SHPOs regularly in the development and implementation of such programs.

VII. Annual Reporting and Oversight

A. Each National Forest shall prepare a brief Annual Assessment of Cultural Resource Activities (Annual Assessment) for all cultural resources activities conducted during the previous fiscal year. This Annual Assessment shall summarize activities carried out under this Agreement, including those being carried out under Stipulation VI, and at a minimum shall include:

1. a summary of important information collected during the year's investigations which may serve to update, modify or refine existing forest overviews, predictive models, historic contexts, or research considerations;
2. status of any mitigation, protection, preservation, or enhancement measures taken or recommended during the year;
3. a list of areas inventoried, inventory results, and other pertinent data in tabular form;
4. any other reportable activities, beyond compliance activities, including public outreach and participation.

B. The Forest Region, in consultation with the Council, will develop a standard format for the Annual Assessment.

C. Annual Assessment Submission and Review Schedule

1. Each National Forest shall submit its Annual Assessment to the appropriate SHPO and the Forest Region on March 1, 1993, and on March 1 annually thereafter.
2. The Forest Region will transmit copies of all Annual Reports to the Council no later than May 1, 1993, and on May 1 annually thereafter, along with an appraisal of the

effectiveness of this Agreement.

3. The Forest Region and the Council, in consultation with the SHPOs and the National Forests, will regularly monitor activities carried out pursuant to this Agreement, and will establish mutually acceptable arrangements for following up on Annual Assessments and effectiveness appraisals through meetings, field or office reviews, or other means for this purpose.

VIII. Performance Standards

A. The Forest Region will ensure that historic property inventory, evaluation, assessment, documentation and architectural rehabilitation activities are conducted under the professional supervision and oversight of an individual trained as an archeologist, historian, historic architect, or anthropologist and at a minimum meeting the standards set forth in either the appropriate Office of Personnel Management Qualification Standards, or the Secretary of the Interior's Professional Qualifications Standards (44 FR 44738-9). It is understood that the described activities conducted by such professionals will be within their areas of professional expertise. The SHPOs may assist the National Forests in this matter by providing technical assistance from qualified staff in the review of plans and specifications of proposed activities affecting identified Class I or II properties.

B. Certified Cultural Resources Technicians, under the direction of qualified professional archeologists, may be used to assist in National Forest inventory tasks when their use is agreed upon by the SHPO. The conditions for certification are stipulated in FSM 2361, Supplement 50, amended 1991, and are made a part of this PA (Attachment 2).

C. The National Forests will protect sensitive, Native American historic property data by not permitting property-specific information to appear in environmental or other documents or publications unless it is reasonably assured that the properties in question are adequately protected. Property data in this category will be determined in consultation with appropriate Native Americans. Property-specific information will, however, be provided to the SHPO for inclusion in State site inventories, to appropriate National Forest staff to facilitate site protection, and to legitimate scholars upon request. Native Americans will be given an opportunity to comment on any such request.

IX. Additional Provisions

A. Situations Not Specifically Covered by this Agreement

Unless otherwise provided in approved MOUs, the following situations will be handled under the applicable sections of the Council's regulations:

- Forest Service activities involving National Historic Landmarks (36 CFR Sec. 800.10);

- properties discovered during implementation of an undertaking (36 CFR Sec. 800.11); and
- emergency actions (36 CFR Sec. 800.12).

B. Dispute Resolution

Should a party to this Agreement or any interested party make a timely objection to any actions proposed under this Agreement, the concerned National Forest shall consult with the objecting party to resolve the objection. If the National Forest determines that the objection can not be resolved, it will forward all documentation relevant to the dispute to the Council and notify the Forest Region. Within 30 days after receipt of all pertinent documentation, the Council will either:

1. provide the National Forest with recommendations, which the National Forest will take into account in reaching a final decision regarding the dispute; or
2. notify the National Forest and the Forest Region that it will comment pursuant to 36 CFR Sec. 800.6(b), and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the National Forest in accordance with 36 CFR Sec. 800.6(c)(2) with reference to the subject of the dispute.

B. At the end of each fiscal year, each National Forest and its SHPO shall consult to determine the success of their mutual working relationship as defined by this Agreement and the MOU between the National Forest and the SHPO, and shall make appropriate changes if necessary that are consistent with the provisions of this Agreement.

C. If any signatory to this Agreement determines the terms of the PA cannot be met, or believes a change is necessary, that signatory shall request the consulting parties to consider an amendment or addenda to this Agreement. Such an amendment or addenda will be executed in the same manner as the original Agreement.

D. Any party to this Agreement may terminate it by providing 30 calendar days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

E. Failure to Carry Out the Terms of the Agreement

1. In the event the Forest Region or an individual National Forest is unable to carry out the terms of this PA, or following a notification from the Council, made in consultation with the Regional Forester and the SHPO, that a specific National Forest should be withdrawn from this Agreement, or if an individual State refuses to execute the Agreement, the Forest Region or the National Forest will comply with 36 CFR § 800.4 through §

800.6 with regard to individual undertakings that would otherwise be covered by this Agreement.


2. In the event a SHPO is unable to fulfill its responsibilities pursuant to this Agreement, the affected National Forests and the Forest Region shall consult with the Council on an appropriate course of action for implementing the terms of the Agreement.

F. Existing Agreements

Any existing Forest- or State-specific Memorandum of Agreement or Programmatic Agreement covering management of historic properties on a National Forest in the Southern Region shall be terminated within 60 days of the date of this Agreement, unless the SHPO and the Forest Supervisor notify the Forest Region and the Council of their desire to continue that Agreement in force for a longer period of time or to use it as the basis for a Memorandum of Understanding between the National Forest and the SHPO. In this case, the parties will review the existing Agreement and determine its consistency with the terms of this regionwide Agreement.

Execution of this Agreement evidences that the Forest Region has afforded the SHPOs in the Southern Region and the Council a reasonable opportunity to examine and share their views on how it manages historic properties. Execution of this Agreement and implementation of its terms also evidences that the Forest Region has satisfied its Section 106 responsibilities for all individual undertakings on the National Forests covered by this Agreement.

USDA FOREST SERVICE, REGION 8

By:  Date: 10/8/92
Regional Forester

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By:  Date: 11/19/92
Chairman

STATE HISTORIC PRESERVATION OFFICERS

By: _____ Date: _____
Alabama SHPO

By: _____ Date: _____

By: _____ Date: _____
Alabama SHPO

By: _____ Date: _____
Arkansas SHPO

By: _____ Date: _____
Arkansas SHPO

By: _____ Date: _____
Florida SHPO

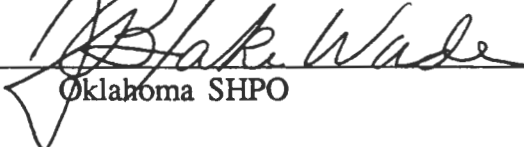
By: _____ Date: _____
Georgia SHPO

By: _____ Date: _____
Kentucky SHPO

By: _____ Date: _____
Louisiana SHPO

By: _____ Date: _____
Mississippi SHPO

By: _____ Date: _____
North Carolina SHPO

By:  _____ Date: 3-23-93
Oklahoma SHPO

By: _____ Date: _____
Puerto Rico SHPO

By: _____ Date: _____
South Carolina SHPO

By: _____ Date: _____
Tennessee SHPO

By: _____ Date: _____
Texas SHPO

By: _____ Date: _____
Virginia SHPO

By: _____ Date: _____
West Virginia SHPO

ATTACHMENT 1

NATIONAL FORESTS IN THE SOUTHERN REGION TO WHICH THIS PA APPLIES

ALABAMA

Bankhead NF, Conecuh NF, Talladega NF, Tuskegee NF

ARKANSAS

Ouachita NF, Ozark NF, St. Francis NF

FLORIDA

Apalachicola NF, Ocala NF, Osceola NF

GEORGIA

Chattahoochee NF, Oconee NF

KENTUCKY

Daniel Boone NF

LOUISIANA

Kisatchie NF

MISSISSIPPI

Bienville NF, Delta NF, DeSoto NF, Holly Springs NF, Homochitto NF, Tombigbee NF

NORTH CAROLINA

Croatan NF, Nantahala NF, Pisgah NF, Uwharrie NF

OKLAHOMA

Caddo NF (also portion of Ouachita NF, see Arkansas)

PUERTO RICO

Caribbean NF

SOUTH CAROLINA

Francis Marion NF, Sumter NF

TENNESSEE

Cherokee NF

TEXAS

Angelina NF, Davy Crockett NF, Sabine NF, Sam Houston NF, Lyndon B. Johnson National Grasslands, Caddo National Grasslands

VIRGINIA

George Washington NF, Jefferson NF

WEST VIRGINIA

(portion of George Washington NF, see Virginia)

ATTACHMENT 2

TITLE 2300 - RECREATION, WILDERNESS, AND
 RELATED RESOURCE MANAGEMENT
 (Revised, 1991)

2361 - CULTURAL RESOURCES2361.42 - Paraprofessionals

1. Definition.As used in this supplement, a paraprofessional is an employee who is certified as a Cultural Resources Technician (CRT). The CRTs will work under the technical supervision of the Forest Archeologist. A CRT is an individual who has satisfactorily completed specialized training in methods and techniques of archeology in the Southeast.
2. Qualification.Employees will be certified as CRTs upon successful completion of the Forest level training and a written exam as defined in this manual supplement and their demonstrated ability to successfully carry out the tasks involved with this program. Certification will be recommended by the Forest Archeologist and approved by the Forest Supervisor. The duties of the CRT will be included in their job descriptions.

Persons who are selected to fill CRT positions must have had cultural resource training prior to their selection. The Forest Archeologist must be consulted for recommendations prior to the final selection.

3. Retention of Qualification.To retain certification, a CRT must annually survey a minimum of 40 acres and complete a minimum of two (2) Cultural Resource Reconnaissance Reports. In addition, at least two (2) archeological or historical sites must be satisfactorily documented and reported on state archeological site data forms by the CRT annually. Refresher training will be held on a biennial basis or as needed. Periodic inspections will be conducted by the Forest Archeologist to review the work of the CRT and recertification may be required if the CRT performance shows weakness.
4. Training.CRT training will be conducted under the direction of the Forest Archeologist. The overall CRT training program shall meet the approval of the Regional Archeologist. Initial training will include 40 hours of classroom work and 40 hours of directed field exercises. Minimum training requirement will include:
 - a. Program direction.Includes, but is not limited to, legal and regulatory authority; Forest Service policy; coordination with Government and other agencies, institutions, and organizations; vandalism and law enforcement training; relevant research philosophy. Training will include a visit with representatives from the State Historic Preservation Office (SHPO) and/or the State Archeologist's office.

- b. Acquisition of Background Knowledge and Skills. Introduction to the history, ethnography, and archeology of the area where training is performed; the variety and methods of prefield study; the basis of lithic and other tool technologies, including flint knapping; the identification of artifacts and other relevant resources representative of the area.
 - c. Methods and Techniques of Field Survey. This element should constitute the major portion of the training and shall consist of professionally supervised field exercises. Basic skills of the CRT will consist of a working knowledge of at least: map reading (both Forest Maps and USGS topographic quadrangles) and use of aerial photographs; basic survey strategies and techniques; site mapping; site protection; artifact collecting and disposition; site forms and records; survey reports; field notes. To reinforce the development of these skills, the Forest Archeologist and the CRTs should visit at least one active archeological excavation and one curatorial facility.
 - d. Preparing the Necessary Cultural Resource Documents and Reports. Cultural Resource Technicians will use an approved Cultural Resource Reconnaissance report form to document prefield research, field surveys, data collection, and results. Field surveys and other activities shall be documented by the use of Field Notes (See R8 FSM Supplement No. 54, 2361.22b). Sites, when found, will also be documented on the approved site forms. If additional information is required by the SHPO, the Forest Archeologist will work with the SHPO to coordinate these needs.
 - e. Examination. Upon completion of the training, but prior to certification, the CRT shall take and successfully pass a written exam. The exam will consist of information disseminated through forest-level training sessions. The results of the exam shall provide adequate information to objectively measure the trainee's performance. If the first attempt to pass the exam is unsuccessful, the CRT shall retake the exam within two weeks. If successful, the CRT may be eligible for certification. If unsuccessful on the second attempt, the CRT will be required to reenter the certification program and attend the 40 hour training session. In the interim, the CRT will not be allowed to conduct cultural resource surveys.
 - f. Off-Forest Training. CRTs may attend off-forest training sessions to supplement the forest-provided refresher training. The off-forest session must meet the approval of the Forest Archeologist and District Ranger.
5. Limitations of Duties. Cultural Resource Technicians may not perform the following tasks:
- a. Make any evaluation of the importance or significance of a site, or of other archeological or historical remains.
 - b. Make any evaluation of the effect of a project on a site, or on other

archeological or historic remains (such a recommendation may be included in a report authored by a paraprofessional, provided the Forest Archeologist concurs).

- c. Supervise more than three other persons in cultural resource survey. The additional persons must be current CRTs. Non-trained persons (persons who have not been through the Forest Service CRT training) must not be allowed to assist with or independently conduct field survey.
- d. Participate in site evaluation testing or site excavation without being directly supervised by the Forest Archeologist.

TREATMENT OF HUMAN REMAINS POLICY

USDA-Forest Service
Southern and Eastern Regions

Introduction

The Southern and Eastern Regions administer land which has a long history of human occupation. Because of this history, many thousands of dead are interred on National Forest System lands within the Regions. Many of these are in known cemeteries. Others are in unmarked graves. The latter is particularly true of Native American burial sites.

Protective rules and regulations include: Public Law 59-209, 34 Stat. 225, 16 U.S.C. 431-433; Public Law 95-341, 92 Stat. 469, 42 U.S.C. 1996n; Public Law 96-95, 93 Stat. 721, 16 U.S.C. 470aa-11; and 36 CFR 296. The following policy is developed with the presumption that regardless of ethnicity, most people, at their time of death, desire to remain in the earth, undisturbed. Burial sites in the Southern and Eastern Regions will be left undisturbed unless there is an urgent need for their disinterment. In situ management is the preferred method for the preservation of human remains and associated grave goods.

Because of the religious/spiritual beliefs of some groups or individuals regarding the excavation, analysis, curation, and final disposition of human skeletal remains, the following applies to all human remains regardless of age or ethnicity (except those subject to criminal investigations).

Human remains will be treated with dignity and respect for the wishes of the deceased individuals they represent and living people with whom they are affiliated.

Action Plan

Pursuant to this policy, Forest Supervisors will develop an action plan for the treatment of all human remains and grave goods under their jurisdiction. Plan development will include consultation with the scientific communities and with genetic and/or culturally affiliated persons identified through anthropological and geneological study. To assist in formulating the action plan, each Forest Supervisor will establish an ad hoc advisory group which includes interested persons who have historical ties to the lands under his/her administration.

The plan will address procedures and action timeframes for all instances where it is necessary to disturb known burials and it will address procedures and action timeframes for those circumstances where burials are unexpectedly encountered. The plan will anticipate and prescribe the activities that will occur from disinterment through disposition of human remains and grave goods. The action plan will address scientific analysis through the development of a research design on one side of the spectrum to no analysis or data recovery on the other. Each Forest will work with local universities, ethnic groups, and professional anthropologists in developing the research design.

Human remains and associated grave goods will not be separated during any disinterment, analysis, storage, or reinterment. In no case will human remains and associated grave goods be disinterred, analyzed, reinterred or otherwise disposed unless covered by an action item in the plan. The action plan will be reviewed in accordance with Section 106 of the National Historic Preservation Act, coordinated with the State Historic Preservation Officer, and approved by the Regional Forester.

Disinterred Human Remains

Instances in which it may be necessary to disinter human remains and associated grave goods include those in which authorized projects can not be modified and, therefore, can not go forward without their removal, and those in which such remains and associated grave goods are in danger of destruction due to land disturbance, inundation, erosion, vandalism, or similar events.

Consultation

In all cases where the preservation of human remains in place is not possible, the Forest Supervisor will provide a reasonable opportunity for consultation with groups or individuals interested in the treatment of human remains and grave goods before any disinterment, analysis, reinterment or other disposition takes place.

Interested parties could include, but are not to be limited to, genetic and cultural descendants of the deceased (regardless of their present location), the Forest Archaeologist, the State Historic Preservation Officer, the State Archaeologist, the Advisory Council on Historic Preservation, local archaeological groups, and other involved government agencies. In the case of Native American remains, interested parties shall include elected/appointed tribal governing bodies and state Indian Affairs commissions.

Analysis

Analysis of human remains and associated grave goods will be done according to the research design, incorporated in the action plan, developed to assure the scientific recovery of information important in prehistory or history. Non-destructive analytical techniques are preferred.

The period of analysis will be for a fixed duration of time, generally not exceeding one year from the date of discovery. A final report of findings will be submitted to the Forest Supervisor by the end of the established analysis period. Requests for exceptions to the established time frame must be approved by the Regional Forester.

Reburial Procedures

Disinterred human remains will be reinterred, along with associated grave goods, in a manner as consistent as possible with the likely wishes of the deceased. Locations and procedures for reburial will be developed through consultation with genetic and cultural descendants of the deceased, if known. As a guideline, the desires of close genetic or cultural descendants shall be accorded greater weight than those of more distant descendants when questions arise about whether and how to reinter human remains. Likewise, those claiming both genetic and cultural descent shall be respected over those claiming only cultural or religious affiliation.

Reburial Areas

Human skeletal remains disinterred from National Forest land may be reburied at the same general location from which they were removed or in an existing cemetery. Reburial of human remains at the general location from which they were disinterred does not create a cemetery. Human remains may be reburied in an existing cemetery with the permission of the cemetery permittee. If the human remains are to be reburied elsewhere on National Forest land, a special use permit for a cemetery (burial site) will be required. Each reburial location on National Forest Land will be recorded in the Forest's cultural resources inventory as a cultural resource site, and its location will be kept confidential.

Stored Remains

All human remains and associated grave goods under Forest Service jurisdiction will be afforded the same consideration for reburial as those encountered now or in the future. Forest Supervisors will attempt to locate and reunite human remains with their associated grave goods.

Interpretation and Display

Forest Supervisors will ensure that human remains recovered from land under their jurisdiction will not be exhibited or displayed.

Expenses

When a project will result in the disinterment of human remains and associated grave goods, the proponent of the project shall bear all expenses associated with the disinterment, analysis and reinterment or other disposition of those remains.

Definitions Section

"Human remains" means the physical remains of human bodies.

"Associated grave goods" means items placed with the human remains at the time of interment.

"Genetic descendant" means any person known or reliably assumed to have a genetic relationship to a deceased person.

"Cultural descendant" means any person who, although not necessarily a direct lineal descendant of a particular deceased person, is associated with a cultural/religious tradition to which the human remains of the deceased person has significance.

"Reburial" and "reinterment" both refer to the replacement of disinterred human remains into the ground or otherwise disposing of such remains in a manner likely to approximate the wishes of the deceased (e.g., placement in burial caves, legal cemeteries, surface mortuary structures, or cremation where these were used traditionally in the area).

"Proponent of a project" means the functional unit within the Forest Service responsible for an action, activity, or program which may disturb or cause human remains to be disinterred in support of normal Forest management practices. For other uses of National Forest land, the "proponent of a project" is the holder of the entitlement (such as permit, license, easement).

SIGNED:

January 29, 1988 in the Chief's Office

/s/

JOHN E. ALCOCK
Regional Forester

/s/

SUSAN HARJO
National Congress of American
Indians