



APPENDIX C – PROGRAMMATIC AGREEMENT AND AMENDMENT



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PROGRAMMATIC AGREEMENT

AMONG

THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION;
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER;
THE NEVADA STATE HISTORIC PRESERVATION OFFICER;
THE BENTON PAIUTE RESERVATION;
THE BIG PINE BAND OF OWENS VALLEY - OWENS VALLEY PAIUTE;
THE BISHOP PAIUTE TRIBE - PAIUTE, SHOSHONE;
THE BRIDGEPORT PAIUTE INDIAN COLONY;
THE FORT INDEPENDENCE COMMUNITY OF PAIUTE;
THE LONE PINE PAIUTE -SHOSHONE RESERVATION;
THE WASHOE TRIBE OF NEVADA AND CALIFORNIA;
THE CALIFORNIA PUBLIC UTILITIES COMMISSION;
THE CALIFORNIA DEPARTMENT OF TRANSPORTATION;
THE NEVADA DEPARTMENT OF TRANSPORTATION;
U.S. FOREST SERVICE, INYO NATIONAL FOREST;
U.S. FOREST SERVICE, HUMBOLDT-TOIYABE NATIONAL FOREST;
THE BUREAU OF LAND MANAGEMENT; AND
CALIFORNIA BROADBAND COOPERATIVE, INC.

REGARDING THE DIGITAL 395 BROADBAND PROJECT #5569
IN THE EASTERN SIERRA REGION BETWEEN
BARSTOW, CALIFORNIA, AND CARSON CITY, NEVADA

This Programmatic Agreement (PA or Agreement) is entered into by and between the National Telecommunications and Information Administration (NTIA), an operating bureau of the U.S. Department of Commerce; the California State Historic Preservation Officer (CA SHPO); the Nevada State Historic Preservation Officer (NV SHPO); the California Public Utilities Commission (CPUC); the California Department of Transportation (Caltrans); the Nevada Department of Transportation (NDOT); U.S. Forest Service (USFS) Inyo National Forest and Humboldt-Toiyabe National Forest; the Bureau of Land Management (BLM) California State and Nevada State Offices; the Benton Paiute Reservation; the Big Pine Band of Owens Valley - Owens Valley Paiute (Big Pine THPO); the Bishop Paiute Tribe (Bishop Paiute THPO) - Paiute, Shoshone; the Bridgeport Paiute Indian Colony; the Fort Independence Community of Paiute; the Lone Pine Paiute - Shoshone Reservation; the Washoe Tribe of Nevada and California (Washoe THPO); and California Broadband Cooperative, Inc., (CBC). The NTIA, the California and Nevada SHPOs, CPUC, Caltrans, NDOT, USFS, BLM, the Tribes and CBC are individually referred to herein as a "Party" and are collectively referred to herein as the "Parties."

RECITALS

WHEREAS, the NTIA is authorized to provide financial assistance to develop broadband infrastructure under the Broadband Technology Opportunities Program (BTOP) pursuant to the American Recovery and Reinvestment Act (ARRA) (Pub. L. No. 111-5) (February 17, 2009); and

WHEREAS, NTIA issued to CBC a financial assistance award under the BTOP (NTIA Award No. NT10BIX5570098) for the following purpose (collectively referred to hereinafter as the “Project #5569”):

To construct a new fiber network of no more than 600 miles in length between Barstow, California, and Carson City, Nevada, on a route that mainly follows U.S. Highway 395 (US 395), a major transportation corridor between southern California and northern Nevada. This network will include the construction of fifteen (15) communication towers.

WHEREAS, NTIA has determined that BTOP Project #5569 is an undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and its implementing regulations, “Protection of Historic Properties” (36 C.F.R. Part 800); and

WHEREAS, NTIA is the lead federal agency for the Undertaking for the purposes of complying with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations found at 36 C.F.R. Part 800, and NTIA shall be responsible for managing Historic Properties within the Area of Potential Effects (APE) for the Undertaking pursuant to the NHPA; and

WHEREAS, under the terms of the *Programmatic Agreement Among the U.S. Department of Agriculture Rural Utilities Service, the National Telecommunications and Information Administration, the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation for the Broadband Technology Opportunities Program and the Broadband Initiatives Program* (Nationwide Programmatic Agreement) (available at: http://www.achp.gov/docs/PA_Nationwide_RUS.pdf) executed on November 25, 2009, NTIA conducts reviews under 36 C.F.R. §§ 800.3 through 800.7 for BTOP projects post-award and encourages applicants to design their projects to avoid historic properties; and

WHEREAS, under a delegation letter issued on August 11, 2009 by NTIA, BTOP recipients are authorized to gather information to identify and evaluate historic properties and to work with consulting parties to assess effects; and

WHEREAS, NTIA is phasing identification and evaluation of historic properties, and application of the criteria of adverse effect in accordance with 36 C.F.R. § 800.4(b)(2) and 36 C.F.R. § 800.5(a)(3), respectively; and

WHEREAS, a phased process for compliance with Section 106 is appropriate because the project is proposed in segments, impacts lands under various jurisdictions in two states, and, under the terms and conditions of the NTIA Award, construction of the project must be completed no later than two years from the grant award date or CBC’s funding under the award may be adversely impacted; and

WHEREAS, in accordance with 36 C.F.R. § 800.14(b)(1)(ii), execution of a PA is appropriate because effects on historic properties cannot be fully determined prior to start of construction for BTOP Project #5569; and

WHEREAS, the APE, as defined in 36 C.F.R. § 800.16, has been established based on project engineering design and will represent the geographic areas within which BTOP Project #5569 may directly or indirectly cause alterations in the character or use of historic properties; and

WHEREAS, NTIA has determined that the APE for BTOP Project #5569 includes: 1) the area within the Caltrans right-of-way (ROW)/easement and NDOT ROW/easement on the side of the road where construction is to occur, as identified by either the fence line, the pole line, or in the absence of those features, an arbitrary distance of one hundred (100) feet (approximately 30 meters) from the pavement's edge; 2) fifty (50) feet (approximately 15 meters) on either side of the fiber-optic approximate centerline when it is to be installed within unimproved roads within County ROW/easement and/or other easement; and 3) a one hundred (100) foot radius around staging/laydown areas and other Proposed Project-associated components; and

WHEREAS, the limits of the APE are illustrated on a map provided as Attachment 1, with detailed section maps available to all Parties and to be included with reports detailed in Stipulations II C and IV B of this PA; and

WHEREAS, the Parties agree that CBC should conduct a Class III cultural resources survey in those areas of the APE that have not been surveyed to a standard sufficient to comply with Section 106 of the NHPA within the past five (5) years; and

WHEREAS, NTIA, the CA SHPO, the NV SHPO, directly affected tribes with Tribal Historic Preservation Officers assuming the responsibilities of the SHPO (the Big Pine THPO, the Bishop Paiute THPO, and the Washoe THPO), and CBC are the primary signatories to this PA pursuant to 36 C.F.R. § 800.6(c)(1); and

WHEREAS, the USFS, Inyo and Humboldt-Toiyabe National Forests, and the BLM California State and Nevada State Offices will permit the use of their land for the project, and have participated in consultation and are signatories to this PA pursuant to 36 C.F.R. § 800.6(c)(1); and

WHEREAS, the proposed alignment for BTOP Project #5569 will also cross the lands of directly affected tribes without Tribal Historic Preservation Officers assuming the responsibility of the SHPO (Benton Paiute Reservation, Bridgeport Paiute Indian Colony, Fort Independence Community of Paiute, and Lone Pine Paiute -Shoshone Reservation), and these directly affected tribes have participated in consultation and are invited signatories to this PA pursuant to 36 C.F.R. § 800.6(c)(2);

WHEREAS, the CPUC, a California state agency, has administrative oversight over the project and has provided funding through a grant, and, as a result, the project is subject to the requirements of the California Environmental Quality Act (CEQA), and CPUC has participated in consultation and is an invited signatory to this PA pursuant to 36 C.F.R. § 800.6(c)(2); and

WHEREAS, the project is proposed in ROW held by NDOT and Caltrans, and NDOT and Caltrans have participated in consultation and are invited signatories to this PA pursuant to 36 C.F.R. § 800.6(c)(2); and

WHEREAS, the project requires ROW review by the Bureau of Indian Affairs (BIA) and NTIA has invited the BIA to concur in the PA pursuant to 36 C.F.R. § 800.6(c)(3); and

WHEREAS, the project will provide service to the Naval Air Weapons Station (NAWS) China Lake and NTIA has invited NAWS to concur in the PA pursuant to 36 C.F.R. § 800.6(c)(3); and

WHEREAS, the project requires ROW held by the Los Angeles Department of Water and Power (LA DWP) and NTIA has invited LA DWP to concur in the PA pursuant to 36 C.F.R. § 800.6(c)(3); and

WHEREAS, NTIA has identified additional Native American tribes that may have religious or cultural affiliation with the Project area:

- 1) AhaMakav Cultural Society, Fort Mojave Indian – Mojave
- 2) Benton Paiute Reservation
- 3) Big Pine Band of Owens Valley - Owens Valley Paiute
- 4) Bishop Paiute Tribe - Paiute, Shoshone
- 5) Bridgeport Paiute Indian Colony
- 6) Cahuilla Band of Mission Indians
- 7) Chemehuevi Reservation
- 8) Chemoehuevi Tribe
- 9) Colorado River Indian Tribes
- 10) Fallon Paiute-Shoshone Tribe
- 11) Fort Independence Community of Paiute
- 12) Fort Mojave Indian Tribe
- 13) Kaibab Paiute Tribe
- 14) Kern Valley Indian Council - Southern Paiute/Kawaiisu/Tubatulabal/Koso/Yokuts
- 15) Kern Valley Indian Council - Tubatulabal/Kawaiisu/Koso/Yokuts
- 16) Kutzadika Indian Community Cultural Preservation – Paiute
- 17) Lone Pine Paiute -Shoshone Reservation
- 18) Los Coyotes Reservation
- 19) Mono Lake Indian Community - Mono Northern Paiute
- 20) Morongo Band of Mission Indians - Serrano Cahuilla
- 21) Pauma/Yuima Band of Mission Indians
- 22) Pyramid Lake Paiute Tribe
- 23) Ramona Band of Cahuilla
- 24) Reno-Sparks Tribal Council
- 25) San Fernando Band of Mission Indians - Fernandeno, Tataviam, Serrano, Vanyume, Kitanemuk
- 26) San Manuel Band of Mission Indians – Serrano
- 27) Santa Rosa Rancheria Tachi Yokut Tribe
- 28) Serrano Nation of Indians

- 29) Shoshone-Bannock Tribes
- 30) Summit Lake Paiute Tribe
- 31) Tehachapi Indian Tribe – Kawaiisu
- 32) Timbisha Shoshone Tribe
- 33) Timbisha Shoshone Tribe - Western Shoshone
- 34) Tubatulabal/Kawaiisu/Koso/Yokuts
- 35) Tule River Reservation
- 36) Twenty Nine Palms Band of Mission Indians
- 37) Walker River Paiute Tribal Council
- 38) Washoe Tribe of Nevada and California
- 39) Yerington Paiute Tribe

And all such tribes were provided the opportunity to participate in the Section 106 process through an individual notification; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1) on August 26, 2011, NTIA invited the Advisory Council on Historic Preservation (ACHP) to participate in consultation; and

WHEREAS, on September 9, 2011 the ACHP declined to participate in consultation; and

WHEREAS, the terms in this PA are defined in 36 C.F.R. § 800.16;

NOW THEREFORE, the Parties agree that this undertaking shall be implemented in accordance with the following stipulations in order to comply with Section 106 of the NHPA and take into account the effect of the undertaking on historic properties and cultural resources.

STIPULATIONS

NTIA shall ensure that the following stipulations are carried out:

I. CONDITIONS

A. NTIA shall ensure that the terms of this PA have been implemented prior to the start of construction of any phase of BTOP Project #5569.

B. NTIA and CBC will develop and implement a communication plan and review schedule (Communication Plan and Schedule) corresponding to construction segments proposed for this project. The communication plan will establish outreach requirements to facilitate information exchange among and ensure participation of the consulting parties, to ensure the process flows evenly in the prescribed timeframe.

C. CBC will not initiate construction of any segment of BTOP Project #5569 until Section 106 review for that particular segment has been concluded, in accordance with the terms of this PA, and approved by NTIA.

D. If CBC initiates construction of any segment of BTOP Project #5569 prior to fulfilling the terms of this PA, NTIA will review the action in accordance with 36 C.F.R. § 800.9(c) to determine if Section 110(k) of the NHPA is applicable.

II. PROFESSIONAL STANDARDS

A. All work carried out pursuant to this PA shall be conducted by qualified individuals meeting the Secretary of the Interior's "Professional Qualifications" for the applicable discipline, as set forth in 36 C.F.R. Part 61.

B. All work conducted pursuant to this PA shall be consistent with the Secretary of the Interior's "Standards and Guidelines for Archaeology and Historic Preservation;" Nevada Revised Statutes (NRS)-Chapter 383; California Public Resources Code (PRC) Section 21000 *et seq.*; and California Code of Regulations (CCR), Title 14, Division 6, Chapter 3, Section 15000 *et seq.* "Guidelines for Implementation of the California Environmental Quality Act".

C. CBC has divided the project into proposed phases, and developed a corresponding chart (Communication Plan Chart) identifying consulting parties required to review each segment. A master cultural resources report will be written to provide background on previous studies, past survey, and historic context. As specified in the Secretary of the Interior's "Standards and Guidelines for Archeology and Historic Preservation," an intensive survey report must document: (a) the kinds of properties looked for; (b) the boundaries of the area surveyed; (c) the method of survey, including an estimate of the extent of survey coverage; (d) a record of the precise location of all properties at a degree of accuracy that meets or exceeds the National Map Accuracy Standard for 1:24,000 scale maps and obtained using Global Positioning System (GPS) technology with submeter accuracy; and (e) information on the appearance, significance, integrity and boundaries of each property sufficient to permit an evaluation of its significance for inclusion to the National Register of Historic Places (NRHP).

D. Survey reports will be prepared for individual segments or groups of segments of the project. The BTOP Project #5569 cultural resources reports will summarize relevant discussion/overview of the area's culture, history, previous research in the area (from the master report), analyze the potential effect of the undertaking on historic properties, and provide treatment recommendations. Field work will be designed and staffed appropriately to ensure that the Secretary of the Interior's documentation standard will be achieved, and meet all requirements associated with archaeological permits required for such field work.

III. EXEMPTED ACTIVITIES

A. The following components of BTOP Project #5569 are exempt from review under the terms of this PA:

1. New aerial fiber optic cable constructed on existing power lines and poles, where no new poles are proposed and access to perform the work uses existing access roads and corridors; and

2. Fiber optic cable installed in existing conduit, where access is through existing hand-holes with no new ground disturbance; and
3. Fiber optic cable or other project components that are buried in existing trenches or buried or installed within ten (10) feet of existing buried infrastructure, where a cultural resources professional has reviewed existing surveys and confirmed that they meet applicable professional standards and that no cultural resources are present.

B. CBC will identify the locations of these exempt activities on detailed maps showing all project components, and provide this documentation to NTIA, the appropriate SHPO and/or THPO, and the land management agency. The locations of exempt activities will be considered “cleared areas” and labeled as such on segment specific survey report maps, and associated construction can proceed in accordance with Stipulation VIII of this agreement.

C. Any changes to the project will be subject to further review as described in Stipulation XI.

IV. IDENTIFICATION AND EVALUATION

A. Within thirty days of acceptance by federal agencies, the master report referenced in Stipulation II C will be made available to all consulting parties for review and comment on the broad context, background, and history for the full extent of the project.

1. The master report will include a chart identifying consulting parties for each project segment, and a Communication Plan and Schedule establishing the process and timeline proposed for review.
2. All Parties will have thirty (30) calendar days from receipt to review and comment on the master report.
3. If CBC does not receive written comments within the thirty (30) day review period, they may proceed in developing segment reports based on the background and context in the master report.

B. For construction of any segment of BTOP Project #5569 that is not otherwise exempted pursuant to Stipulation III, CBC shall provide all applicable consulting parties (as established specific to the route in the Communication Plan Chart described in Stipulation II C) with stand-alone survey reports (Segment Survey Report) containing maps delineating the APE for the segment, a written description of the APE, and the results of the Class III Archaeology/Cultural Resources survey identifying historic properties that may be present in the APE. The Segment Survey Report will include a preliminary assessment of effect and, where applicable, recommendations to ensure avoidance of historic properties.

1. Provided that each Segment Survey Report transmittal conforms to the schedule established in the master report, the Parties will have fifteen (15) calendar days from receipt to review and comment on the APE, identification efforts, and recommendations.

2. If CBC does not receive written comments or objections within the fifteen (15) day review period, they may proceed in requesting concurrence on effect based on the results and recommendations of the Segment Reports.

3. Should there be an objection, CBC and NTIA will consult with all Parties to resolve the objection. If NTIA determines that consultation will not likely produce agreement, NTIA will request ACHP's comments in accordance with the dispute resolution provisions in Stipulation XIV.

4. If CBC fails to provide the Segment Reports according to the master report schedule, the Parties will have thirty (30) calendar days from receipt to review and comment on the APE, identification efforts, and recommendations.

C. CBC shall ensure that a Class III Archaeology/Cultural Resources survey will be conducted for each project segment in areas of the APE (as defined in Recitals above) that have not been surveyed to a standard sufficient to comply with Section 106 of the NHPA within the past five (5) years (that is not exempted pursuant to Stipulation III), to identify areas that may contain intact cultural deposits that may be present in the APE. This survey will include documentation of all built environment properties at or over fifty (50) years old within the APE, and an assessment of visual effects to any such buildings, sites, or structures assumed or evaluated as eligible for listing in the NRHP within the project's view-shed. CBC will consult with interested Tribes when new archaeological sites are discovered within their aboriginal territory.

D. CBC shall ensure adherence to the relevant state statutes regarding cemeteries. If ground disturbing activities are to occur within one hundred (100) feet of a cemetery, a cemetery development plan may need to be submitted to and for approval by NTIA, the responsible SHPO, and the relevant land managing agency, if applicable, in accordance with State law and NTIA best practices.

E. At the conclusion of the cultural resources survey for each project segment or group of segments, CBC shall ensure that a preliminary Segment Survey Report discussing the findings is prepared. Such preliminary Segment Survey Reports will adhere to any applicable archaeological permit requirements and follow applicable state and federal regulations. CBC shall forward copies of the preliminary report, draft historic sites and structures inventory-archaeological site forms, and other related records to all applicable consulting parties for the segment. The Parties shall have fifteen (15) calendar days from receipt to review and comment on the NRHP eligibility of any historic properties identified, and the effect and associated treatment recommendations.

F. CBC shall ensure that comments on the preliminary Segment Survey Report received within fifteen (15) calendar days of distribution of the report are considered in the development of a revised final report, if necessary. If CBC does not receive written comments within the fifteen (15) day review period (see Stipulation VI C), CBC may proceed.

G. If agreement on a property's eligibility is reached, or CBC and NTIA assume eligibility, the property will be treated accordingly. If any party to this PA disagrees with a property's

recommendation of eligibility, NTIA will consult with such Party or Parties to resolve any objections received during the fifteen (15) day review period. If NTIA cannot resolve the objection, NTIA will refer the property in question to the Keeper of the NRHP pursuant to 36 C.F.R. §800.4(c)(2), whose decision shall be final.

H. A final technical report describing the results of the cultural resources survey for each segment shall be prepared within one (1) month of completion of the Segment Survey Report. Such final reports will adhere to any applicable archaeological permit requirements and follow applicable state and federal regulations. CBC shall forward copies of the final report to all applicable consulting parties for the segment for review and comment. The Parties shall have thirty (30) calendar days from receipt to review the report. CBC shall work with the Parties to incorporate comments as necessary. If CBC does not receive comments within the thirty (30) day review period, CBC will proceed in issuing the final report.

V. ADDITIONAL REQUIREMENTS FOR IDENTIFICATION AND EVALUATION ON FEDERAL OR TRIBAL LANDS

Prior to initiating construction of any segment of BTOP Project #5569 that will cross Federal or tribal lands, CBC must obtain all required permits and approvals, and document for NTIA, unless otherwise exempted pursuant to Stipulation III, the successful conclusion of Section 106 review for each segment conducted in accordance with 36 C.F.R. §§ 800.3 through 800.7 with the respective Federal land managing agencies, SHPO and/or THPO. At minimum, this effort will conform to that outlined in Stipulation IV. Along with the required field work authorization applications, the APE will be submitted to Federal and tribal land managers for approval. When NTIA finds that Section 106 review for that segment has been successfully concluded, only then may NTIA approve construction of that segment pursuant to Stipulation VIII.

VI. ASSESSMENT OF EFFECTS

A. Following acceptance of the Segment Survey Reports, NTIA, in consultation with all applicable consulting parties for the segment, shall assess the effects of the Project on historic properties and distribute determinations of effects to all Parties.

B. If NTIA makes a determination of No Historic Properties Affected or No Adverse Effect, the Parties will have fifteen (15) days to provide written comments. CBC and NTIA shall consider all comments received during the 15-day comment period.

C. If the Parties concur with NTIA's assessment of No Historic Properties Affected or No Adverse Effect, or no objections are received within the fifteen (15) day review period, CBC may proceed with construction if NTIA approves such action pursuant to Stipulation VIII.

D. If written objections regarding the determinations of effects are provided to NTIA within the fifteen (15) day review period, NTIA will consult with the Parties to resolve such objections. If NTIA cannot resolve the objection(s), NTIA shall follow the dispute resolution procedures described in Stipulation XIV.

E. If NTIA makes a determination of Adverse Effect, or the Parties agree through consultation that an effect will be adverse, NTIA and CBC will evaluate alternatives to avoid or minimize the adverse effect in accordance with Stipulation VII and in consultation with all applicable consulting parties for the segment.

F. If the Parties determine that the adverse effect cannot be avoided and agreement cannot be reached pursuant to Stipulation VII, NTIA shall follow the dispute resolution procedures described in Stipulation XIV.

VII. RESOLUTION OF ADVERSE EFFECTS

A. The preferred treatment for all historic properties is avoidance of effects by the Project. CBC (recommending construction procedures) shall work with NTIA in consultation with all applicable consulting parties for the segment, to the extent practicable, to avoid effects on historic properties whether through Project design changes executed pursuant to Stipulation XI, use of temporary fences or barricades during construction, or other measures that will protect historic properties.

B. When NTIA and CBC determine that complete avoidance of historic properties is not practicable, they shall, in consultation with all applicable consulting parties for the segment explore, ways to reduce or minimize impacts below the threshold of 'adverse effects' as defined in 36 C.F.R. § 800.5(a)(1), including preservation in place through the protection of historic properties against impacts from Project-related activities proposed in close proximity.

C. When NTIA and CBC, in consultation with all applicable consulting parties for the segment, determine that Project activities will have an adverse effect on an historic property and that avoidance or in place preservation is not feasible, NTIA will ensure that CBC prepares a treatment plan to address the effect of the Project on historic properties. The treatment plan will identify the nature of the effect on historic properties and describe strategies to avoid, minimize, or mitigate those effects. The treatment plan will be consistent with the Secretary of the Interior's "Standards for the Treatment of Historic Properties and Standards and Guidelines for Archaeology and Historic Preservation," the ACHP's "Treatment of Archaeological Properties: A Handbook;" 36 C.F.R. § 800.13, "Post-Review Discoveries;" and applicable California and Nevada requirements. The treatment plan will establish detailed and specific curation requirements in accordance with all applicable state and federal laws and Stipulation IX.

D. CBC will provide the treatment plan to NTIA for initial review and comments. NTIA shall provide the Tribes and the responsible SHPO with copies of the treatment plan for review and request comments on the adequacy of the proposed measures. The Tribes and responsible SHPO will have thirty (30) calendar days from receipt to review and to provide written comments with respects to the treatment plan. If NTIA does not receive written comment within the thirty (30) day review period, NTIA will proceed with the treatment plan.

E. If NTIA receives written comments on the proposed treatment plan, the NTIA shall ensure that CBC revises the treatment plan to address comments or recommendations to the extent feasible. If NTIA does not agree with the comments or if another Party (or Parties) does not

agree with the proposed treatment plan, NTIA will request the ACHP's comments in accordance with the dispute resolution provisions of Stipulation XIV.

F. NTIA, in consultation with the applicable consulting parties for the segment, shall develop a historic properties treatment plan. Upon mutual acceptance, NTIA will implement such plan pursuant to 36 C.F.R. §800.6(b) prior to commencement of any construction activities that may affect historic properties.

VIII. AUTHORIZATION OF CONSTRUCTION

A. In acceptance of this PA by NTIA, the SHPOs, CPUC, USFS, BLM, Caltrans, NDOT, and Tribes, the NTIA may, at its discretion, and pending compliance with all other applicable laws and regulations and concurrence of the SHPOs and the Tribes, authorize CBC to begin construction on activities agreed as exempt in Stipulation III. Such authorization shall not preclude consideration of alternatives in the event that construction plans change pursuant to Stipulation XI.

B. NTIA may, at its discretion and pending compliance with all other applicable laws and regulations, authorize CBC to begin construction upon Phases of the project for which the relevant terms and provisions of the PA have been completed. Such authorization shall not preclude consideration of alternatives in the event that construction plans change pursuant to Stipulation XI.

IX. CURATION

Any archaeological materials recovered under this PA will be curated in accordance with 36 C.F.R. Part 79 in accordance with Curation stipulations established in the applicable treatment report.

X. CONFIDENTIALITY

NTIA will protect information about historic properties, including location information or information provided by Indian Tribes to assist in the identification of such properties, to the extent permitted by Section 304 of the NHPA (16 U.S.C. § 470w-3), 36 C.F.R. § 800.11(c), the Archaeological Resources Protection Act (16 U.S.C. § 470aa *et seq.*), and other applicable Federal laws, and in conformance with California and Nevada permit stipulations and regulations.

XI. REVISIONS TO PROJECT PLANS, DESIGN OR SPECIFICATIONS

CBC will submit any and all proposed revisions to BTOP Project #5569 plans, design and specifications to NTIA for review and approval prior to implementing such change, and indicate which segment(s) are affected and which consulting parties require notification. NTIA will notify all parties upon acceptance of revisions. If CBC changes the route or alignment, CBC will notify all consulting parties, and engage in the processes outlined in Stipulations IV, V, VI, and VII.

XII. PROTOCOL FOR THE INADVERTENT DISCOVERY OF ARCHAEOLOGICAL SITES OR NATIVE AMERICAN HUMAN REMAINS

A. For public, non-Federal and non-Tribal lands, and private lands: If previously unidentified cultural resources are discovered during BTOP Project #5569 construction, the construction contractor shall immediately halt all activity within a one hundred (100) foot radius of the discovery, notify CBC of the discovery and implement interim measures to protect the discovery from looting and vandalism.

1. Immediately upon receipt of the notification required in Stipulation XII A, CBC shall contact their qualified archaeologist to inspect the construction site to determine the extent of the discovery and ensure that construction activities have halted; clearly mark the area of the discovery; implement additional measures, as appropriate, to protect the discovery from looting and vandalism; and notify the signatories and concurring Tribes to this PA.

2. Upon receipt of the notification required in Stipulation XII A 1, NTIA shall treat the discovery in accordance with 36 C.F.R. § 800.13(b)(3) and (c) and applicable State laws, and curate any archaeological materials in accordance with Stipulation IX of this PA.

B. Treatment of Native American Human Remains: If human remains are discovered on public, non-Federal, or private lands, and they are clearly not modern, then there is a high probability that the remains are Native American and therefore State law applies (CA Gov. Health and Safety Code 7050.5 and PRC 5097.9 or NV NRS 381.195 – 381.227), which requires immediate notification of the State Police, county coroner, responsible SHPO, responsible State Indian Service Agency and all applicable California or Nevada Native American Tribe(s). If the human remains are possibly Native American, then the area should be secured from further disturbance. All ground-disturbing activities within one hundred (100) feet of the discovery shall immediately cease. The Native American human remains and all associated objects should not be disturbed, manipulated, or transported from the original location until a plan is developed in consultation with the State Police, responsible SHPO, responsible State Indian Service Agency and all applicable California or Nevada Native American Tribe(s). These actions will help ensure compliance with applicable State laws prohibiting any person from willfully removing human remains and/or objects of cultural significance from their original location.

C. For Federal lands: If previously unidentified cultural resources are discovered during BTOP Project #5569 construction, the construction contractor shall immediately halt all activity within a one hundred (100) foot radius of the discovery, the construction contractor will notify CBC and the land management agency of the discovery and implement interim measures to protect the discovery from looting and vandalism. The land management agency shall follow its agency procedures to handle such remains.

D. For tribal lands: If previously unidentified cultural resources are discovered during BTOP Project #5569 construction, the construction contractor shall immediately halt all activity within a one hundred (100) foot radius of the discovery, the construction contractor will notify CBC and

the Tribe of the discovery and implement interim measures to protect the discovery from looting and vandalism. The Tribe shall follow its tribal procedures to handle such remains.

E. For Federal and Tribal lands: Upon discovery of human remains, Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. § 3001 *et seq.*) procedures will be followed. In brief, the contractor will immediately notify the responsible Federal or Tribal official by telephone and provide written confirmation to the responsible Federal or Tribal official. If the inadvertent discovery occurs in connection with an on-going activity, the contractor must cease the activity in the area of the inadvertent discovery and make a reasonable effort (halt all activity within a one hundred (100) foot radius) to protect the human remains and other cultural items. The Federal or Tribal agency official must certify receipt of the notification within three days. The Federal or Tribal official may take further action to secure and protect the human remains and other cultural items. The Federal or Tribal agency official must prepare, approve, and sign a written plan of action to treat the inadvertent discovery. The activity that resulted in the discovery may resume thirty days after the Federal or Tribal agency official certifies receipt of the notification unless the responsible supervisor or director of the Federal agency or Tribal Council Chair notifies NTIA and CBC of a significant extenuating circumstance. Custody must be determined in accordance with 25 U.S.C. § 3002(a), "Priority of Ownership," and 43 C.F.R. § 10.6(a), "Priority of Custody."

XIII. NATIVE AMERICAN CONSULTATION

NTIA has consulted with the Tribes regarding the proposed Undertaking and will continue to consult with the Tribes, and has afforded the Tribes the opportunity to participate in the implementation of the PA and of the Undertaking. Such participation may include, but is not necessarily limited to, monitoring during archaeological fieldwork and implementation of the Undertaking. Should the Tribes agree to participate, NTIA and CBC will make an effort to reach a mutually acceptable agreement with the Tribes regarding the manner in which the Tribes will participate in the implementation of this PA and the Undertaking, and regarding any time frames or other matters that may govern the nature, scope, and frequency of such participation. All parties recognize that the implementation of the Undertaking is subject to timeframes and restrictions associated with the ARRA, and agree to consult to reach agreement on and implement a Communication Plan and Schedule to meet such ARRA requirements.

XIV. DISPUTE RESOLUTION

A. Should any signatory or concurring party object in writing at any time to any action proposed or the manner in which the terms of the PA are implemented, NTIA shall, within the limits of its authority, consult with such party to resolve the objection. If NTIA determines that the objection cannot be resolved, NTIA will:

1. Forward all documentation relevant to the dispute, including the resolution proposed by NTIA, to the ACHP. The ACHP shall provide NTIA with its advice, pursuant to 36 C.F.R. § 800.2(b)(2), on the resolution of objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NTIA shall prepare a written response that takes into account any timely advice or comments

regarding the dispute from the ACHP, signatories, or concurring parties, and provide them with a copy of this written response. NTIA will then proceed according to its final decision.

2. If ACHP does not provide its advice regarding the dispute within thirty (30) days, NTIA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, NTIA shall prepare a written response that takes into account and timely comments regarding the dispute from signatories or concurring parties to the PA, and provide them and the ACHP with a copy of such written response.

B. If the unresolved dispute involves a failure to resolve adverse effects, the ACHP will notify NTIA that it will comment pursuant to 36 C.F.R. § 800.7(c), and proceed to comment. Any ACHP comment provided in response to such a request will be taken into account by NTIA in accordance with 36 C.F.R. § 800.7(c)(4).

C. Any recommendation of comment provided by the ACHP will be understood to pertain only to the subject of the dispute. The responsibilities of NTIA to carry out all other actions pursuant to the terms of this PA that are not subject of the dispute remain unchanged.

XV. AMENDMENT

A. This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective as of the date that is executed by all of the signatories and filed with the ACHP.

B. Any other Federal agency that becomes involved in this project through funding, permit, license, or other activity requiring Section 106 review pursuant to 36 C.F.R. Part 800 may partially satisfy the requirements of Section 106 by becoming a party to this agreement. In such a case, the Federal agency may become a party to this Agreement after such agency notifies the ACHP and the responsible SHPO of their intent to become a party.

XVI. EFFECTIVE DATE, WITHDRAWAL OF A PARTY, DURATION OF PA, AND TERMINATION

A. Pursuant to 36 C.F.R. § 800.6(c)(1), this Agreement shall become effective upon the signatures of NTIA, the SHPOs, and THPOs. The Agreement shall continue in effect for three (3) years, unless otherwise extended by written agreement of all the Parties' authorized representatives.

B. A Party may withdraw from this Agreement upon thirty (30) calendar days written notice to the other parties, provided that the Parties will consult during the period prior to the withdrawal to seek agreement on any amendments or other actions that would avoid the withdrawal.

C. This Agreement may be terminated prior to completion of Project construction upon written agreement of all Parties' authorized representatives. In the event of the withdrawal of NTIA, the Tribes, the SHPOs, or CBC or in the event of termination of the Agreement, and prior to work

continuing on BTOP Project #5569, NTIA must either: (A) execute another agreement pursuant to 36 C.F.R. §§ 800.6 and 800.14(b), or (B) request, take into account, and respond to the comments of ACHP under 36 C.F.R. § 800.7.

D. Six (6) months prior to the date on which the PA will expire, NTIA shall notify the signatories of the impending expiration. NTIA may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulation XV. NTIA shall notify the signatories as to the course to be pursued.

E. This agreement will terminate if the project is not implemented within twelve (12) months of the execution of this PA.

XVII. REPORTING REQUIREMENTS

CBC will report to the NTIA Federal Program Officer and the responsible SHPO or THPO every three (3) months from the date of execution of this PA until all construction for BTOP Project #5569 is complete. Such report shall describe: the status of Section 106 review; the status of project construction, including a list of project components where construction has been completed; and any changes to the undertaking that are proposed.

XVIII. ANTI-DEFICIENCY ACT

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

XIX. PRIMARY POINTS OF CONTACT

A list of the names and contact information for each Party's primary point of contact is attached as Appendix B to this PA.

XX. ADMINISTRATIVE PROVISIONS

For purposes of this Agreement, facsimile and electronic signatures of authorized representatives of the Parties, including such signatures in counterparts, are acceptable.

EXECUTION of this PA and implementation of its terms of evidence that the Federal agency has taken into account the effects of this undertaking on historic properties.

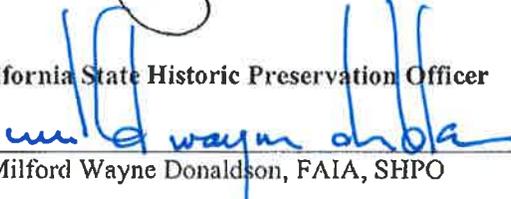
IN WITNESS WHEREOF, the Parties' authorized representatives have executed this Agreement as of the date indicated below.

Signatories

The National Telecommunications and Information Administration

By  _____ Date: 9/12/2011
Wayne Ritchie, Chief Administrative Officer

California State Historic Preservation Officer

By  _____ Date: 22 SEP 2011
Milford Wayne Donaldson, FAIA, SHPO

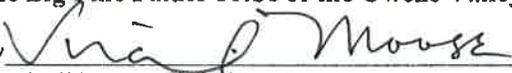
Nevada State Historic Preservation Officer

By  _____ Date: 9-13-11
Ronald James, SHPO

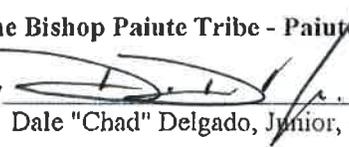
The California Broadband Cooperative, Inc

By  _____ Date: 9-15-11
Michael T. Ort, Chief Operating Officer

The Big Pine Paiute Tribe of the Owens Valley

By  _____ Date: 9-16-11
Virgil Moose, Tribal Chairperson

The Bishop Paiute Tribe - Paiute, Shoshone

By  _____ Date: 10/7/11
Dale "Chad" Delgado, Junior, Chairman

The Washoe Tribe of Nevada and California

By  _____ Date: 9/26/11
Wanda Batchelor, Tribal Chairwoman

The U.S. Forest Service

By  _____ Date: 9/23/11
Edward E. Armenta, Forest Supervisor, Inyo National Forest

By  _____ Date: 9/27/11
Jeanne M. Higgins, Forest Supervisor, Humboldt-Toiyabe National Forest

The Bureau of Land Management

By [Signature] Date: 9/30/11
Amy Lenters, BLM Nevada Acting State Director

for [Signature] Date: 9/27/11
James Wesley Abbott, BLM California Acting State Director
Lueders
Kenna

Invited Signatories

The Fort Independence Community of Paiute

By [Signature] Date: 9-15-11
Israel Naylor, Tribal Chairman

The Lone Pine Paiute -Shoshone Reservation

By [Signature] Date: 9-15-11
Melvin R. Joseph, Tribal Chairman

The California Department of Transportation

By [Signature] Date: 9-27-11
Jay Norvell, Chief, Division of Environmental Analysis, Caltrans
Anmarie Medina for

The Nevada Department of Transportation

By [Signature] Date: 9/26/11
Richard J. Nelson, P.E., Assistant Director, Operations

The Benton Paiute Reservation

By [Signature] Date: 9/27/2011
Adora L Saulque

The Bridgeport Paiute Indian Colony

By [Signature] Date: 9/20/11
John Glazier

The California Public Utilities Commission

By [Signature] Date: 9/22/11
Andrew Batnsdale

APPENDIX A

BTOP #5569, CBC Digital 395 Primary Points of Contact

Until further notice by the party involved, the identified person to contact on behalf of any of the parties to this PA shall be:

The National Telecommunications and Information Administration

Max Fainberg, Federal Program Officer
National Telecommunications and Information Administration
U.S. Department of Commerce
202-482-0021
mfainberg@ntia.doc.gov

Jill A. Dowling
Federal Preservation Officer
U.S. Department of Commerce
H.C. Hoover Bldg. Room 1036
1401 Constitution Avenue, NW
Washington DC 20230
Email: jdowling@doc.gov
Tel: 202.482.4456

California State Historic Preservation Officer

Tristan Tozer
Historian
Review and Compliance Unit
Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816
Telephone: (916) 445-7027

Nevada State Historic Preservation Officer

Rebecca Lynn Palmer, Deputy State Historic Preservation Officer
Nevada State Historic Preservation Office
775-684-3443
rpalmer@shpo.nv.gov

The California Broadband Cooperative, Inc

Michael Ort
Praxis Associates, inc.
Phone: 510-599-4062
e-Mail: mort@praxisfiber.com

The Big Pine Band of Owens Valley - Owens Valley Paiute

Bill Helmer
Tribal Historic Preservation Officer
Big Pine Paiute Tribe of the Owens Valley
PO Box 700
Big Pine, CA 93513
760-938-2003
(cell) 760-937-3331

The Bishop Paiute Tribe - Paiute, Shoshone

Matthew J. Nelson
Tribal Historic Preservation Officer & NAGPRA Coordinator
Bishop Paiute Tribe
Matthew.Nelson@bishoppaiute.org
(520) 404-7992 cell phone

The Washoe Tribe of Nevada and California

Darrel Cruz, CRO/THPO
Tribal Historic Preservation Office
919 Highway 395 South
Gardnerville, Nevada, 89410
Work (775) 888-0936
Cell (775) 546-3421
FAX (775) 888-0937
darrel.cruz@washoetribe.us

The U.S. Forest Service

Fred P. Frampton
Forest Archaeologist
Tribal Relations Coordinator
Humboldt-Toiyabe National Forest
1200 Franklin Way, Sparks, NV 89431
ph. (775) 352-1253. Cell (775) 846-7572

Sarah E. Johnston
Heritage Resources/Tribal Relations Program Manager
Inyo National Forest
351 Pacu Lane
Bishop, CA 93514-3101
Tel. 760-873-2522

The Bureau of Land Management

Gregory Haverstock
Archaeologist
Bureau of Land Management
Bishop Field Office

351 Pacu Lane
Bishop, CA 93514

James A. Carter
Lead Archaeologist
BLM Sierra Front Field Office
5665 Morgan Mill Road
Carson City, NV 89701
775-885-6109
775-885-6147 (fax)
james_carter@nv.blm.gov

Invited Signatories

The Lone Pine Paiute -Shoshone Reservation

Kathy Fabunan, Tribal Administrator
Lone Pine Paiute-Shoshone Reservation
PO Box 747
1103 South Main Street
Lone Pine, CA 93545
Phone: 760-876-1034
Fax: 760-876-8302
TribalAdmin@lppsr.org

The Fort Independence Community of Paiute

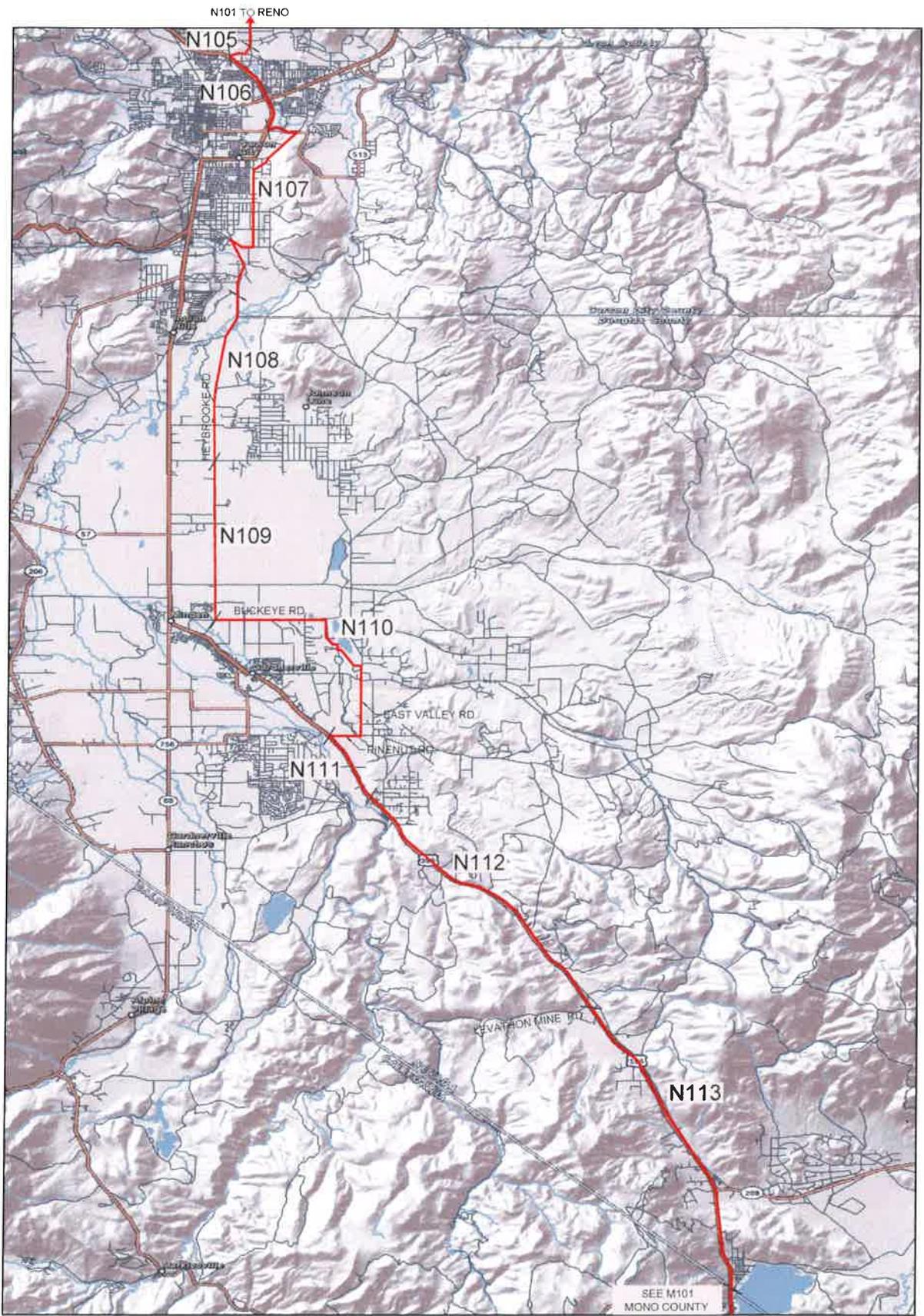
John F. Bowden III, Director
Public Works Department
Fort Independence Indian Reservation
(760) 264-3316 or (760-878-5160)

The California Department of Transportation

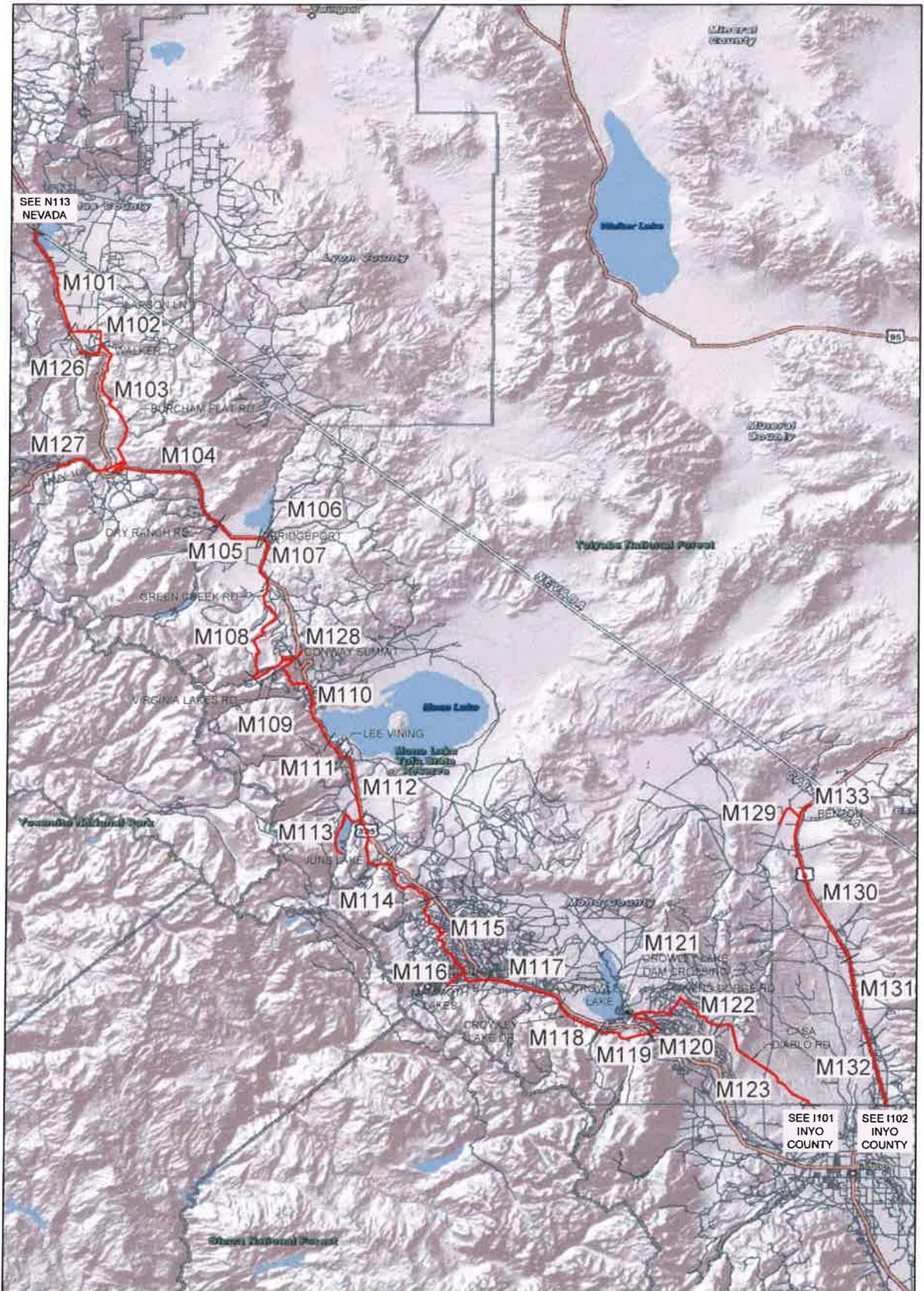
Glenn Gmoser
Senior Environmental Planner
Cultural Studies Office
Division of Environmental Analysis
Phone: 916-651-8167
glenn_gmoser@dot.ca.gov

The Nevada Department of Transportation

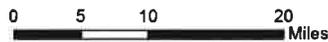
Steve M. Cooke, P. E.
Nevada Department of Transportation
Environmental Services Chief
Phone: 775.888.7686
Fax: 775.888.7104
scooke@dot.state.nv.us

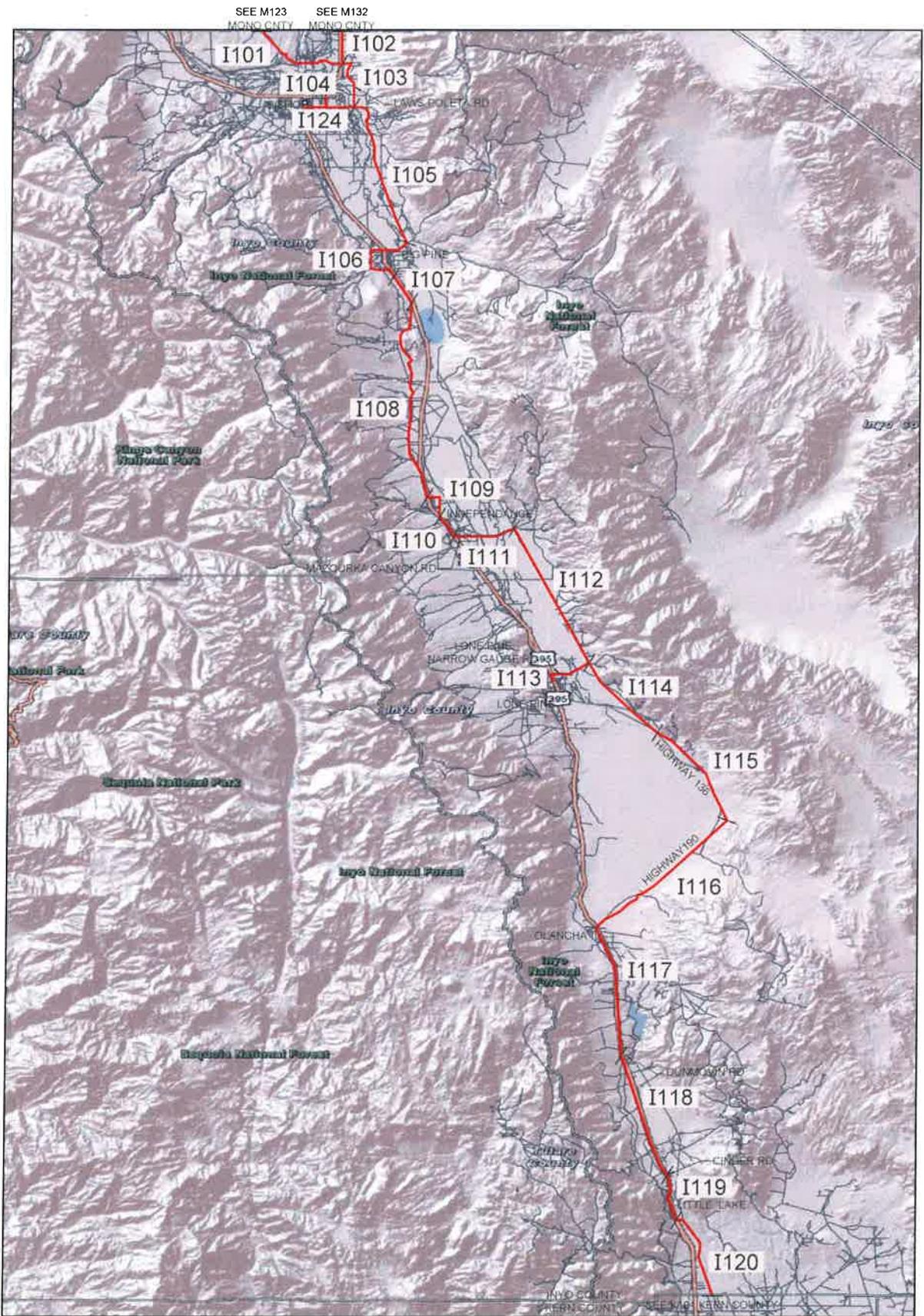


Digital 395 Project
Block Index
Nevada Section

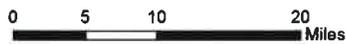


Digital 395 Project
Block Index
Mono County Section





Digital 395 Project
Block Index
 Inyo County Section



AMENDMENT # 1 TO THE PROGRAMMATIC AGREEMENT
AMONG
THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION;
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER;
THE NEVADA STATE HISTORIC PRESERVATION OFFICER;
THE BENTON PAIUTE RESERVATION;
THE BIG PINE BAND OF OWENS VALLEY - OWENS VALLEY PAIUTE;
THE BISHOP PAIUTE TRIBE - PAIUTE, SHOSHONE;
THE BRIDGEPORT PAIUTE INDIAN COLONY;
THE FORT INDEPENDENCE COMMUNITY OF PAIUTE;
THE LONE PINE PAIUTE -SHOSHONE RESERVATION;
THE WASHOE TRIBE OF NEVADA AND CALIFORNIA;
THE CALIFORNIA PUBLIC UTILITIES COMMISSION;
THE CALIFORNIA DEPARTMENT OF TRANSPORTATION;
THE NEVADA DEPARTMENT OF TRANSPORTATION;
U.S. FOREST SERVICE, INYO NATIONAL FOREST;
U.S. FOREST SERVICE, HUMBOLDT-TOIYABE NATIONAL FOREST;
THE BUREAU OF LAND MANAGEMENT; AND
CALIFORNIA BROADBAND COOPERATIVE, INC.

REGARDING THE DIGITAL 395 BROADBAND PROJECT #5569
IN THE EASTERN SIERRA REGION BETWEEN
BARSTOW, CALIFORNIA, AND CARSON CITY, NEVADA

WHEREAS, the National Telecommunications and Information Administration (NTIA), an operating bureau of the U.S. Department of Commerce; the California State Historic Preservation Officer (CA SHPO); the Nevada State Historic Preservation Officer (NV SHPO); the California Public Utilities Commission (CPUC); the California Department of Transportation (Caltrans); the Nevada Department of Transportation (NDOT); U.S. Forest Service (USFS) Inyo National Forest and Humboldt-Toiyabe National Forest; the Bureau of Land Management (BLM) California State and Nevada State Offices; the Benton Paiute Reservation; the Big Pine Band of Owens Valley - Owens Valley Paiute (Big Pine THPO); the Bishop Paiute Tribe (Bishop Paiute THPO) - Paiute, Shoshone; the Bridgeport Paiute Indian Colony; the Fort Independence Community of Paiute; the Lone Pine Paiute - Shoshone Reservation; the Washoe Tribe of Nevada and California (Washoe THPO); and California Broadband Cooperative, Inc., (CBC) executed a Programmatic Agreement on October 7, 2011; and

WHEREAS, NTIA is the lead federal agency for the Undertaking for the purposes of complying with Section 106 of the National Historic Preservation Act (NHPA) and is implementing regulations found at 36 C.F.R. § 800; and

WHEREAS, NTIA, the CA SHPO, the NV SHPO, directly affected tribes with Tribal Historic Preservation Officers (THPO) assuming the responsibilities of the SHPO (the Big Pine THPO, the Bishop Paiute THPO, and the Washoe THPO), and CBC are the primary signatories to this PA pursuant to 36 C.F.R. § 800.6(c)(1); and

WHEREAS, the USFS, Inyo and Humboldt-Toiyabe National Forests, and the BLM California State and Nevada State Offices will permit the use of their land for the project, and have participated in consultation and are signatories to this PA pursuant to 36 C.F.R. § 800.6(c)(1); and

WHEREAS, the project requires right-of-way (ROW) review by the Bureau of Indian Affairs (BIA), and NTIA invited the BIA Western and Pacific Regions to concur in the PA pursuant to 36 C.F.R. § 800.6(c)(3); and

WHEREAS, the project will provide service to the Naval Air Weapons Station (NAWS) China Lake and NTIA invited NAWS to concur in the PA pursuant to 36 C.F.R. § 800.6(c)(3); and

WHEREAS, pursuant to Stipulation XV B (AMENDMENT) of the PA, the BIA and NAWS have notified the Advisory Council on Historic Preservation (ACHP) and the responsible SHPO of their intent to become a party to this agreement in order to satisfy their requirements for Section 106 review pursuant to 36 C.F.R. Part 800; and

WHEREAS, the BIA and NAWS have assigned as Primary Points of Contact (to participate in consultations associated with this project) the individuals whose names and contact information is attached as Appendix A to this Amendment;

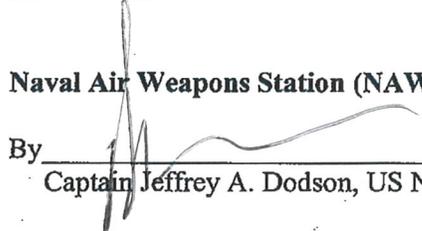
NOW, THEREFORE, pursuant to Stipulation XV of the PA, NTIA, the SHPOs, the THPOs (the Big Pine THPO, the Bishop Paiute THPO, and the Washoe THPO), CBC, USFS, Inyo and Humboldt-Toiyabe National Forests, the BLM California State and Nevada State Offices, the BIA Western Region, the BIA Pacific Region, and NAWS China Lake agree to amend the agreement to formally add the BIA and NAWS as signatories and parties to the PA.

All other terms and conditions of the PA remain unchanged.

EXECUTION of this PA and this Amendment to it by NTIA, the SHPOs, directly affected tribes with Tribal Historic Preservation Officers assuming the responsibilities of the SHPO (the Big Pine THPO, the Bishop Paiute THPO, and the Washoe THPO), CBC, USFS, Inyo and Humboldt-Toiyabe National Forests, the BLM California State and Nevada State Offices, the BIA Western Region and Pacific Regions, and NAWS China Lake and implementation of its terms evidence that NTIA has taken into account the effects of this undertaking on historic properties. Submission of this Amendment to the ACHP in accordance with 36 C.F.R. § 800.6(b)(1)(iv) shall be considered to be an agreement with the ACHP for the purposes of Section 110(1) of the National Historic Preservation Act, and evidence that the ACHP has been afforded a reasonable opportunity to comment.

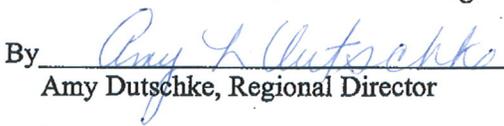
Signatories

Naval Air Weapons Station (NAWS) China Lake

By  _____
Captain Jeffrey A. Dodson, US Navy Commanding Officer

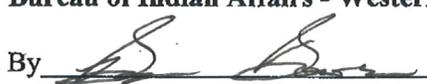
Date: 1/18/12

Bureau of Indian Affairs - Pacific Region

By  _____
Amy Dutschke, Regional Director

Date: 1/31/12

Bureau of Indian Affairs - Western Regional Office

By  _____
Bryan Bowker, Regional Director

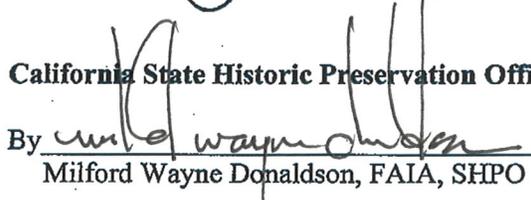
Date: 1/25/12

The National Telecommunications and Information Administration

By  _____
Wayne Ritchie, Chief Administrative Officer

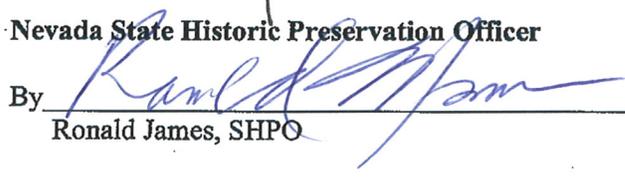
Date: 01/11/12

California State Historic Preservation Officer

By  _____
Milford Wayne Donaldson, FAIA, SHPO

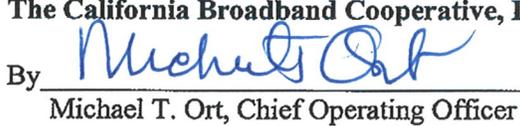
Date: 31 JAN 2012

Nevada State Historic Preservation Officer

By  _____
Ronald James, SHPO

Date: 1-30/12

The California Broadband Cooperative, Inc

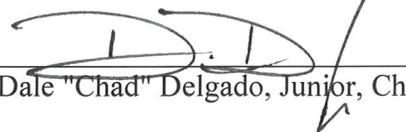
By  _____
Michael T. Ort, Chief Operating Officer

Date: 1/30/12

The Big Pine Paiute Tribe of the Owens Valley

By  Date: 1/24/12
Virgil Moose, Tribal Chairperson

The Bishop Paiute Tribe - Paiute, Shoshone

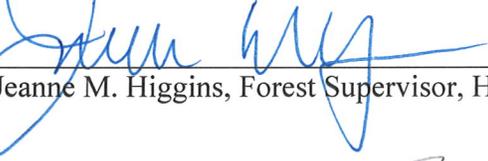
By  Date: 1/24/12
Dale "Chad" Delgado, Junior, Chairman

The Washoe Tribe of Nevada and California

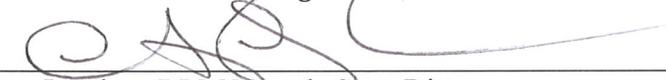
By  Date: 1-30-12
Wanda Batchelor, Tribal Chairwoman

The U.S. Forest Service

By  Date: 1/24/12
Edward E. Armenta, Forest Supervisor, Inyo National Forest

By  Date: 1/30/12
Jeanne M. Higgins, Forest Supervisor, Humboldt-Toiyabe National Forest

The Bureau of Land Management

By  Date: 1/30/12
Amy Lueders, BLM Nevada State Director

By  Date: 1/31/12
for James Kenna, BLM California Acting State Director

APPENDIX A

BTOP #5569, CBC Digital 395 Primary Points of Contact

Until further notice by the party involved, the identified person to contact on behalf of the parties added to this PA shall be:

Bureau of Indian Affairs - Pacific Region

Dan Hall
Regional Archeologist
Bureau of Indian Affairs
Pacific Region
2800 Cottage Way
Sacramento, CA 95825
(916) 978-6041
dan.hall@bia.gov

Bureau of Indian Affairs - Western Regional Office

Garry Cantley
Regional Archaeologist
2600 N. Central Ave., 12th floor
Phoenix, AZ. 85004
(602) 379-6750
Fax: (602) 379-3833
garry.cantley@bia.gov

Naval Air Weapons Station (NAWS) China Lake

Mike Baskerville, Cultural Resources Program Manager
NAWS China Lake
429 E. Bowen Ave.
China Lake, CA 93555
Phone: (760) 939-8966
Fax: (760) 939-2980
michael.c.baskervill@navy.mil