

PROGRAMMATIC AGREEMENT
BETWEEN
THE CALIENTE FIELD OFFICE OF THE BUREAU OF LAND MANAGEMENT
AND
THE NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING
NATIONAL HISTORIC PRESERVATION ACT COMPLIANCE
FOR
WATERSHED ASSESSMENTS IN THE CALIENTE FIELD OFFICE

WHEREAS, the Ely District Approved Resource Management Plan, August 2008 (RMP) directs that all watersheds in the Ely District be managed to achieve and maintain resource functions and conditions required for healthy lands and sustainable uses. Its main objective is to manage watersheds to display physical and biological conditions or functions required for necessary ecological components to achieve state water quality criteria, maintain ecological processes and sustain appropriate uses. To accomplish this task the RMP directs the BLM to complete a watershed analysis on all watersheds to identify vegetative restoration projects designed to improve ecological function; and

WHEREAS, the Caliente Field Office (CFO) of the Bureau of Land Management (BLM) plans to conduct watershed assessments for all watersheds managed by the CFO, and to identify, and implement various vegetative restoration projects appropriate to accomplish goals and objectives of the watershed assessment (hereinafter referred to as the “undertaking” as defined in 36 C.F.R. § 800.16[y]); individual activities are referred to as “projects”; and

WHEREAS, The watersheds managed by the CFO total 4,543,108 Acres (see Appendices A & B for maps) and include: Beaver Dam Wash (125,303 Acres), Clover Creek North (85,279 Acres), Clover Creek South (148,102 Acres), Coal Valley (295,038 Acres), Coyote Springs (46,025 Acres), Delamar Valley (230,974 Acres), Dry Lake Valley (574,034 Acres), Dry Valley (74,623

Acres), Escalante Desert (68,017 Acres), Garden Valley (214,789 Acres), Kane Spring Wash (159,580 Acres), Meadow Valley Wash North (234,413 Acres), Meadow Valley Wash South (326,485 Acres), Panaca Valley (220,088 Acres), Sand Hollow Wash (48,189 Acres), Sand Spring Valley (336,724 Acres), Tikaboo Valley (245,154 Acres), Toquop Wash (185,938 Acres), Tule Desert (121,865 Acres), White River South (802,488 Acres); and

WHEREAS, each of the watersheds listed above will be analyzed independently using individual National Environmental Policy Act (NEPA) documents; and

WHEREAS, alternatives being considered as part of the watershed analysis process consist of large land areas thus under the authority of 36 CFR § 800.4(b) (2) the BLM has elected to use a phased process to identify and evaluate effects to cultural resources; and

WHEREAS, the BLM intends to defer final identification and evaluation of historic properties through the execution of this Programmatic Agreement (PA) pursuant to 36 CFR § 800.14(b); and

WHEREAS, the BLM proposes to implement the undertaking to comply with all relevant federal regulations, policies, and laws; and implementing these policies subject to the requirements of the National Environmental Policy Act of 1969 (NEPA); and

WHEREAS, the BLM is responsible for ensuring that the undertaking is in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), 16 U.S.C. § 470f, and its implementing regulations, 36 C.F.R. § 800; and

WHEREAS, the BLM acknowledges that vegetative restoration projects include methods of vegetation manipulation that have the potential to adversely affect properties eligible for inclusion in the National Register of Historic Places (NRHP); and

WHEREAS, the BLM has consulted with the Nevada State Historic Preservation Officer (SHPO) pursuant to NHPA; and

WHEREAS, the BLM has invited the Advisory Council on Historic Preservation (ACHP), pursuant to 36 CFR §800.14(b), to develop and execute this PA and the ACHP has elected not to formally enter consultation on the development of this PA; and

WHEREAS, effects to historic properties in the area of potential effect (APE) cannot be fully determined and the parties desire to enter into this PA to set forth procedures to be followed in satisfaction of the BLM's responsibilities under NHPA, for the projects in the APE; and

WHEREAS, the BLM is responsible for conducting Native American tribal consultation on a government-to-government level and ensuring that it complies with the BLM manual 8120 and BLM Handbook, H-8120-1, guidelines for conducting tribal consultation, the BLM has therefore invited the following Tribes to consult:

Battle Mountain Band Council
Big Pine Paiute Tribe of the Owens Valley Paiute Shoshone Indians
Bishop Paiute Tribe
Chemehuevi Indian Tribe
Colorado River Indian Tribe
Confederated Tribes of the Goshute Reservation, Nevada-Utah
Duckwater Shoshone Tribe
Elko Band (Te-Moak Tribes of the Western Shoshone Indians of Nevada)
Ely Shoshone Tribe of Nevada
Fort Independence Indian Community of Paiute Indians
Fort Mojave Tribe of Arizona, California & Nevada
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony
Lovelock Paiute Tribe of the Lovelock Indian Colony
Moapa Band of Paiute Indians
Pahrump Paiute Tribe
Paiute Indian Tribe of Utah
Paiute Indian Tribe of Utah: Cedar Band of Paiutes
Paiute Indian Tribe of Utah: Indian Peaks Band of Paiutes
Paiute Indian Tribe of Utah: Shivwits Band of Paiutes
Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation
Skull Valley Band of Goshute Indians of Utah
South Fork Band (Te-Moak Tribes of the Western Shoshone Indians of Nevada)
Te-Moak Tribes of the Western Shoshone Indians of Nevada

Timbi-sha Shoshone Tribe
Utuh Utuh Gwaitu Paiute Tribe of the Benton Paiute
Wells Indian Colony Band Council
Winnemucca Indian Colony of Nevada
Yomba Shoshone Tribe; and

WHEREAS, the BLM has invited the Tribes listed above to participate in the development and execution this PA and the Tribes expressed concerns were invited to sign this PA as concurring parties. The BLM received comments from the Paiute Tribe of Utah and its associated Bands, where in they expressed their interest in the watersheds east of Meadow Valley Wash and interest in treatments to pinyon juniper stands in those watersheds. The Paiute Tribe of Utah and its associated Bands have declined to participate further in the development of this PA; and

WHEREAS the undertaking would be implemented over the course of the next 15 years; and

WHEREAS, this PA covers all aspects of the planning, development, and implementation of the undertaking; and

NOW THEREFORE, the signatories agree that implementation of the NEPA decision record will be administered in accordance with the following stipulations to ensure that historic properties will be treated to avoid or mitigate effects to the extent practicable, regardless of surface ownership and to satisfy the BLM's NHPA responsibilities for all aspects of the undertaking.

I. ROLES AND RESPONSIBILITIES

The signatories agree that all projects identified as part of the undertaking will be subject to the processes outline herein.

The signatories agree that the *STATE PROTOCOL AGREEMENT between the Bureau of Land Management, Nevada and the Nevada State Historic Preservation Office for Implementing the National Historic Preservation Act, Finalized February 3, 2012* (Protocol), except as amended here, will be utilized for this PA. This Protocol is incorporated by reference.

The BLM is responsible for administering this PA. This includes but is not limited to: ensuring that signatories carry out their responsibilities; overseeing cultural resource work; assembling submissions to the SHPO; including reports, determinations of eligibility and effect, and treatment plans; and for seeking SHPO concurrence with agency compliance decisions.

The BLM shall ensure that ethnographic, historic, architectural, and archaeological work conducted pursuant to this PA is carried out by or under the direct supervision of persons meeting qualifications set forth in the *Secretary of the Interior's Professional Qualifications Standards* (currently available at http://www.nps.gov/history/local-law/arch_stnds_9.htm) and that those who require permits for such work by the BLM Nevada have them.

II. DEFINITIONS

- A. References to mechanical, chemical and manual vegetation fuels management projects, and their effects and definitions are found in the Protocol (Appendix F. Section L).
- B. Project Manager: BLM Staff member in charge of the project
- C. Area of High Cultural Sensitivity: An area likely to contain historic properties.
- D. Standard Buffer: The avoidance area of 30 meters surrounding a cultural resource.

III. THE COMPLIANCE PROCESS

- A. Vegetation Restoration Projects
 - 1. Project Planning
 - a) Once a vegetative restoration project is identified for implementation by the Ely Management Team and funded, the BLM Project Manager will submit a request for a Cultural Resources Inventory Needs Assessment (CRINA) to the appropriate Cultural Resource Specialist (CRS). The Project Manager will obtain the form from the CRS to ensure that it is the most current version.

- (1) The CRINA will contain a full project description explaining the project's implementation details including the size of the proposed project. The Project Manager will provide maps and shapefiles showing the project area to the CRS before they will begin working on the CRINA.
- (2) The CRS will utilize this PA and other policy and guidelines as appropriate to complete the CRINA. The CRS is responsible for ensuring the field manager approves it prior to project implementation.
- (3) The BLM will submit all approved CRINAs to the SHPO as notification of the undertaking and as a record of the BLM decision regarding the necessary work for specific projects consistent with the Protocol.

2. Area of Potential Effects

- a) The BLM will identify the area of potential effect (APE) to cultural resources and properties of traditional religious and cultural importance.
- b) The direct APE will include all areas where a proposed project is purposefully applied or may be inadvertently applied and any buffer zones included in the project plan. Such effects can include, but are not limited to, increased visibility of sites due to avoided area islands and the potential for increased erosion of a site due to vegetation removal.
- c) The BLM, in consultation with the SHPO, preliminarily determined that, based on current data, the visual effects should be limited in nature since BLM intends the projects to restore an historic landscape. The APE for assessing visual effects on historic properties will be the area of direct effect plus 1/8 mile outward in all directions from the perimeter of each area.

3. Identification of Historic Properties

a) Upon notification by the Project Manager that a vegetative restoration project is going to take place, the BLM, through the Native American Coordinator, will consult with the appropriate tribes to identify properties of traditional religious and/or cultural significance within the direct and indirect APEs, as applicable.

b) The BLM shall ensure that a records search is conducted to identify all previously documented cultural resources and areas of high sensitivity within one mile of a project's direct APE prior to any physical inventory occurring in a manner consistent with the Protocol.

(1) At a minimum, the following sources will be used to identify the potential for the presence of historic properties and high sensitivity areas:

(a) Nevada Cultural Resources Information System (NVCRIS)

(b) Archives at BLM Office

(c) State Archives

(d) Master Title Plats

(e) General Land Office Survey Plats

(f) Historic Maps

c) The BLM shall ensure that a letter report containing a summary of the information gathered during the records search as well as a narrative describing inventory expectations is prepared. Areas of High Cultural Sensitivity will be identified on a single project overview map and GIS shapefiles will be provided. This information would be kept in a project file with the CRS until the process outlined herein is complete, at which

time the information would be retained indefinitely with the final report in the Ely District Office Cultural Resources Files.

d) The BLM, in consultation with the SHPO and consistent with the Protocol, have determined that aerially applied projects will have no potential to effect historic properties and no inventory will be required.

(1) Ground support or material staging areas for aerial applications located in previously undisturbed areas will be subject to a Class III inventory unless previously inventoried in a manner consistent with the Protocol.

e) The BLM shall inventory vegetative restoration projects and associated activities involving surface disturbance not expected to have an effect on high sensitivity cultural resources with the following procedures:

(1) The entire APE will be inventoried using a modified strategy of transect intervals no greater than 100 meters, with deviations to inspect high probability areas.

(a) Inventories conducted using this strategy will not be included in the statewide inventory maintained by the SHPO.

(2) All previously recorded and newly discovered archaeological resources will be documented on the BLM Nevada Intermountain Antiquities Computer System (IMACS) Form according to current BLM guidelines and standards.

(a) Site boundaries will be determined in all cases. In instances where surface fuel density precludes adequate surface visibility, the CRS will establish a minimum avoidance buffer of 50-meters beyond the known site perimeter during project implementation.

(b) In cases where the site boundary extends beyond the direct APE by more than 100 meters need not be documented. If this occurs, the CRS will note this on the cover page that the site extends beyond the documented boundary and a map should be included to show where the boundary was not fully identified.

(c) All sites documented using this process will be included in the Statewide Inventory.

(3) If historic linear features are identified, these will be mapped in the field by walking the centerline and documenting any associated artifacts, features, or sites encountered according to the process identified above. These features will be documented 100 meters past the direct APE of the project.

(4) Based on project needs and cultural sensitivity the CRS may identify areas within the direct APE that must be inventoried to Class III Standards.

f) The BLM will inventory vegetative restoration projects, and associated activities, involving surface disturbance in high sensitivity areas to Class III Standards.

4. Deferment of Eligibility Determinations

All identified cultural resources will be left unevaluated and treated as though they are historic properties for the purposes of all projects, unless they are listed in Appendix E of the Protocol as Categorically Not Eligible for the National Register of Historic Places.

5. Avoidance

a) All cultural resources, except those property types listed in Appendix E of the Protocol, will be treated as historic properties and will be

avoided using the Standard Measures identified in Appendix H of the Protocol.

(1) A Standard Buffer will be applied to all cultural resource boundaries to ensure protection of these resources.

(2) Flagging will be placed to minimize the potential for looting and vandalism during implementation of the project and removed as soon as possible after the project is completed.

(3) The design of vegetation mosaics may incorporate cultural resource areas but should not be limited to them, in order to avoid creation of inadvertent signals for the presence of sites that could lead to vandalism.

b) The BLM shall ensure that the avoidance measures in Stipulation III.A.5.a are implemented after project approval and prior to initiating an undertaking under this PA. At the discretion of the CRS, monitoring may be used to enhance the effectiveness of protection measures.

c) The BLM shall consult with the Tribes, or identified affected tribal members, to evaluate effects to properties of traditional religious and cultural importance. Based on information shared with the BLM, the BLM would determine the appropriate treatment to avoid or to minimize to the extent practicable adverse effects, and consult on these determinations with the SHPO and the Tribes.

6. Evaluation and Treatment:

In the event that avoidance is not possible:

(1) The BLM, in consultation with the SHPO, will determine eligibility of the sites that cannot be avoided through the development and use of an appropriate historic context.

(2) The BLM, in consultation with the SHPO, will determine project effects to all historic properties that cannot be avoided.

(3) The BLM will prepare a Historic Properties Treatment Plan (HPTP) to address adverse effects to historic properties.

(4) The fieldwork portion of the HPTP will be carried out prior to any ground disturbance within 100 meters of the affected property.

(5) The BLM will execute this HPTP after project approval and prior to initiating a project under this PA.

7. Special Considerations

a) The APE for a project to rejuvenate an existing vegetative restoration project need not be inventoried if:

(1) The project is conducted with the same methods as the original undertaking, or where the new project effects would be less than the those of the original undertaking; and

(2) The direct effects APE does not extend beyond the boundary of the original undertaking; and

(3) The BLM has determined that prior tribal consultation is sufficient to have identified properties of tribal religious and/or cultural importance; and

(4) The BLM will ensure that known historic properties and unevaluated sites will be avoided; and staging areas, access routes, and other support facilities will be subject to the provisions of this PA.

8. Reporting Requirements

a) For inventories conducted under this Stipulation, the BLM will provide the SHPO with project documentation consisting of the following sections consistent with the current Standards and Guidelines for Archaeological Inventory issued by the BLM Nevada State Office (Standards)

- (1) Administrative Summary; and
- (2) Project Description; and
- (3) Field Methods; and
- (4) Results of the Inventory; and
- (5) Maps Consistent with Current Standards; and
- (6) Shapefiles consistent with current standards will include site boundaries, area inventoried and all avoidance areas established to protect cultural resources; and
- (7) IMACS form(s) for all archaeological resources identified.

B. Non-vegetation Restoration Projects analyzed during watershed assessment evaluations

1. Project Planning

a) Once a project is identified for implementation by the Ely Management Team and funded, the BLM Project Manager will submit a request for a Cultural Resources Inventory Needs Assessment (CRINA) to the appropriate Cultural Resource Specialist (CRS). The Project Manager will obtain the form from the CRS to ensure that it is the most current version.

- (1) The CRINA will contain a full project description explaining the project's implementation details including the size of the proposed project. The Project Manager will provide maps and shapefiles showing the project area to the CRS before they will begin working on the CRINA.
- (2) The CRS will utilize the Protocol, this PA and other policy and guidelines as appropriate to complete the CRINA and determine inventory needs for the project.

(3) The CRS is responsible for ensuring the field manager approves the CRINA prior to project implementation.

(4) The BLM will submit all approved CRINAs to the SHPO as notification of the undertaking and as a record of the BLM decision regarding the necessary work for specific projects consistent with the Protocol.

2. Area of Potential Effects

a) The BLM will identify the area of potential effect (APE) to cultural resources and properties of traditional religious and cultural importance.

(1) The direct APE will include all areas of ground disturbing actions associated with the project.

(2) The indirect APE will be established to take into account any indirect effects the project may have on historic properties.

3. Identification of Historic Properties

a) Upon notification by the Project Manager that a project is going to take place, the BLM, through the Native American Coordinator, will consult with the appropriate tribes to identify properties of traditional religious and/or cultural significance within the direct and indirect APEs, as applicable.

b) The BLM shall ensure that a records search is conducted to identify all previously documented cultural resources and areas of high sensitivity within one mile of a project's direct APE prior to any physical inventory occurring in a manner consistent with the Protocol.

(1) At a minimum, the following sources will be used to identify the potential for the presence of historic properties and high sensitivity areas:

- (a) Nevada Cultural Resources Information System (NVCRIS)
- (b) Archives at BLM Office
- (c) State Archives
- (d) Master Title Plats
- (e) General Land Office Survey Plats
- (f) Historic Maps

c) The BLM shall ensure that a letter report containing a summary of the information gathered during the records search as well as a narrative describing inventory expectations is prepared. This information would be kept in a project file with the CRS until the process outlined herein is complete, at which time the information would be retained indefinitely with the final report in the Ely District Office Cultural Resources Files.

d) The BLM shall inventory the direct APE of projects and associated activities involving surface disturbance according to the following procedures:

(1) The entire direct APE will be inventoried according to Class III standards outlined in the Protocol.

(2) All previously recorded and newly discovered archaeological resources will be documented on the BLM Nevada Intermountain Antiquities Computer System (IMACS) Form according to current BLM guidelines and standards.

- (a) Site boundaries will be determined in all cases.

4. Eligibility Determinations

a) BLM, in consultation with the SHPO, will make determinations of eligibility for all previously recorded and newly discovered archaeological resources identified during the inventory.

5. Avoidance

a) BLM Manual 8140.06C states that the Field Office manager's first choice shall be to avoid National Register listed and eligible properties that would otherwise be affected by a propose land use, if it is reasonable and feasible to do so.

(1) All resources avoided will be fully documented according to BLM Standards

(2) A Standard Buffer will be applied to all historic property boundaries to ensure protection of these resources.

(3) Projects will be redesigned where reasonable and feasible to avoid historic properties

(4) Flagging will be placed to minimize the potential for looting and vandalism during implementation of the project and removed as soon as possible after the project is completed.

b) The BLM shall ensure that the avoidance measures in Stipulation III.B.5.a are implemented after project approval and prior to initiating an undertaking under this PA. At the discretion of the CRS, monitoring may be used to enhance the effectiveness of protection measures.

c) The BLM shall consult with the Tribes, or identified affected tribal members, to evaluate effects to properties of traditional religious and cultural importance. Based on information shared with the BLM, the BLM would determine the appropriate treatment to avoid or to minimize to the extent practicable adverse effects, and consult on these determinations with the SHPO and the Tribes.

6. Evaluation and Treatment:

In the event that avoidance is not possible:

- (1) The BLM, in consultation with the SHPO, will determine project effects to all historic properties that cannot be avoided.
- (2) The BLM will prepare a Historic Properties Treatment Plan (HPTP) to address adverse effects to historic properties.
- (3) The fieldwork portion of the HPTP will be carried out prior to any ground disturbance within 100 meters of the affected property.
- (4) The BLM will execute this HPTP after project approval and prior to initiating a project under this PA.

7. Reporting Requirements

- a) For inventories conducted under Stipulation III.B, the BLM will provide the SHPO with project documentation consistent with the Protocol
- b) This documentation will also include a map showing the original project proposal, the redesigned project, and documented cultural resources

IV. DURATION

This PA will remain in effect for twenty (20) years from the date of its execution. If proposed actions in the APE are not completed prior to such time, the BLM may consult with the other signatories to reconsider the terms of the PA and amend it in accordance with Stipulation X below. The BLM shall notify the signatories as to the course of action it will pursue.

V. UNANTICIPATED DISCOVERY SITUATIONS

Stipulations of this PA and the Protocol are intended to identify and treat cultural resources that are eligible for inclusion in the NRHP. Unplanned discoveries of buried

cultural resources are not anticipated. In the case of an unplanned discovery, the BLM will ensure that provisions in the Protocol (Section VI.B) are met.

VI. NOTICES TO PROCEED (NTP)

A. The BLM may issue notices to proceed for individual projects, under the following conditions:

1. The BLM has taken steps outlined in Stipulation III.A (1-5) to avoid effects to all cultural resources; or
2. The BLM, in consultation with the SHPO, has determined that:
 - a) There are no historic properties present within the APE; and
 - b) In consultation with the Tribes, no properties of traditional religious or cultural importance that are eligible for the NRHP were identified within the APE for the project.
3. The BLM, in consultation with the SHPO and, in the case of properties of traditional religious or cultural importance that are eligible for the NRHP, with the Tribes has developed and implemented an adequate treatment plan for the project; and
 - a) The fieldwork phase of the HPTP has been completed; and
 - b) The BLM has prepared or accepted a summary description of the fieldwork performed and a schedule for reporting that work; and
 - c) The BLM has provided a copy of the summary to the SHPO; and
 - d) The SHPO has reviewed the summary and if the SHPO concurs or does not respond within two working days of receipt, the BLM will assume concurrence and issue the NTP; and
 - e) No ground disturbing activities within 100 meters of the boundaries of any historic property will proceed until a NTP is issued for the property; and

f) A partial NTP may be issued for portions of the APE that are outside of the area that may affect historic properties and beyond the 100-meter boundary identified in VI.A.3.e above.

VII. MONITORING & REPORTING

A. Any signatory may monitor actions carried out pursuant to this PA, subject to operative health and safety standards in effect. To the extent practicable, monitoring activities will minimize the number of monitors involved in the undertaking.

B. Reporting

1. A draft report of the identification, recordation, evaluation, treatment or other mitigative activities will be due to the BLM from any contractor within three (3) months after the completion of the fieldwork associated with the activity, unless otherwise negotiated.
2. The BLM will review and comment on any report submitted by contractors within 30 calendar days of receipt, unless otherwise negotiated.
3. The contractor will then have 30 calendar days to respond to all comments by the BLM.
4. The BLM will submit the results of identification, recordation, evaluation and treatment efforts, including discovery situations, and treatment plans to the SHPO for a 30-calendar day review period.
5. If the SHPO fails to respond to the BLM within 30 calendar days of the certified receipt of a submission, the BLM will presume concurrence with the findings and recommendations as detailed in the submission and proceed accordingly.

6. The BLM will ensure that all final archaeological reports resulting from actions pursuant to this PA will be provided to the SHPO. All such reports will be consistent with contemporary professional standards and the Department of Interior's formal standards for final reports of data recovery programs (48 Federal Register 44716-44740).

VIII. OTHER CONSIDERATIONS

- A. The BLM will ensure that all its personnel and all the personnel of its contractors and subcontractors are directed not to engage in the illegal collection of historic and prehistoric materials. The BLM will ensure compliance with the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470), as amended, on public lands and with Nevada Revised Statute (NRS) 383 for private lands in this regard.
- B. The BLM will ensure that any human remains, grave goods, items of cultural patrimony, and sacred objects encountered during the undertaking are treated in accordance to current regulation and policy. In coordination with this PA, human remains and associated grave goods found on federal public land will be handled according to the provisions of the Native American Graves Protection And Repatriation Act (NAGPRA), 25 U.S.C. 3001 et seq., and its implementing regulations (43 C.F.R. § 10). BLM will handle Native American Human remains and associated grave goods on private land according to the provisions of NRS 383.
- C. BLM will hold information on the location and nature of cultural resources, and information provided by and considered proprietary by the Tribes, confidential to the extent provided by federal and state law.
- D. The BLM shall bear the expense of the identification, evaluation, and any treatment of historic properties directly or indirectly affected by project-related activity. Such costs may include, but not be limited to, pre-field planning, fieldwork, post-fieldwork analysis, research and report preparation, interim and summary report preparation, publications for the public, and the cost of curating project documentation and artifact collections.

IX. DISPUTE RESOLUTION

A. If any signatory to this PA, or other consulting party, objects to any activities proposed pursuant to the terms of this PA, the CFO Manager will consult with the objecting party and the SHPO to resolve the issue. If the CFO Manager determines that the objection cannot be resolved, they will request the assistance of the BLM Nevada Deputy Preservation Officer and the Ely District Manager to resolve the objection. The BLM Ely District Manager's decision will be considered final.

B. The signatories may continue all actions under this PA that are not in dispute.

X. AMENDMENT

Any signatory to this PA may request that this PA be amended, whereupon the signatories will consult to consider such amendment. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XI. TERMINATION

Any signatory to this PA may terminate the PA by providing thirty (30) days advance written notice with cause to the other signatories, provided that the signatories will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

XII. EXECUTION

The execution of this PA and implementation of its terms is evidence that the BLM has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

U.S. Department of the Interior, Bureau of Land Management

Victoria Barr Date 7.18.13

Victoria Barr,

Caliente Field Office Manager

Nevada State Historic Preservation Office

Rebecca L. Palmer Date 7/23/13

Rebecca L. Palmer,

Acting Nevada State Historic Preservation Officer

CONCURRING PARTIES

Paiute Indian Tribe of Utah

_____ Date _____

Gari Lafferty, Chairwoman

Paiute Indian Tribe of Utah

Paiute Indian Tribe of Utah – Shivwits Band of Paiute Indians

_____ Date _____

Georgetta Wood, Chairwoman

Paiute Indian Tribe of Utah – Shivwits Band of Paiute Indians

Paiute Indian Tribe of Utah – Koosharem Band of Paiute Indians

_____ Date _____

Elliott Yazzie, Chairman

Paiute Indian Tribe of Utah – Koosharem Band of Paiute Indians

Paiute Indian Tribe of Utah – Kanosh Band of Paiute Indians

_____ Date _____

Corrina Bow, Chairwoman

Paiute Indian Tribe of Utah – Kanosh Band of Paiute Indians

Paiute Indian Tribe of Utah – Indian Peaks Band of Paiute Indians

_____ Date _____

Jeanine Borchardt, Chairwoman

Paiute Indian Tribe of Utah – Indian Peaks Band of Paiute Indians

Paiute Indian Tribe of Utah – Cedar Band of Paiute Indians

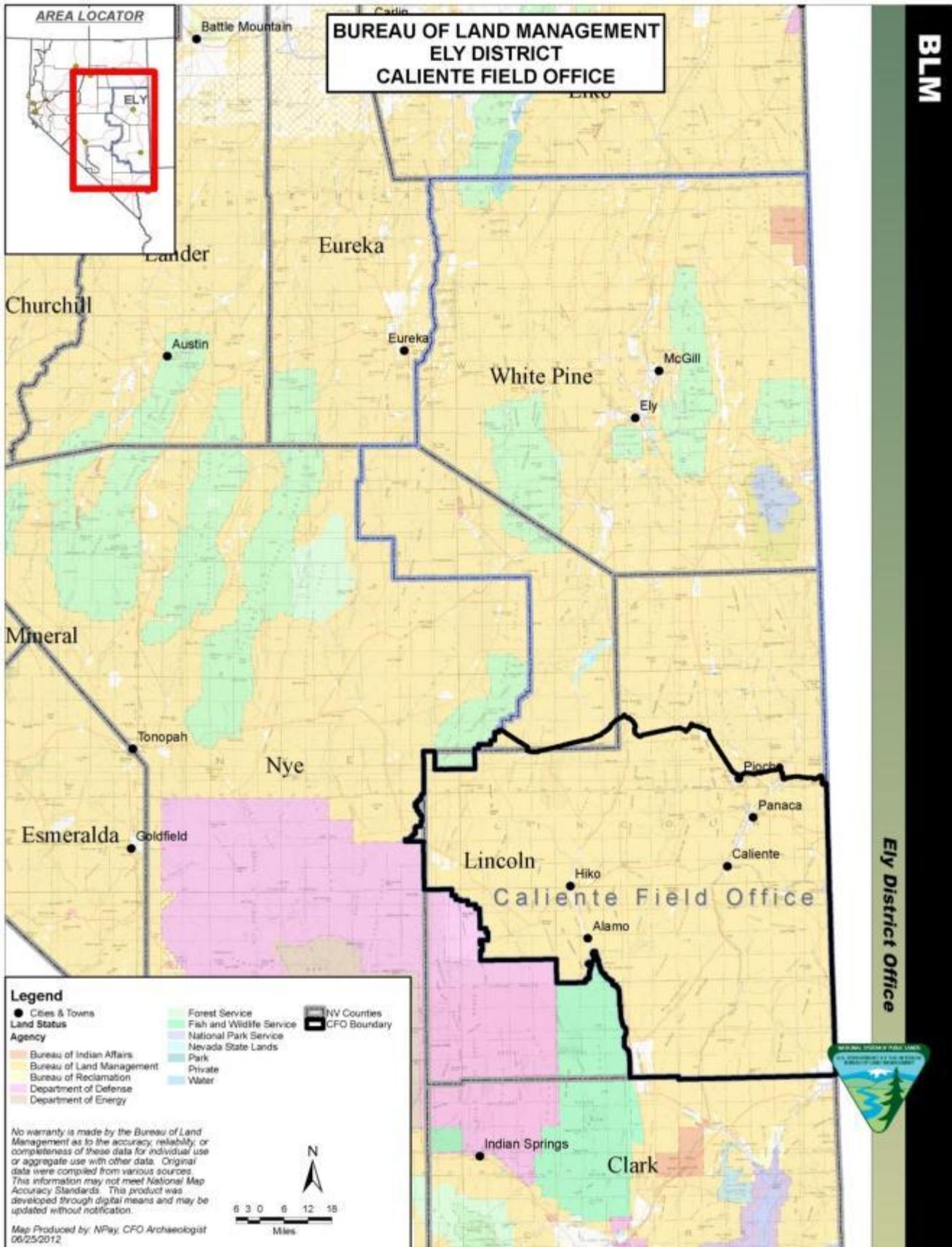
_____ Date _____

Lora Tom, Chairwoman

Paiute Indian Tribe of Utah – Cedar Band of Paiute Indians

Appendix A:

Caliente Field Office Location Map

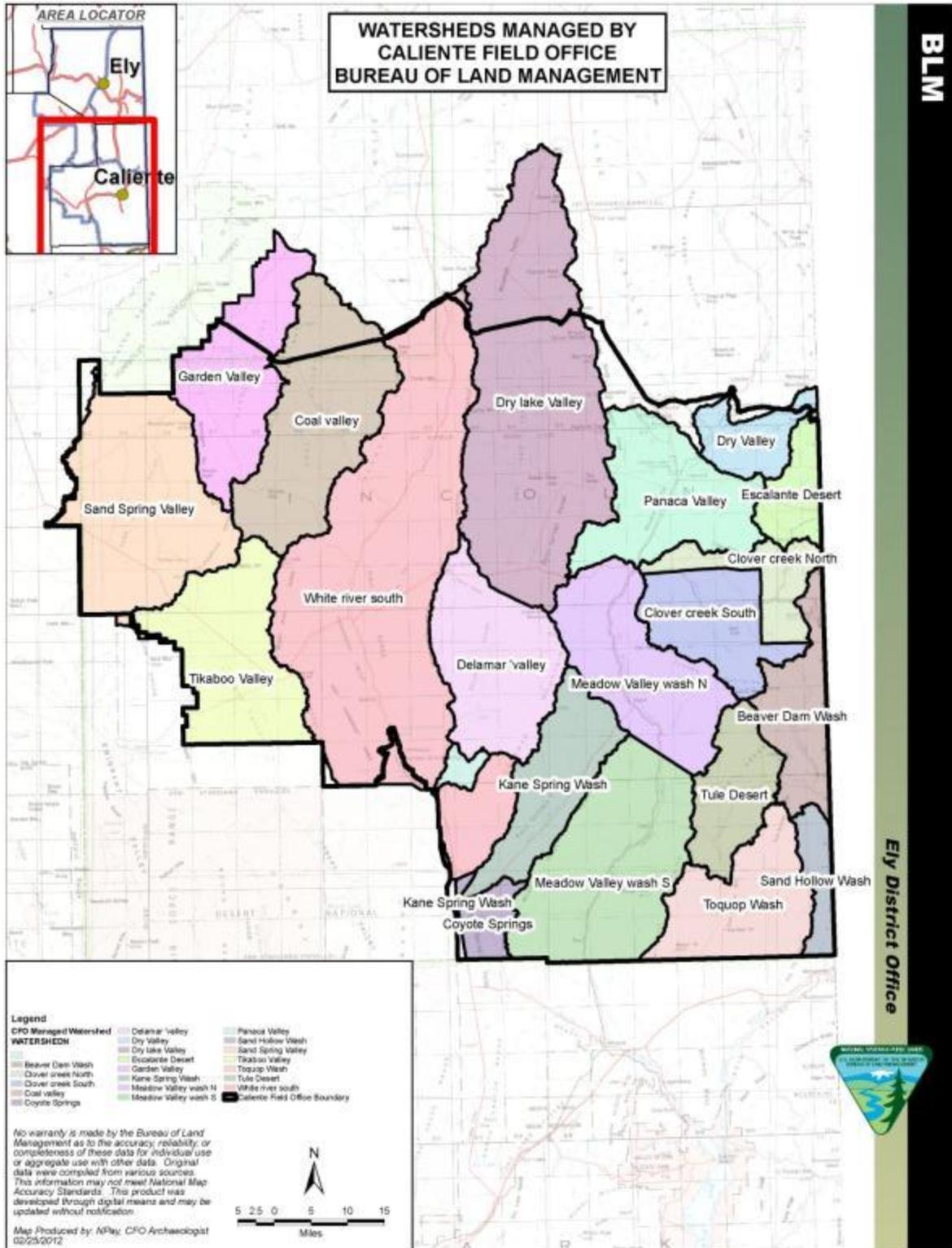


Programmatic Agreement Regarding Watershed Assessments in the Caliente Field Office

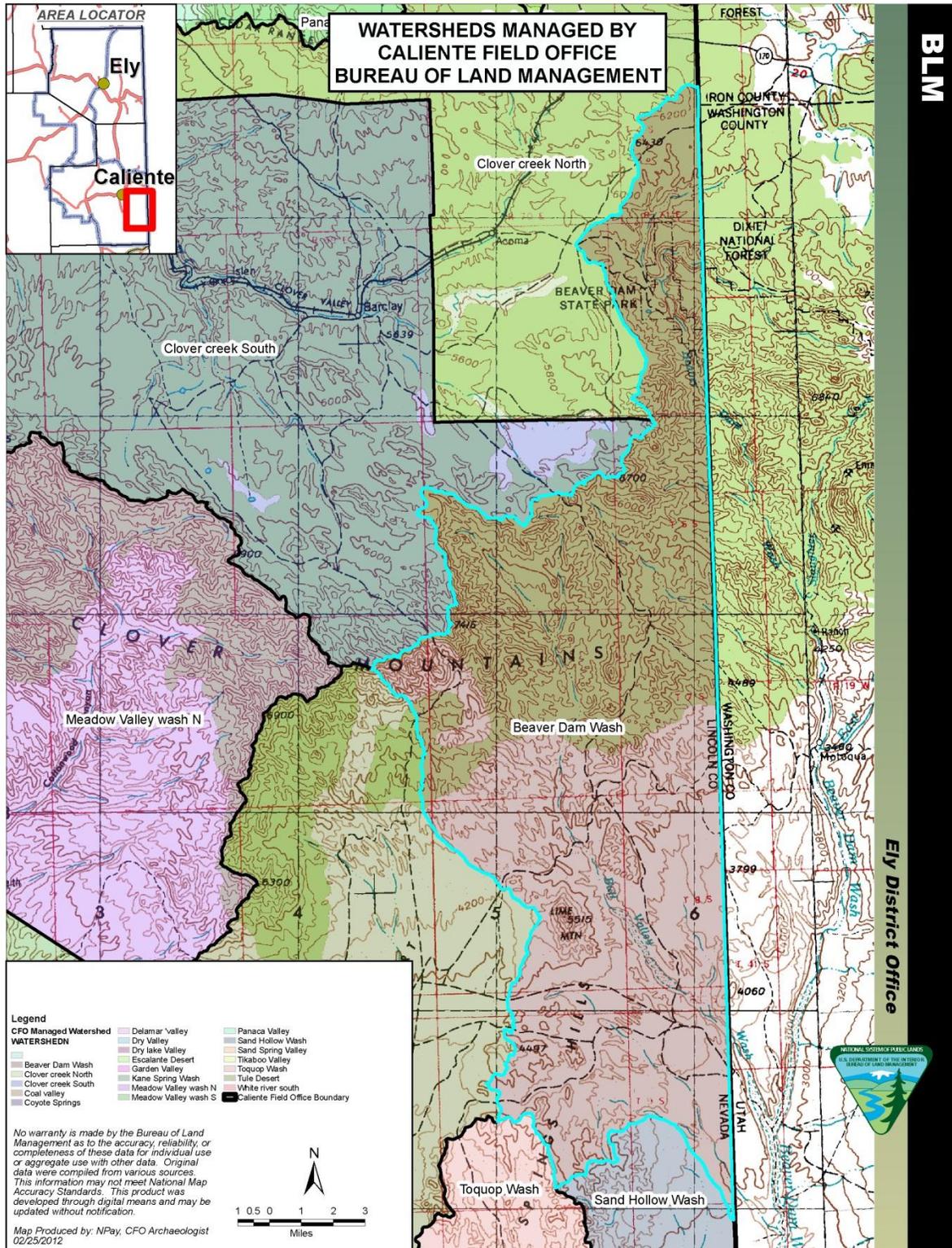
Appendix B:

Watershed Maps

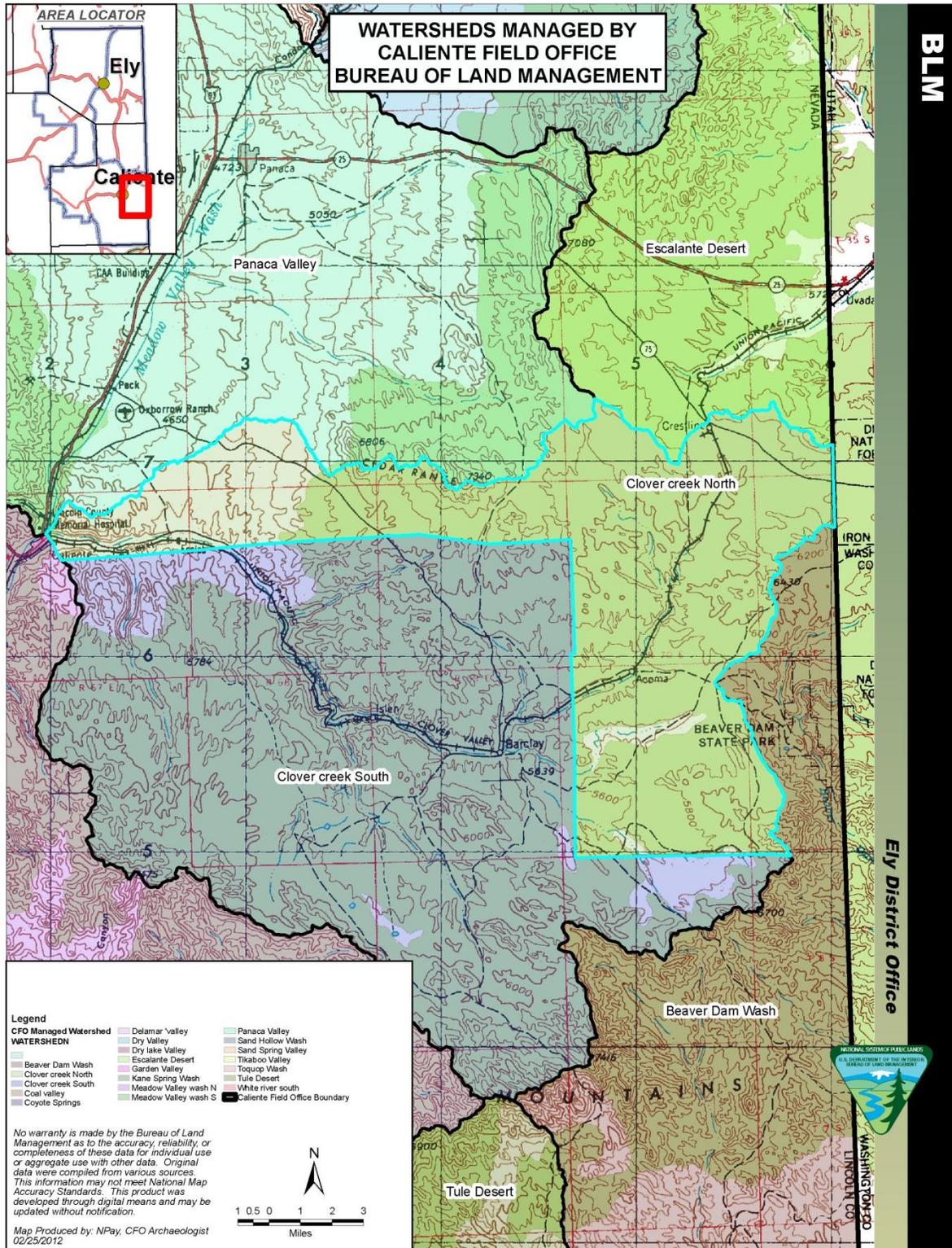
Map 1



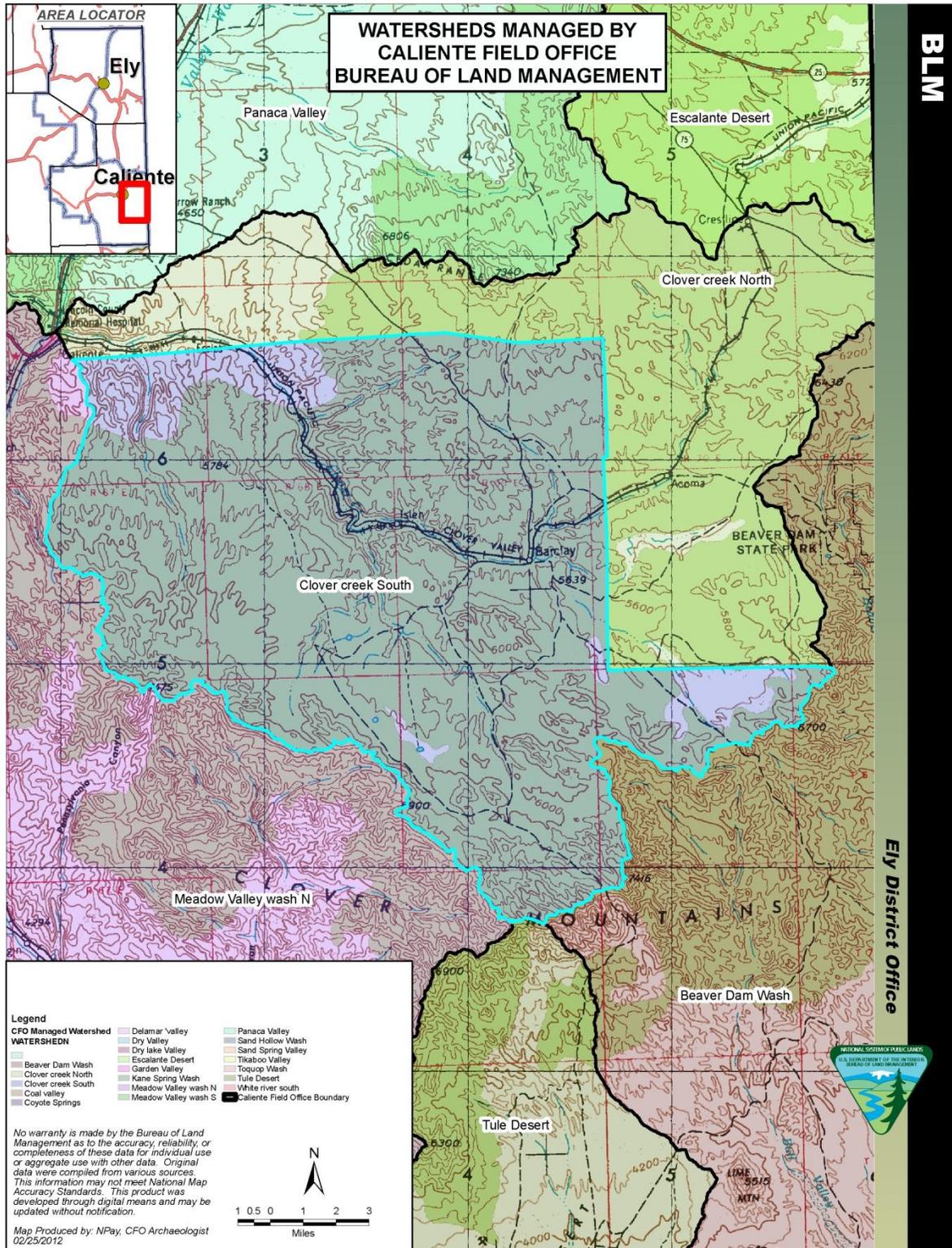
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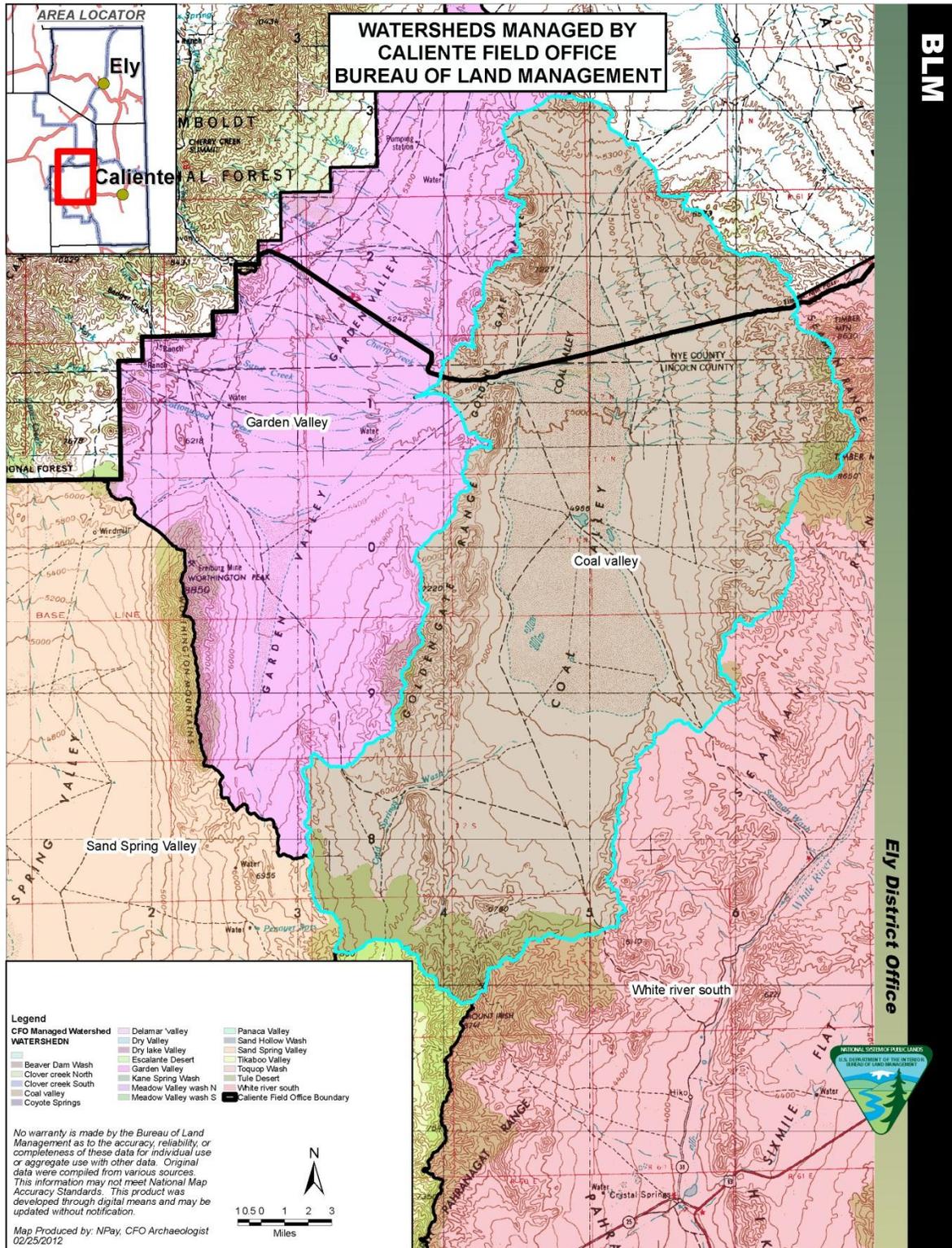
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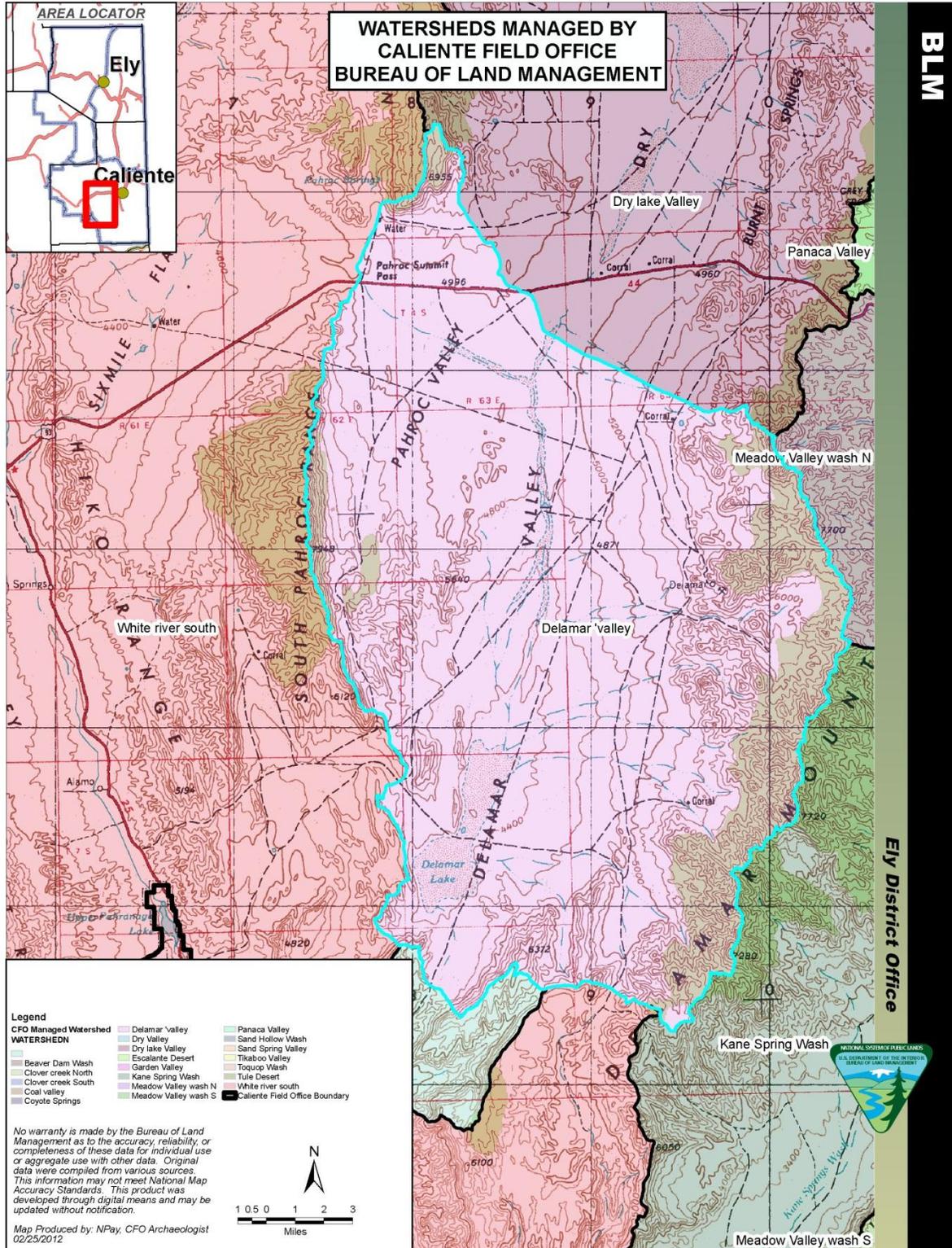
Map 4



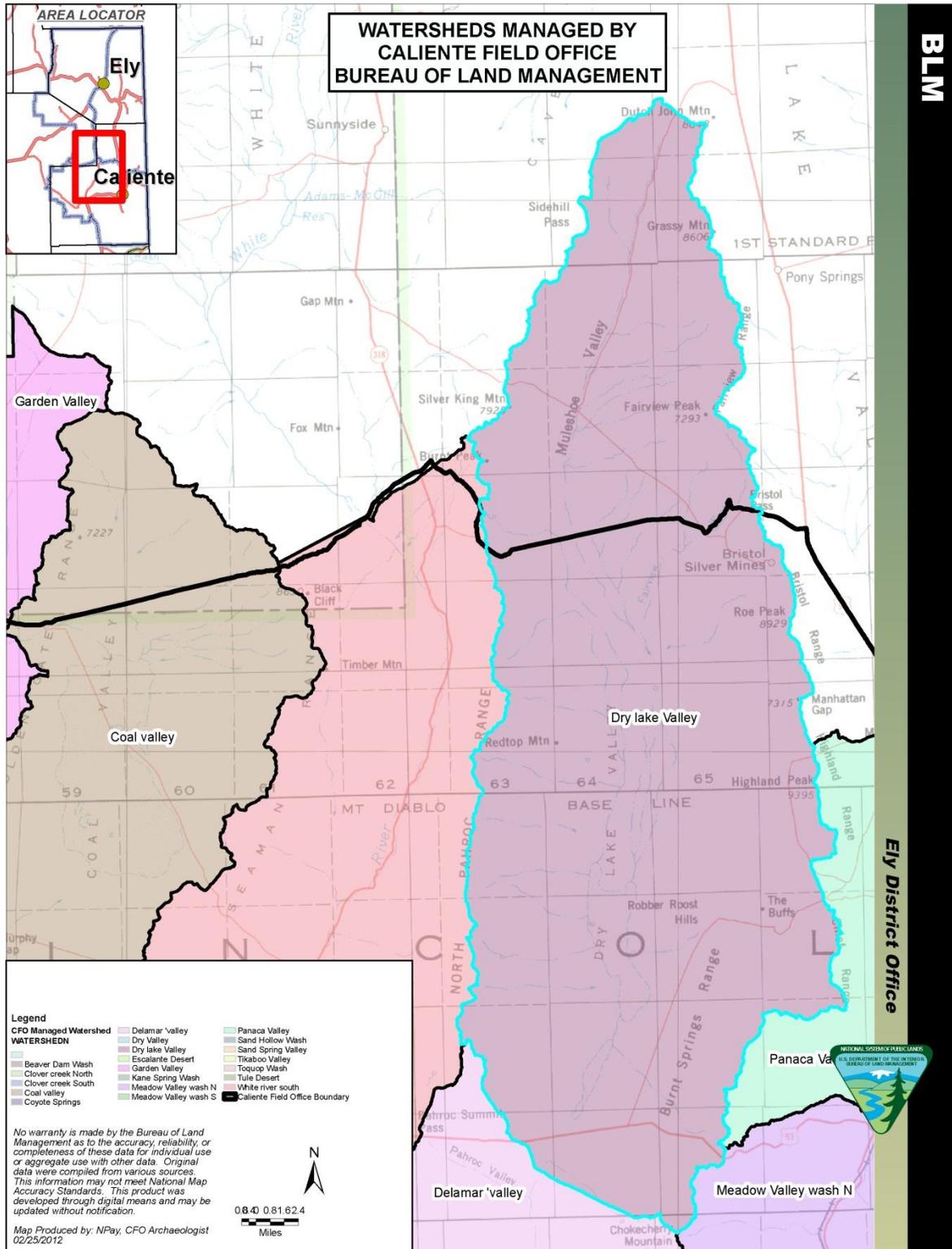
Map 5



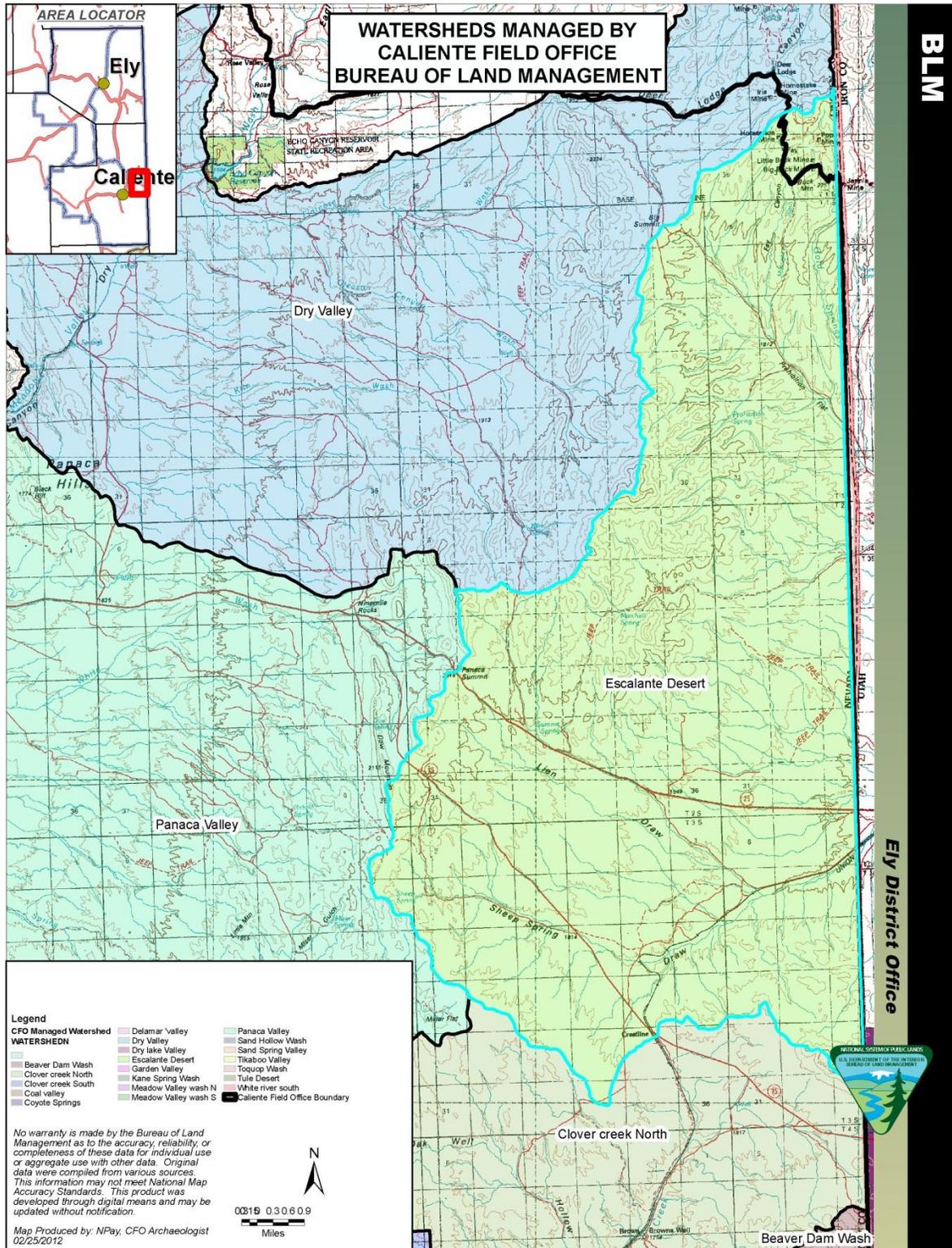
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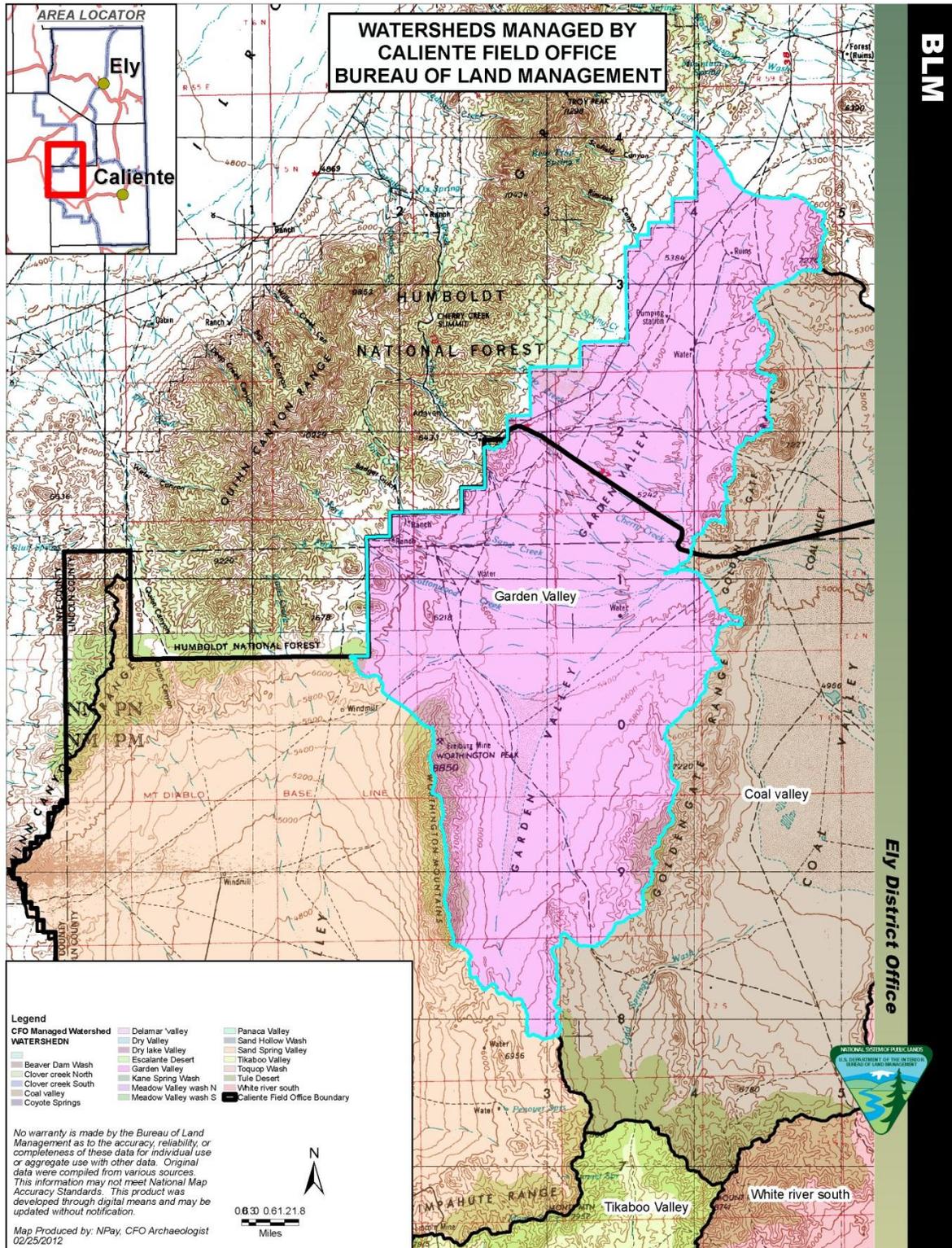
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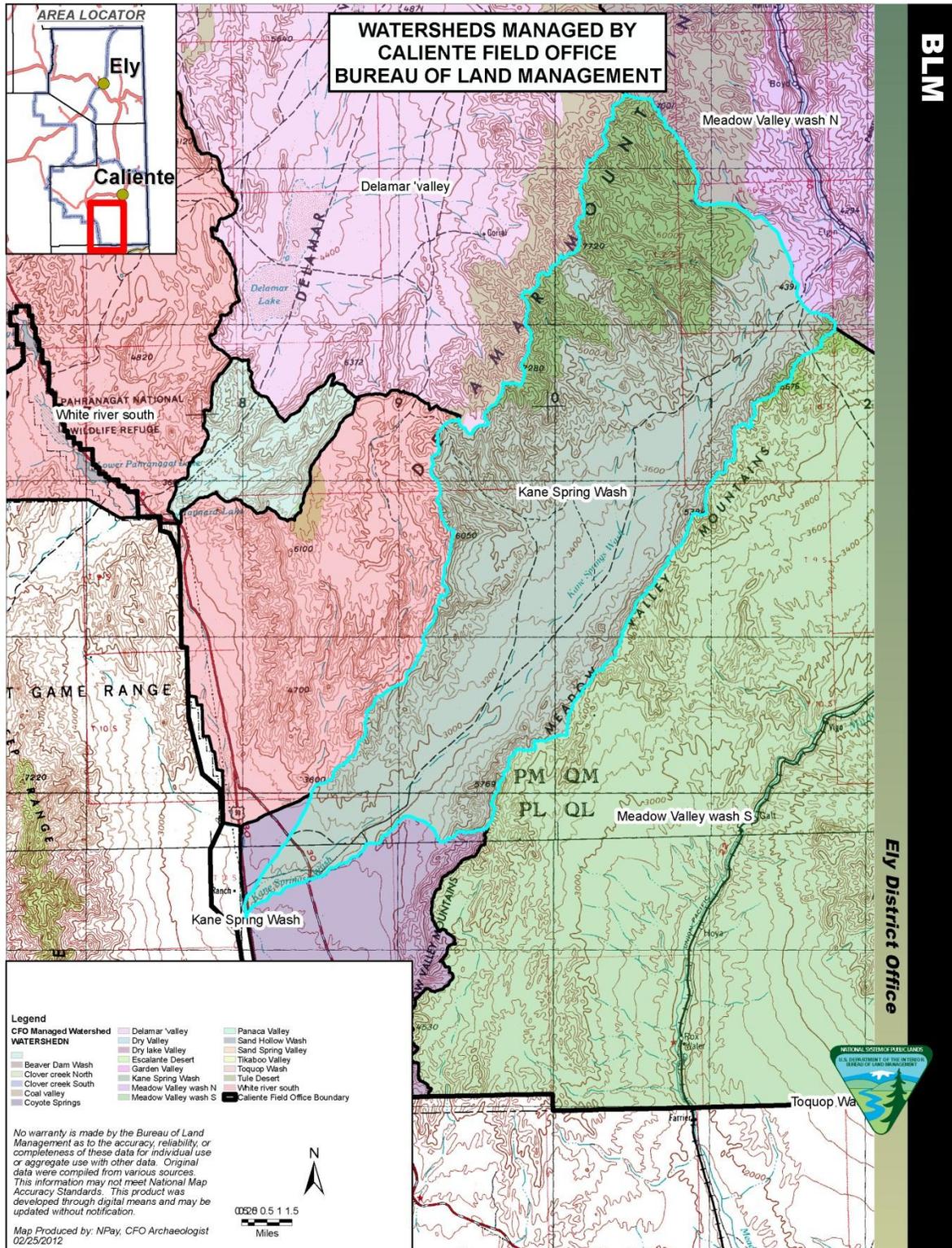
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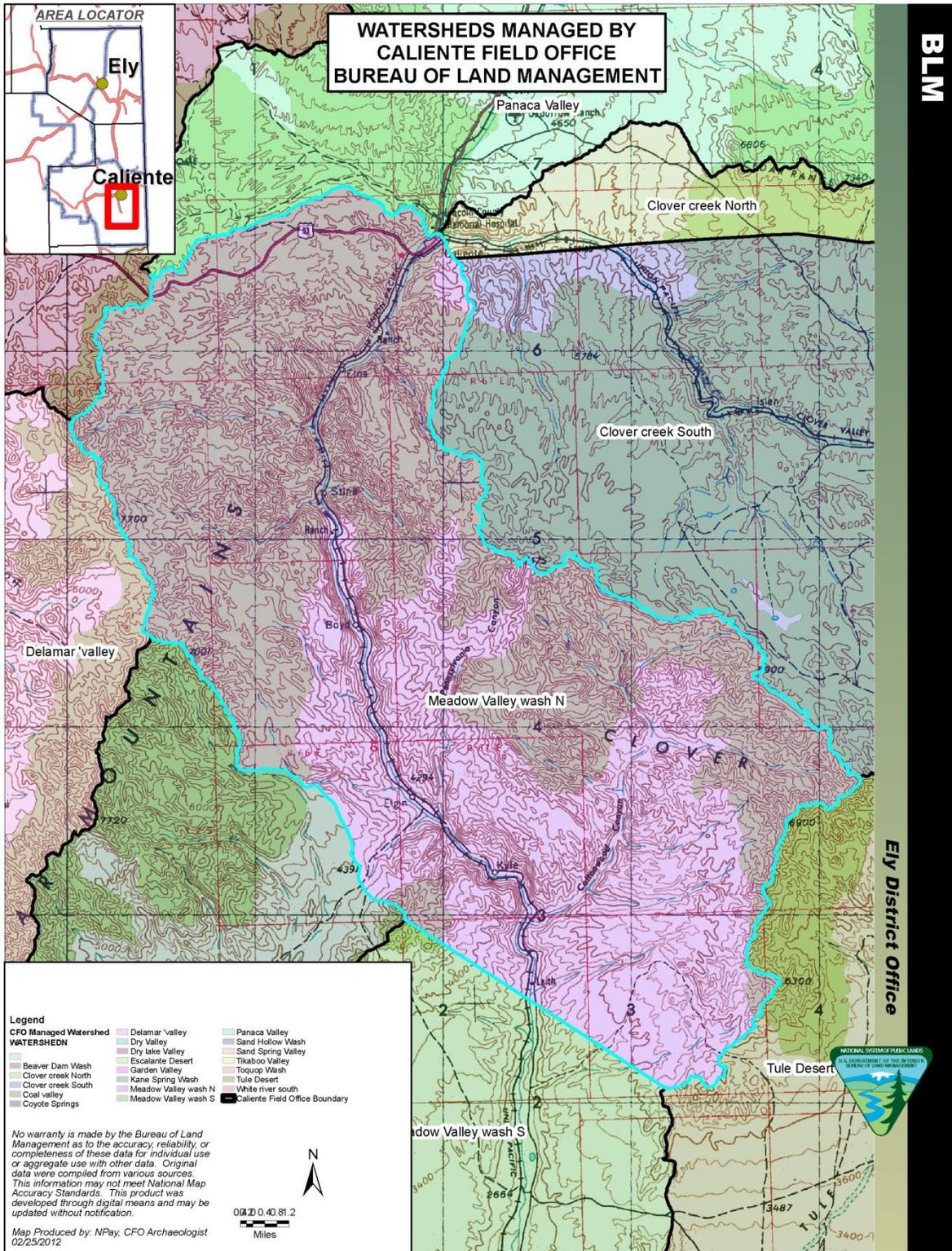
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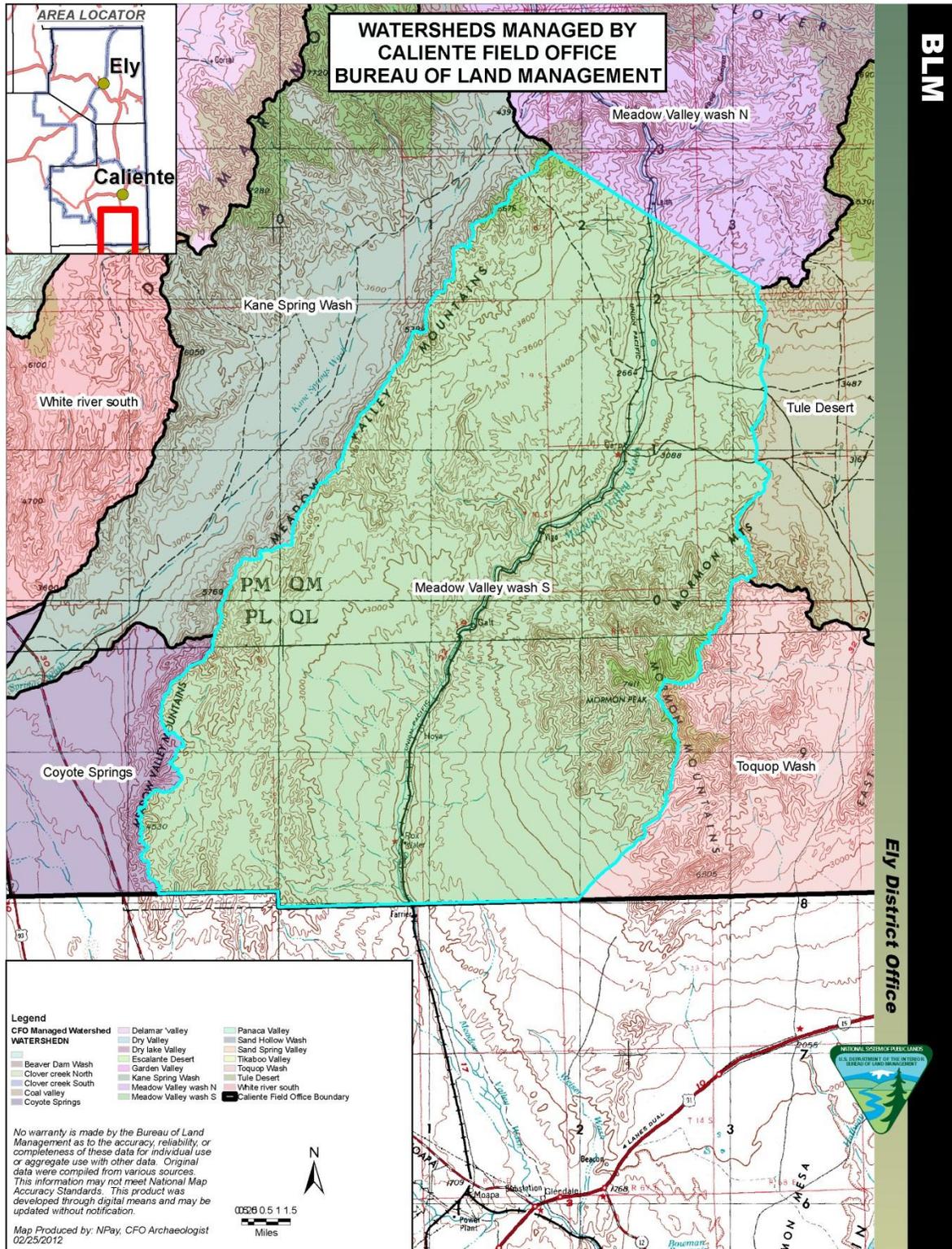
Map 12



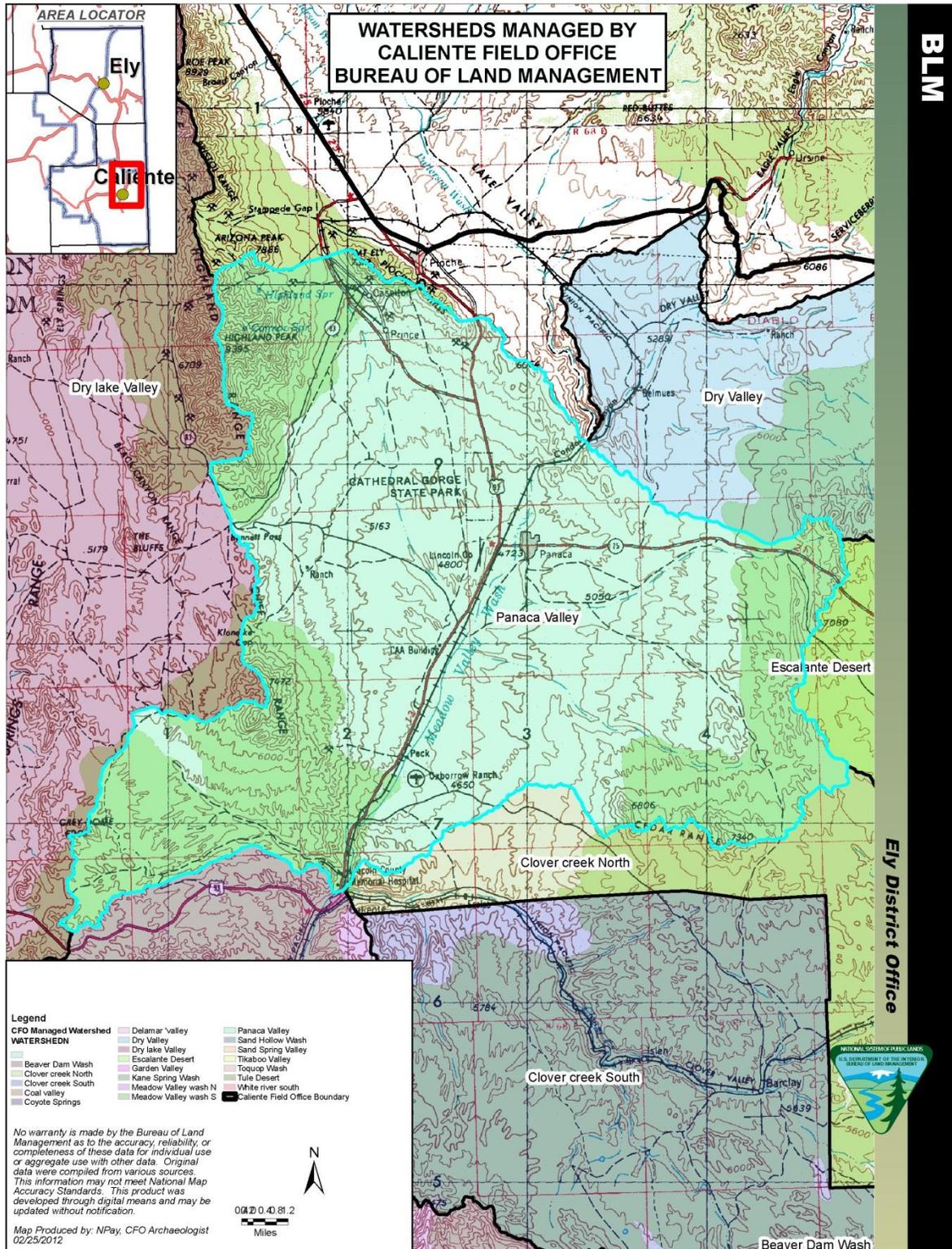
Map 13



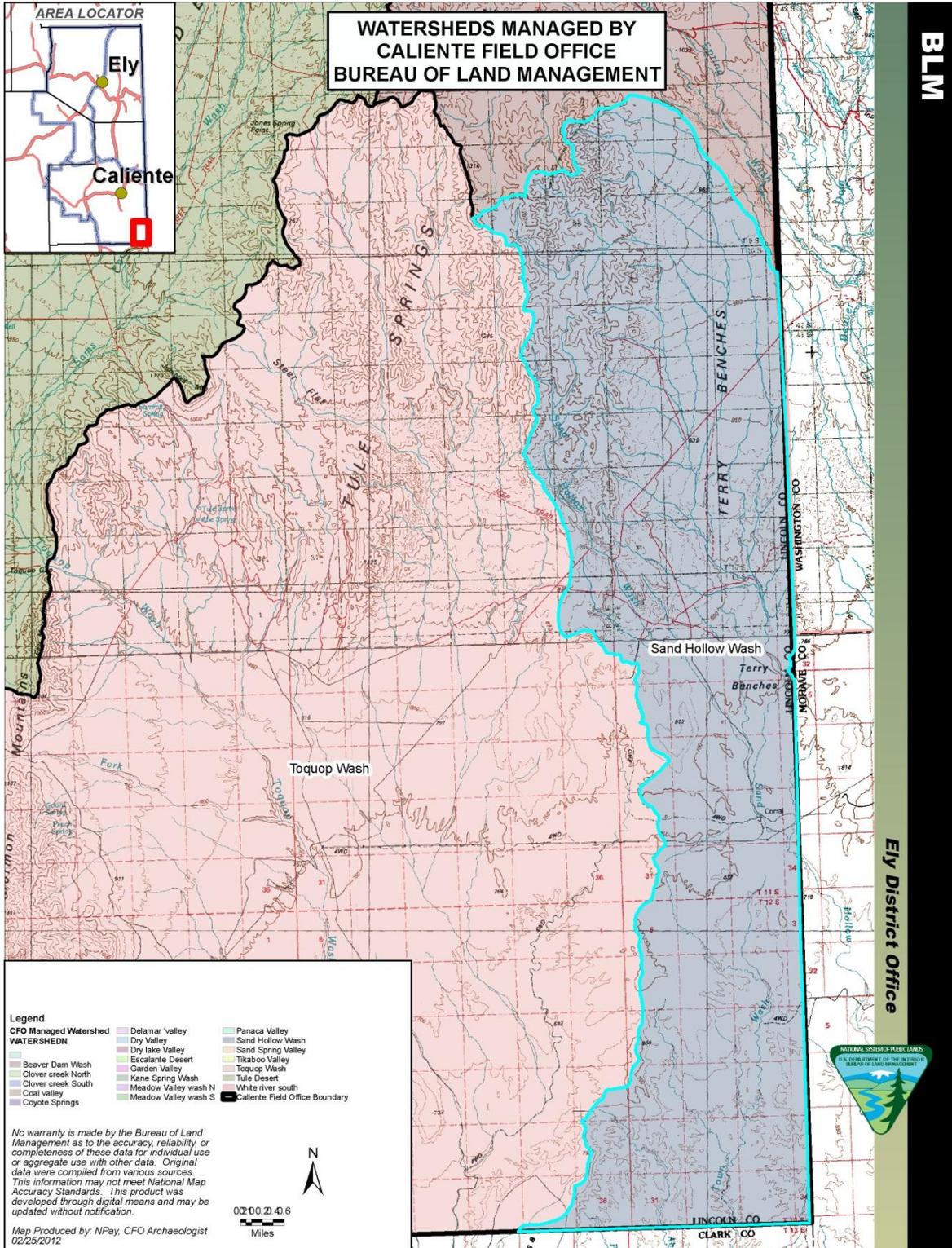
Map 14



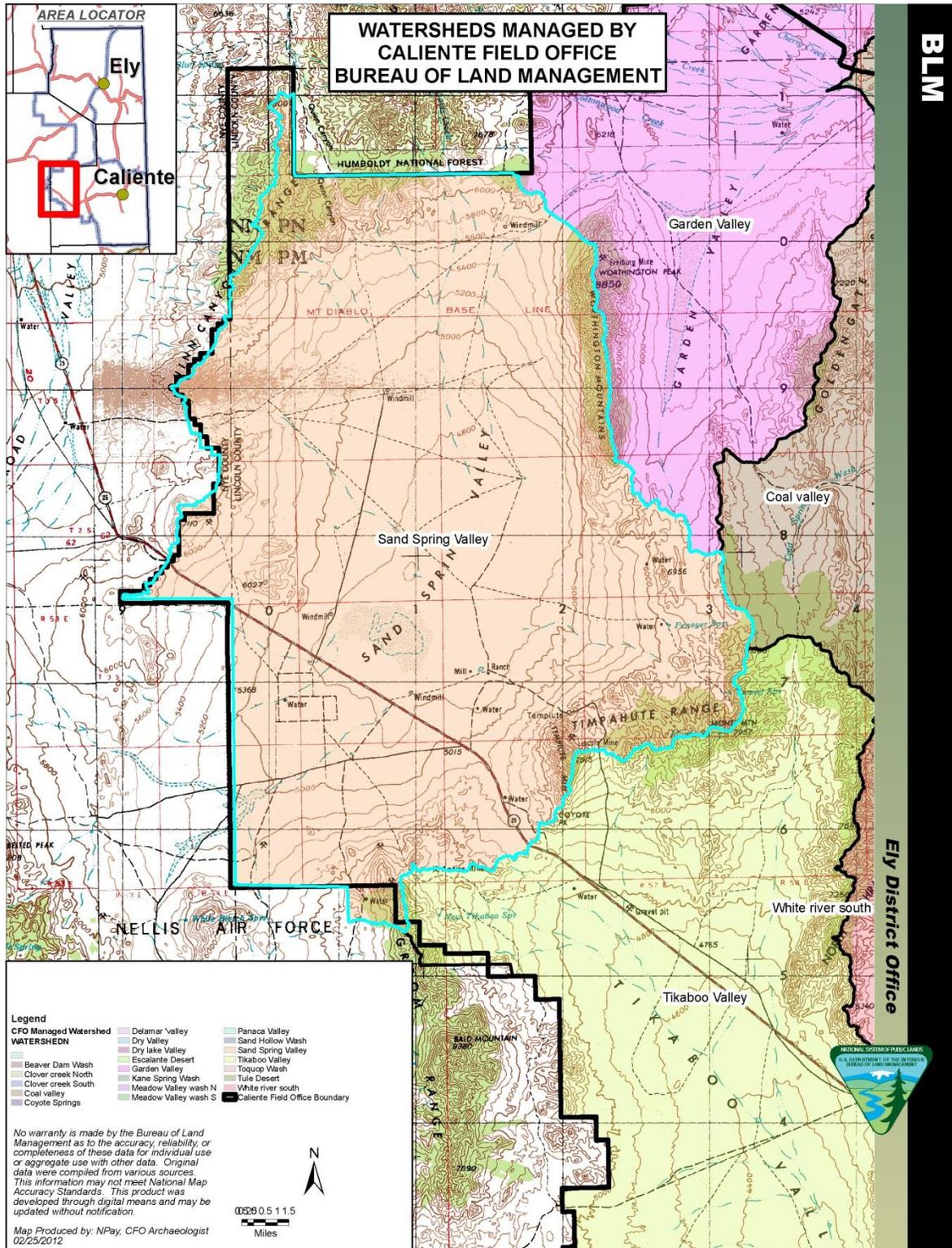
Map 15



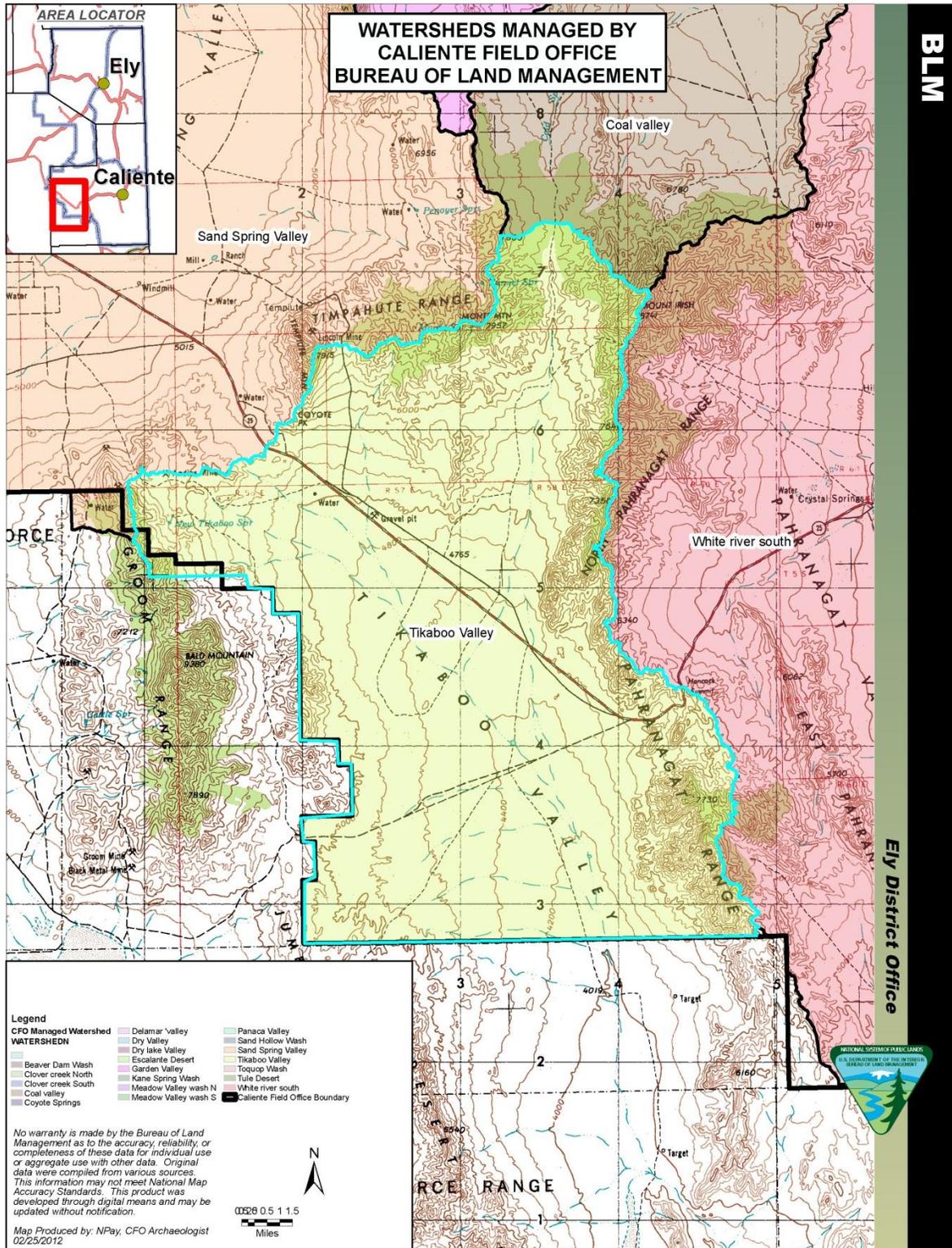
Map 16



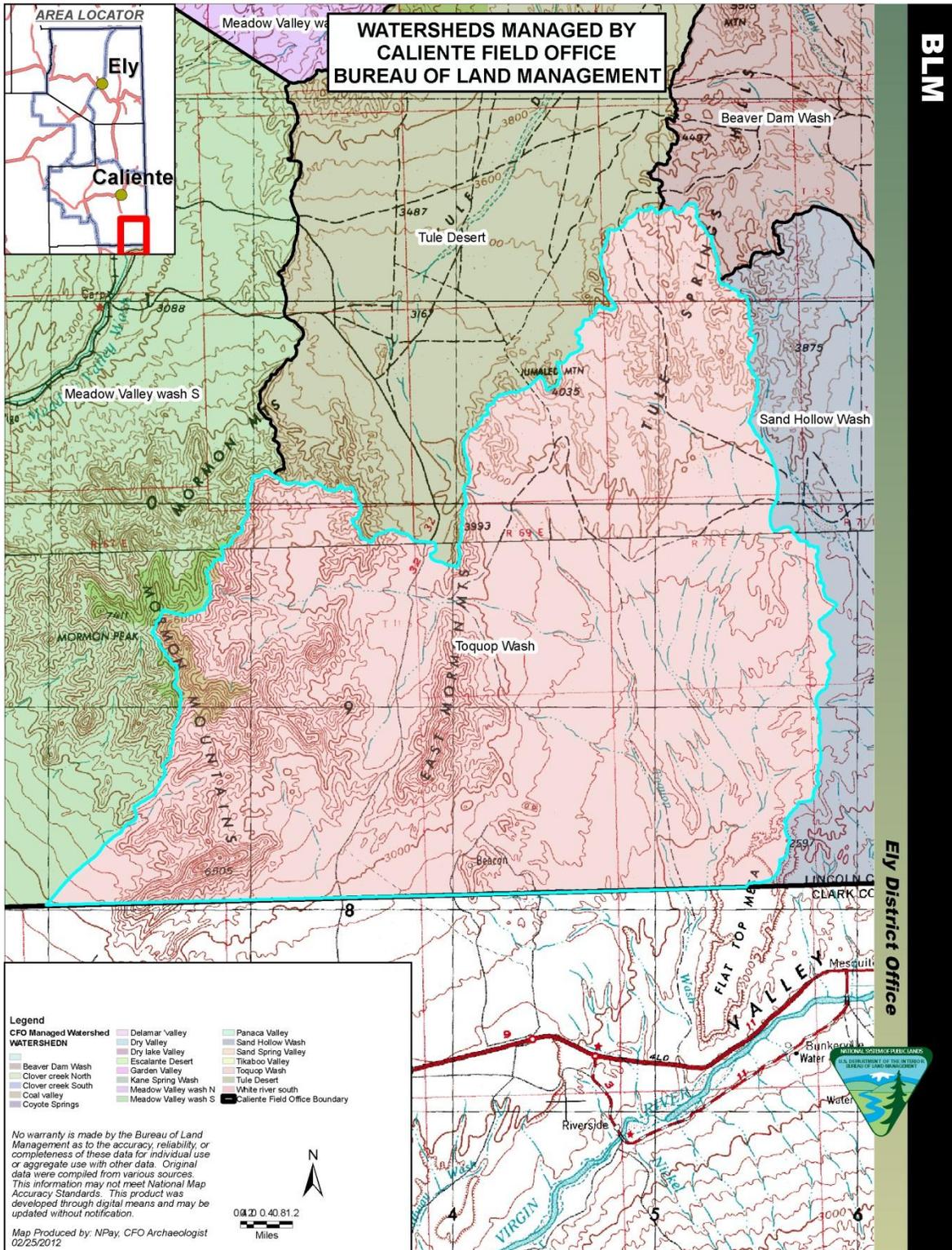
Map 17



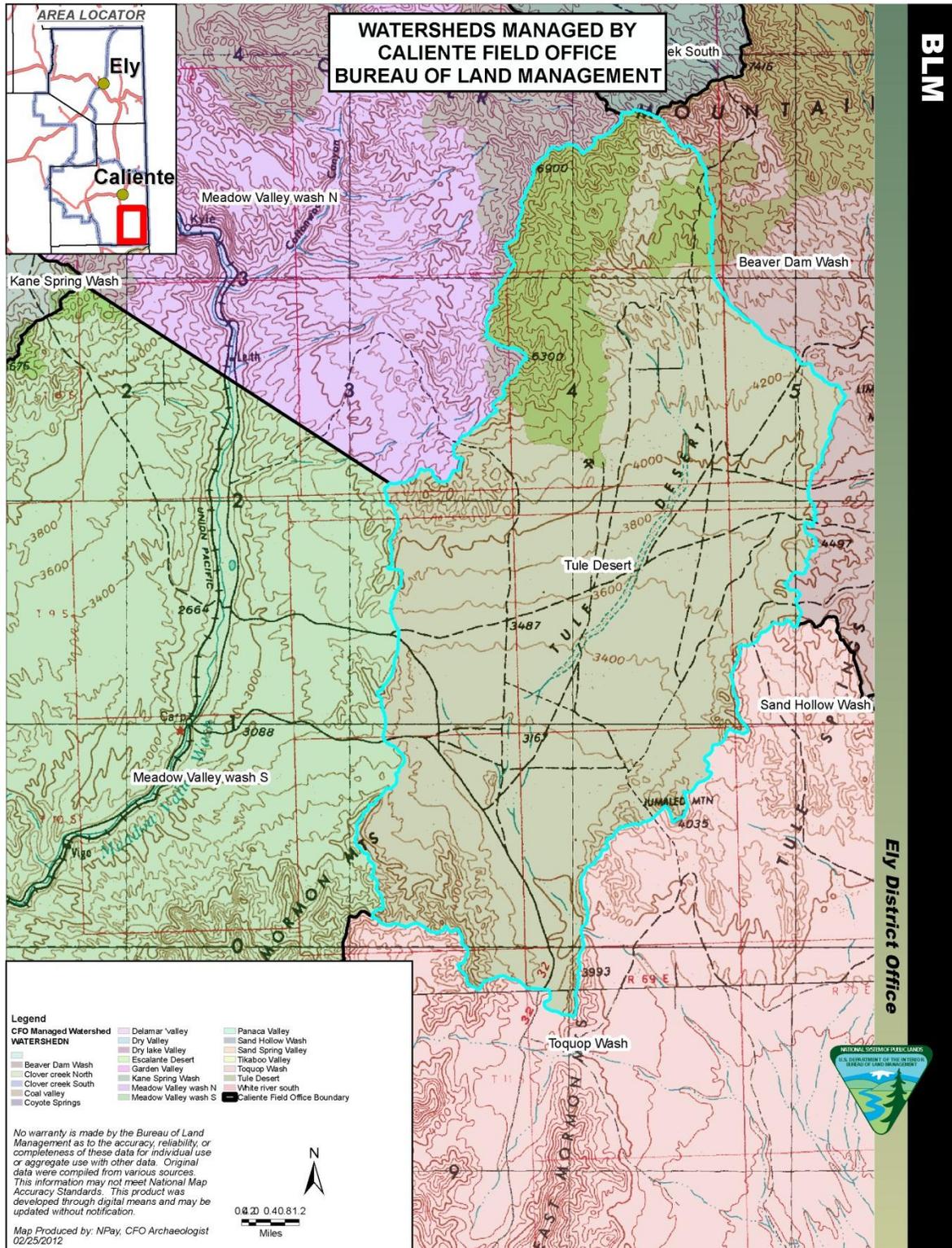
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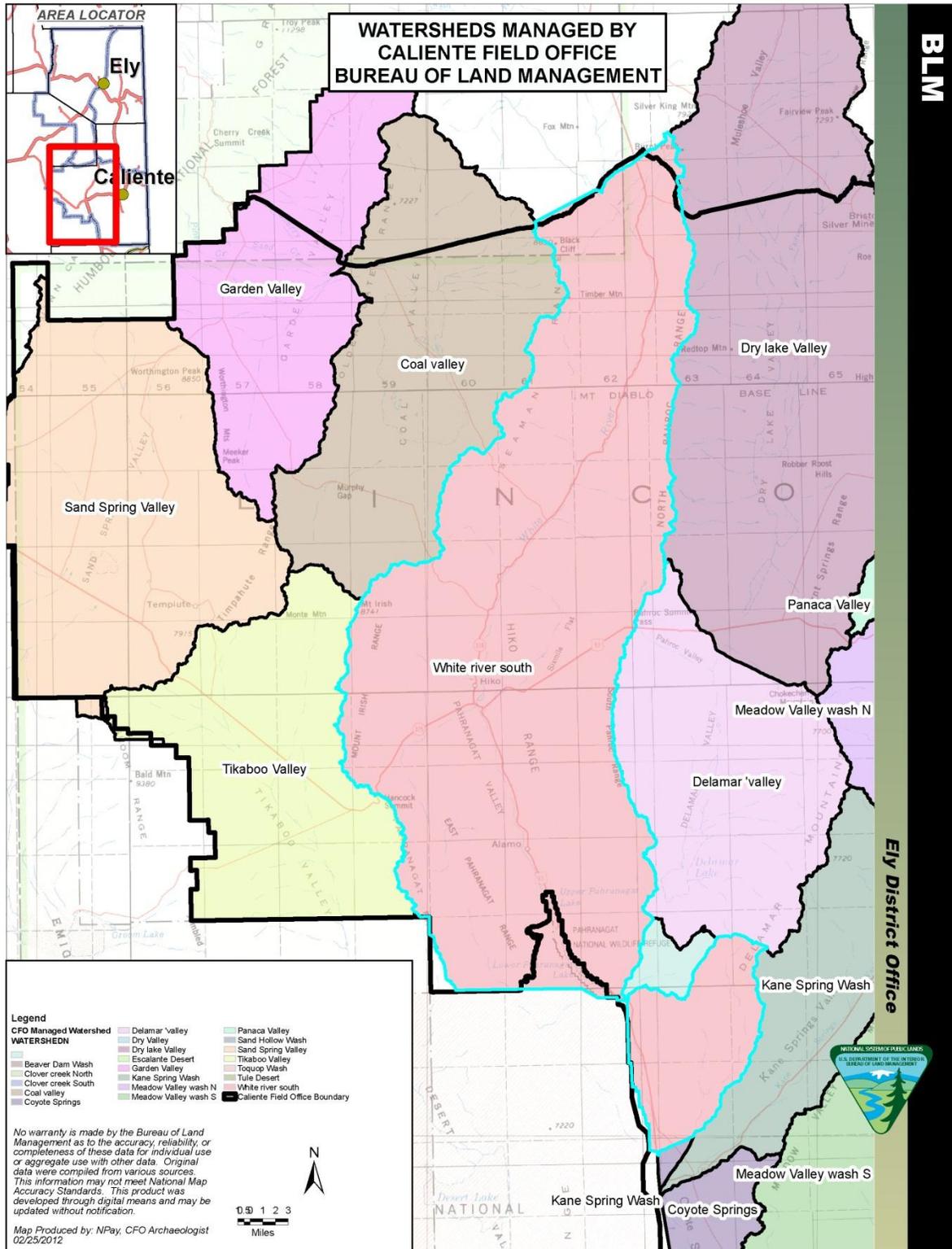
Map 19



Map 20



Map 21





United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Caliente Field Office
P.O. Box 237 (1400 South Front St.)
Caliente, Nevada 89008-0237
http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:
8111 (NVL0300)

JUN 29 2012

SJ 6/29/12
SD 6/29/12

CERTIFIED MAIL 7011 0470 0001 0437 4779 – RETURN RECEIPT REQUESTED

Reid J. Nelson
Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW
Room 803
Washington DC 20004-2501

Dear Mr. Nelson,

This letter serves as a formal invitation to the Advisory Council on Historic Preservation to participate in the drafting of a programmatic agreement pursuant to 36 CFR 800.14(b). The project is described as the “Caliente Field Office Watershed Assessment Programmatic Agreement”.

This project is subject to compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended, and the Advisory Council on Historic Preservation (ACHP) regulations for compliance (36 CFR 800). The Bureau of Land Management (BLM), Caliente Field Office (CFO) is the federal agency official for this project.

The Ely District Approved Resource Management Plan, August 2008 (RMP) directs that all watersheds in the Ely District (EYDO) be managed in order to achieve and maintain resource functions and conditions required for healthy lands and sustainable uses. The main objective of the RMP for watersheds is to manage each watershed to display physical and biological conditions or functions required for necessary ecological components to achieve state water quality criteria, maintain ecological processes, and sustain appropriate uses. The RMP directs that watershed analysis be completed on all watersheds to identify vegetative restoration projects designed to improve ecological function.

The Caliente Field Office (CFO) of the Bureau of Land Management (BLM) plans to conduct watershed assessments for all 20 watersheds managed by the CFO in order to identify, and implement, various vegetative restoration projects. These assessments will be completed individually over the next 15 years. The watersheds managed by the CFO total 4,543,108 acres (see maps in Attachment A) and include: Beaver Dam Wash (125,303 acres), Clover Creek

North (85,279 acres), Clover Creek South (148,102 acres), Coal Valley (295,038 acres), Coyote Springs (46,025 acres), Delamar Valley (230,974 acres), Dry Lake Valley (574,034 acres), Dry Valley (74,623 acres), Escalante Desert (68,017 acres), Garden Valley (214,789 acres), Kane Spring Wash (159,580 acres), Meadow Valley Wash North (234,413 acres), Meadow Valley Wash South (326,485 acres), Panaca Valley (220,088 acres), Sand Hollow Wash (48,189 acres), Sand Spring Valley (336,724 acres), Tikaboo Valley (245,154 acres), Toquop Wash (185,938 acres), Tule Desert (121,865 acres), and White River South (802,488 acres).

The implementation of watershed assessments constitutes a phased project under the State Protocol Agreement between the Bureau of Land Management, Nevada and the Nevada State Historic Preservation Office (NV SHPO) for Implementing the National Historic Preservation Act, revised January 2012 (protocol). The protocol identifies that undertakings that are phased in over time require an agreement document if the BLM wishes to defer final identification, evaluation of historic properties or application of the criteria of adverse effect.

The BLM acknowledges that vegetative restoration projects include methods of vegetation manipulation that have the potential to adversely affect properties eligible for inclusion in the National Register of Historic Places (NRHP). The effects to historic properties in the area of potential effect (APE) cannot be fully determined at this time. The BLM has determined that the preparation of a programmatic agreement will be implemented to identify the process by which the BLM will proceed with all vegetative restoration projects identified as a part of the watershed assessment process. The BLM's standard approach is to avoid all adverse effects to historic properties and this will be the case with any vegetation treatment identified through this process.

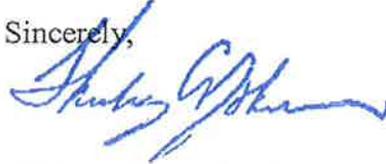
At this time, the CFO has not taken any steps toward the identification of historic properties associated with vegetative restoration projects as these projects are only in the planning phase, and money has not been identified for individual projects. At the time of funding of any vegetation restoration project within in the listed watersheds, an inventory will occur for ground disturbing actions and any identified historic properties will be properly avoided to eliminate any adverse effects. At this point the BLM is considering a modified inventory strategy (100 meter transects) for any treatment that results in less than 10 cm in depth of ground disturbance. This same strategy is also identified in the protocol currently in place between the BLM and NV SHPO.

There are currently no National Historic Landmarks located within the APE associated with these assessments. The only National Scenic or Historic Trail that may be affected is the Old Spanish Trail and only a small portion of Lincoln County is in the view shed of the designated trail, the trail itself does not cross into the county. The BLM does manage two districts that are listed on the National Register of Historic Places, White River Narrows and Panaca Summit. Both of which are archaeological districts listed for their unique prehistoric resources. The other district is the Bristol Wells Townsite that over the years has been interpreted to include the cemetery and charcoal kilns. The main issue here is that the only resource located on public lands is the cemetery; all of the remaining property is privately owned. The documentation for the Bristol Wells Townsite is limited and is in desperate need of updates, but due to its private ownership has proved to be difficult to accomplish.

Enclosed with this letter are maps showing the EYDO and CFO boundaries as well as the National Scenic and Historic Trails located within the Ely District and the watersheds managed by the CFO.

All communications for this project should be directed to Nicholas Pay, Archaeologist, at (775) 726-8194 or npay@blm.gov.

Sincerely,



Shirley Johnson /Acting
Field Manager
Caliente Field Office

Enclosure

NVL0300, kc,npay, 06/25/2012,;ACHP Invitation to participate in Drafting PA



Preserving America's Heritage

July 17, 2012

Ms. Shirley Johnson
Bureau of Land Management
Caliente Field Office
1400 South Front Street
Caliente, NV 89008

Ref: *Proposed Caliente Field Office Watershed Assessment Programmatic Agreement*

Dear Ms. Johnson:

On July 5, 2012, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on properties listed or eligible for listing in the National Register of Historic Places. We understand that we were invited to participate under the *Programmatic Agreement among the Bureau of Land Management, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers regarding the Manner in which BLM will meet its Responsibilities under the National Historic Preservation Act*. At this time, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, or other consulting party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), we request that you file the final Programmatic Agreement (PA), developed in consultation with the Nevada SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the PA and supporting documentation with the ACHP completes the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the opportunity to review this undertaking. If you have any questions or require further assistance of the ACHP, please contact Nancy J. Brown, ACHP's liaison to the BLM, at 202-606-8582 or by e-mail at nbrown@achp.gov.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Caliente Field Office
P.O. Box 237 (1400 South Front St.)
Caliente, Nevada 89008-0237
http://www.blm.gov/nv/st/en/fo/ely_field_office.html

In Reply Refer To:
8111 (NVL0300)

JUL 19 2013

P 7/18/13
SJ 7/18/13
US
7/18/13

CERTIFIED MAIL 7012 1010 0003 0534 7884 – RETURN RECEIPT REQUESTED

Rebecca Palmer
Acting State Historic Preservation Officer
901 South Stewart Street, Suite 5004
Carson City, Nevada 89701-4285

Dear Mrs. Palmer:

In accordance with the National Historic Preservation Act, this office is submitting the following Programmatic Agreement for your signature.

Programmatic Agreement between the Caliente Field Office of the Bureau of Land Management and the Nevada State Historic Preservation Officer regarding National Historic Preservation Act Compliance for Watershed Assessments in the Caliente Field Office

Please sign and return the original signature page to our office and keep the original document for your files with a copy of the signature page.

Should you have any questions please contact Nicholas Pay, Archaeologist, at (775) 726-8194 or npay@blm.gov.

Sincerely,

Victoria Barr
Field Manager
Caliente Field Office

Enclosure

NVL0300,npay,wm; 07/18/2013, SHPO Submission of Watershed Assessment PA

"Official File Copy"

LEO M. DROZDOFF, P.E.

Director

Department of Conservation and
National Resources

REBECCA L PALMER

Acting State Historic Preservation Officer

BRIAN SANDOVAL

Governor

STATE OF NEVADA



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE

July 23, 2013

Address Reply to:
901 S. Stewart St, Suite 5004
Carson City, NV 89701-5248
Phone: (775) 684-3448
Fax: (775) 684-3442

www.nvshpo.org



Victoria Barr
Field Manager
Caliente Field Office
Bureau of Land Management
PO Box 237
Caliente NV 89008-0237

RE: Programmatic Agreement for Watershed Assessments in the Caliente Field Office (Undertaking #2013-2407).

Dear Ms. Barr:

The SHPO has signed the Programmatic Agreement for this undertaking. This document will adequately address the Bureau of Land Management's compliance with Section 106 of the National Historic Preservation Act of 1966.

Please forward a copy of this document to the Advisory Council on Historic Preservation (ACHP) for filing.

If you have any questions concerning this correspondence, please feel free to contact me at (775) 684-3443 or by e-mail at rlpalmer@shpo.nv.gov.

Sincerely,

A handwritten signature in blue ink that reads "Rebecca Lynn Palmer".

Rebecca Lynn Palmer

Acting State Historic Preservation Officer



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Caliente Field Office

P.O. Box 237 (1400 South Front St.)

Caliente, Nevada 89008-0237

http://www.blm.gov/nv/st/ep/fo/ely_field_office.html

JUL 30 2013

ST 7/30/13

In Reply Refer To:
8111 (NVL0300)

CERTIFIED MAIL 7010 3090 0002 6403 5039 – RETURN RECEIPT REQUESTED

Reid J. Nelson
Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW
Room 803
Washington, DC 20004-2501

Dear Mr. Nelson,

The Bureau of Land Management is submitting the signed Programmatic Agreement between the Caliente Field Office of the Bureau of Land Management and the Nevada State Historic Preservation Officer regarding National Historic Preservation Act Compliance for Watershed Assessments in the Caliente Field Office (PA) for filing.

The Caliente Field Office (CFO) initially invited the Advisory Council on Historic Preservation (ACHP) to participate in the drafting of this PA in a letter sent June 29, 2012. The ACHP responded on July 17, 2012 thanking the BLM for providing the opportunity to review the undertaking but chose not to participate at that time.

The CFO has completed all of the necessary consultations for this PA, including Native American, interested public and the Nevada State Historic Preservation Office. These consultation efforts are summarized in the PA.

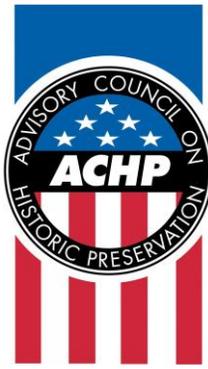
All communications for this project should be directed to Nicholas Pay, Archaeologist, at (775) 726-8194 or npay@blm.gov.

Sincerely,

Victoria Barr
Field Manager
Caliente Field Office

Enclosure

Nvl03, npay, kc, 07/29/2013; BLM-ACHP_final PA



Preserving America's Heritage

August 13, 2013

Ms. Victoria Barr
Field Manager
Bureau of Land Management
Caliente Field Office
1400 South Front Street
Caliente, NV 89008

Ref: Proposed Caliente Field Office Watershed Assessment Programmatic Agreement

Dear Ms. Barr:

On August 1, 2013, the Advisory Council on Historic Preservation (ACHP) received the Programmatic Agreement (PA) for the above referenced project. In accordance with Section 800.6(b)(1)(iv) of the ACHP's regulations, the ACHP acknowledges receipt of the PA. The filing of the PA, and execution of its terms, completes the requirements of Section 106 of the National Historic Preservation Act and the ACHP's regulations.

We appreciate you providing us with a copy of this PA and will retain it for inclusion in our records regarding this project. Should you have any questions or require additional assistance, please contact Nancy Brown at 202-606-8582.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs