

**USDA Forest Service  
Guidelines for Consultants  
for  
Identifying, Recording,  
& Evaluating Archaeological Resources  
in  
UTAH  
April 20, 2020**



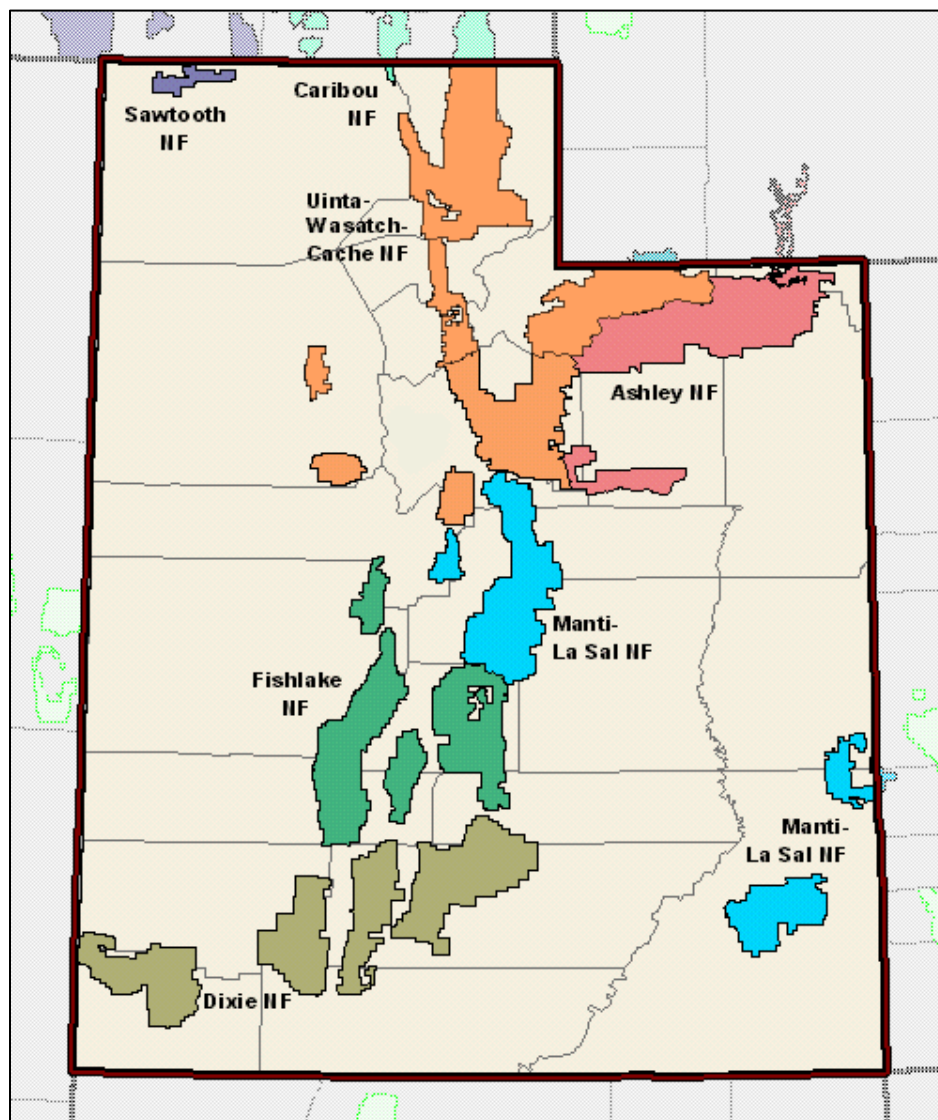
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## INTRODUCTION & CONTACTS

This document provides guidance to consultants who conduct archaeological investigations on National Forest System land in Utah. It identifies practices and expectations, both shared and variable, across the state. Representatives from the State Historic Preservation Office (SHPO), the Utah Public Lands Policy Coordinating Office, and the Utah Professional Archaeological Council reviewed a draft of this document and provided valuable edits and comments. We anticipate this first version will generate additional questions and comments that will require issuance of a revised version next year. Please send your feedback on the guide to the Regional Heritage Program Manager (see contact information below).

The Forest Service administers land within six units of the National Forest System in Utah: the Ashley National Forest, the Dixie National Forest, the Fishlake National Forest, the Manti-La Sal National Forest, the Sawtooth National Forest, and the Uinta-Wasatch-Cache National Forests. They are part of the Forest Service's Intermountain Region (Region 4), which includes Nevada, part of eastern California, southern Idaho, southwest Wyoming, and a small area of Colorado.



The Forest Service is a four-level organization (National → Regional → Forest → District) and is relatively decentralized with local authority delegated to the Forest Supervisor and the District Ranger. As a result, the six Forests in Utah consult individually with the SHPO under Section 106 of the National Historic Preservation Act (NHPA).

***Consultants must contact Forest Service heritage staff at the appropriate National Forest before starting work to secure a permit and instructions on additional, Forest-specific guidance/standards. See Attachment A for a suggested checklist for that pre-field consultation.***

## **CONTACTS**

### **Ashley National Forest**

Jeffrey Rust, Forest Archaeologist

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355 N. Vernal Ave., Vernal, UT 84078

Additional guidance for consultants:

[https://www.fs.usda.gov/detail/ashley/learning/history-culture/?cid=fsm9\\_002388](https://www.fs.usda.gov/detail/ashley/learning/history-culture/?cid=fsm9_002388)

### **Dixie National Forest**

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115 East 900 North, Richfield, UT 84701

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599 West Price River Drive, Price, UT 84501

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62 East 100 North, P.O. Box 386, Moab, UT 84532

### **Sawtooth National Forest**

Doug Baughman, Forest Archaeologist

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Kandi Voss, Assistant Forest Archaeologist  
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#### **Uinta-Wasatch-Cache National Forests**

Tom Flanigan, Forest Archaeologist  
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857 West South Jordan Parkway, South Jordan, UT 84095  
Additional guidance for consultants:  
<https://www.fs.usda.gov/detail/uwcnf/learning/history-culture/?cid=stelprdb5053353>

#### **Regional Office, Intermountain Region**

Richa Wilson, Regional Heritage Program Manager/Architectural Historian  
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324 25<sup>th</sup> Street, Ogden, UT 84401

## **GENERAL REQUIREMENTS**

### **Policy**

All work should be consistent with the Section 106 regulations (36 CFR 800), as well as:

- Forest Service Manual for Heritage Program Management ([FSM 2360](#)), specifically Chapter 2363 which addresses identification and evaluation; and
- Forest Service Handbook for Heritage Program Management ([FSH 2309.12](#)), specifically Chapter 30, which addresses identification and evaluation; and
- The 2019 Memorandum of Understanding between the USDA Forest Service and the Utah SHPO (2019 USFS-UTSHPO MOU). See Attachment B for a copy of the MOU.

Consultants should also refer to the Utah SHPO's [Archaeological Compliance Guidance](#) for additional direction. At the earliest stage possible, discuss and resolve any questions that arise when reviewing SHPO's guidance, the above-mentioned policies, and this document with the Forest Service heritage staff.

### **Professional Qualifications**

All cultural resource fieldwork, documentation, and evaluations must be completed by or directly supervised by an individual who meets the [Secretary of the Interior's Professional Qualification Standards](#).

### **Bids**

When preparing bids, *consultants have a responsibility for due diligence*, which may include literature searches to gain an adequate understanding of the project area's recorded and potential resources, and to become familiar with other factors that may affect costs. For example, some parts of the National Forests have extremely dense vegetation and/or steep slopes relative to land managed by other public agencies.

## Permits for Archaeological Investigations

36 CFR Part 251 Subpart B requires a permit for archaeological investigations on National Forest System land. Obtain a permit prior to initiating any work on a National Forest. Special Use Permit administrators at the Forest or Ranger District level, not the Regional Office, issue permits after conferring with heritage staff. Contact Forest Service heritage staff for more information, including the type of permit (Archaeological Resources Protection Act, Organic Act, or Antiquities Act), which depends on the activity being permitted and the age of the cultural resources involved. Fees may vary because many administrators charge less than the allowed permit fee or waive the fees, depending on the type, scope, and scale of the project and on their budgetary needs for cost recovery.

## Project Numbers

Before beginning fieldwork, obtain:

1. Forest Service Heritage Project Number from the Forest Service heritage staff
2. Utah Division of State History (UDSH) project number from Utah SHPO

Reference both project numbers on all reports and site forms.

## Site Numbers

Obtain Forest Service site numbers and UDSH (Smithsonian) site numbers for all cultural sites recorded on National Forest System land. Reference both numbers on all reports, site forms, and GIS data.

## Discoveries

Refer to Appendix B of the attached 2019 USFS-UTSHPO MOU for the Forest Service Intermountain Region's Inadvertent Discovery Plan for cultural resources and human remains.

## Confidentiality

Electronic and hardcopy cultural resource information, which includes the project report, site forms, maps, and raw data, are considered confidential under the Archaeological Resources Protection Act. Label the report, site forms, and maps with a statement such as: "Contains Privileged Information. Do Not Distribute," preferably in the header. Work with Forest Service heritage staff to establish project-specific protocols to protect information about cultural resources, including what information may be shared with the project proponent. This may be influenced by existing programmatic and nondisclosure agreements and preferences of affected tribes. Prior approval is required when presenting or publishing data collected from National Forest System land.

## IDENTIFICATION

### Area of Potential Effects

Work with the Forest Service heritage staff to determine and define the project's area of potential effect (APE) and the extent of data reviews and field surveys, which may differ from the APE.

### Existing Data Review

Work with the Forest Service heritage staff to determine the geographical extent of the existing data review, which may range from 500 meters to one mile around the project area. Search the following sources as part of your review:

- Utah SHPO applications and digital scans for previous projects or previously recorded cultural resources; and
- Forest Heritage GIS database and site files for previous projects and previously recorded cultural resources *after* conducting a search of Utah SHPO records; and
- any available historic maps of the project area, including General Land Office (GLO) maps, mineral surveys, homestead entries, etc.; and
- any Forest-specific databases, collections, historic resource databases, or grey literature for the project area; and
- historic contexts or other background information for the project area.

## Field Survey Standards

Work with the Forest Service heritage staff to determine and define the extent and intensity of field surveys, consistent with the 2019 USFS-UTSHPO MOU.

In Utah, a Class III survey consists of 15-meter transects across the APE. If the survey will deviate from this standard, work with Forest Service heritage staff to prepare consultation documents to demonstrate where terrain, vegetation, safety hazards, or other factors warrant a change from the standard. (Note: The Sawtooth NF, headquartered in Idaho but managing an area in northern Utah, often follows the Idaho standard of 30-meter transects. Work with Forest Service heritage staff to identify appropriate transects and justification for the report.)

Consult with Forest Service heritage staff about their plans to audit/verify consultants' cultural resource surveys (e.g., "up to 10% inspection of sites and inventory"). Some Forests have a standard practice of GPS mapping their field surveys and require consultants to do the same.

Prior to conducting surveys, work with the Forest Service heritage staff to determine if/when subsurface probing or testing may be needed to identify the presence or absence of cultural materials and/or to evaluate significance. Subsurface probing and testing require the explicit permission of the Forest Service heritage staff and the appropriate Forest Service permit.

## Site Definitions

Per the 2019 USFS-UTSHPO MOU, record all archaeological properties that are over 50 years old and that meet the following criteria on site forms.

1. At least 10 artifacts of a single class (e.g., debitage, ceramics, glass, cans) within a 10-meter diameter, except when all are from a single source (e.g., single pot, bottle).
2. At least 15 artifacts of at least 2 classes within a 10-meter diameter area.
3. One or more archaeological features in temporal association with any number of artifacts.
4. Two or more temporally associated features without artifacts.
5. Collapsed or partially collapsed "buildings" and "structures," as defined by the National Register of Historic Places.

## Isolated Finds

Per the 2019 USFS-UTSHPO MOU, record all cultural material that falls below the thresholds for archaeological sites, as defined above, as isolated finds unless the isolated occurrences consist of entirely lithic debitage, bottles, or cans. Record Isolated Finds in the project report with a summary table that includes an individual Isolated Find number and a basic description. Exceptions may be made, in consultation with Forest Service heritage staff, under certain circumstances such as when the isolate is a particularly rare or unique artifact or feature. Some projects, such as those executed for work on the Sawtooth NF, may require full recordation of isolated finds.

## Linear Sites

Per the 2019 USFS-UTSHPO MOU, follow the Utah Professional Archaeological Council's guidance for linear sites, which is found in Appendix C of the Utah SHPO's [Archaeological Compliance Guidance](#).

## Recording

Document all cultural resource sites within the project APE with the appropriate level of documentation as described below:

1. Fully completed Utah Archaeological Site Forms for archaeological resources. (In the future, the Forest Service may use a national site form in lieu of multiple state forms.)
2. Fully completed Utah Historic Site Forms for standing buildings or structures that are 50 years or older. As noted in the Utah SHPO's [Archaeological Compliance Guidance](#), "use the Historic Site Form in place of, or in addition to, the archaeological site form where appropriate. Historic structures identified on archaeological sites might be more adequately recorded on Historic Site Forms to standardize descriptions, with final attachment to the archaeological site form."
3. Specific descriptions, measurements, and unique identifiers for all structures, features, or significant artifacts. Use metric measurements except for historic structures and certain historic artifacts (e.g., cans), which should be recorded with imperial measurements.
4. Photographs of all structures, features, and diagnostic artifacts (front and back). Include a reference scale in photos.
5. Site overview photographs (a minimum of two, but more should be taken for large or complex sites).
6. Detailed and scaled site plan maps, either hand-drawn or using GIS data. Maps must show and label all structures, features, and diagnostic artifacts. Maps must also show pertinent geographic/topographic references (contours, outcrops, roads, fences, waterways, etc.) and significant impacts such as looters' holes and wallows.

If previously recorded sites within the APE have recent and adequate documentation and conditions have not changed, new documentation is not required. Confer with Forest Service heritage staff if questions arise about the age or adequacy of previous documentation. In the report, identify previously recorded sites that were not revisited or re-recorded.

Confer with Forest Service heritage staff to determine how datums will be set (virtual vs. field) and when sites should be flagged.



## GIS Data Collection

Use professional-quality GPS units that are differentially corrected to gather GIS data to document surveys, cultural sites, artifacts, features, and structures. GIS data must conform with the Utah SHPO's digital standards.

## Artifact Collection

The Forest Service Intermountain Region has a general policy of not collecting cultural resource artifacts. Consultants must receive explicit permission from the Forest Service heritage staff prior to the collection of any artifact. Some allow collection if an artifact is in danger of being destroyed or looted.

## EVALUATION

For each site, provide a determination of National Register eligibility on the site form and in the report:

- a recommendation of whether the site is eligible or not eligible for the National Register
- assessment of all seven aspects of National Register integrity
- the applicability of all four National Register criteria

Discuss the potential need for evaluative testing with the Forest Service heritage staff prior to fieldwork. Evaluative testing requires the explicit permission of the Forest Service heritage staff and the appropriate Forest Service permit.

## REPORTING

Use the Utah SHPO's "Short Cultural Resources Inventory Report Form" for Class II Reconnaissance Level Field Surveys and for Class III Intensive Pedestrian Surveys that are small in nature. (As noted in the Utah SHPO's Archaeological Compliance Guidance, SHPO recommends its use for any project that is less than 50 acres in size and lacks archaeological sites. Isolated finds would still need to be discussed in the report.) Provide a 7.5-minute, 1:24,000-scale quadrangle project, APE, and survey area map(s).

For all other Class III Surveys, consult with the Forest Service heritage staff for their preferred report template. At a minimum, prepare reports that contain information identified in the Utah SHPO's Archaeological Compliance Guidance, which follows Appendix 2 of the Bureau of Land Management's "Guidelines for Identifying Cultural Resources, [Handbook H-8110](#)." The minimum information includes:

1. Nature of proposed undertaking, including a description of the specific activities and techniques proposed;
2. Description of the APE for direct and indirect effects;
3. Description of file and pre-field research (existing data review), including the buffer and an appropriate amount of detail (scaled to the nature of the undertaking, its location, and the potential for sites) on the primary or secondary historical research;
4. Description of field methods, including specific techniques used during the inventory process and a list of field supervisors and field personnel;

5. Project maps & Geographic Information Systems (GIS), including project map, APE map, survey location map(s) at 1:24,000 scale, and site location map(s) at 1:24,000 scale;
6. Environmental context of the project area;
7. Historic and pre-contact context of the area, including results from pre-field research, that is appropriate for the scale of the undertaking. Reference or provide *brief* summaries of existing contexts.;
8. A summary discussion of cultural sites within the project area. Include a list of all cultural sites (including previously recorded) within the APE. Site list should be in a table format showing cultural site numbers, site type, National Register eligibility, etc.
9. Description or list of Isolated Finds in the APE. Isolated Find location map(s). (In place of this map, the isolated find locations can be displayed on the Cultural Resource site maps).
10. Assessment of potential effects on historic properties within the APE
11. Recommended methods to avoid or resolve adverse effects, *if requested by Forest Service heritage staff.*

## SUBMITTALS

### NRM Data

The Forest Service's official database of record is known as "Natural Resource Manager" or NRM. Cultural resource site and project data are tracked in the Heritage application of NRM. Although uncommon, some projects may include a provision for consultants to enter the data, either in the field with a tablet or on a wired desktop application. To do so, consultants must have access to the NRM application. Contact Forest Service heritage staff as early as possible to get access.

### GIS Data

If Forest Service heritage staff requested GPS mapping of field surveys, submit the field GIS files within 7 days (or an agreed-upon period) of completing fieldwork. Heritage staff will review the files for adequacy of field survey and initial location information of cultural resources.

GIS data that is submitted with the draft and final reports must be in a format that is compliant/consistent with the Utah SHPO's database and consultation guidance. The data must include:

- polygons of areas where survey was completed
- site boundary polygons and linear sites buffered to the width of the cultural resource.
- any data gathered for artifacts, features, structures, or isolated finds

### Draft Submittal

Submit a draft report, draft site forms, and draft GIS data to the Forest Service heritage staff for review prior to submitting the final report. The draft report and site forms may be submitted in a digital format if approved by the Forest Service heritage staff. Subsequent drafts may be required if there are substantial edits to the first draft.

## Final Submittal

Submit paper and digital copies of the final report and site forms to the Forest Service heritage staff after the Forest Service approves changes made to the draft report and site forms.

Consult with Forest Service heritage staff to determine the number of paper copies. Paper copies must meet archival standards for ink and paper stability and longevity. Specifically, paper must be acid free and ink must be colorfast and water insoluble (color laser printer rather than ink jet printer).

Digital submittals must meet the Utah SHPO's standards/guidance for naming conventions and format (e.g., PDF-A, OCR).

## ATTACHMENT A: PRE-FIELD CONSULTATION CHECKLIST

Consultants must contact Forest Service heritage staff at the appropriate National Forest *before* starting work to secure a permit and Forest-specific guidance and requirements. Following is a suggested checklist to guide that pre-field consultation. The more frequently you talk with Forest Service heritage staff, the better things will go.

- ☐ Secure a Permit for Archaeological Investigation (required).
- ☐ Obtain a Forest Service Heritage Project Number.
- ☐ Establish project-specific protocols to protect information about cultural resources, including what information may be shared with the project proponent and other third parties.
- ☐ Discuss the potential or defined Area of Potential Effect.
- ☐ Determine the geographical extent of the existing data review. Identify locations/availability of Forest Service records for the review.
- ☐ Define the extent and intensity of field surveys, particularly for specific feature types such as roads.
- ☐ Discuss Forest Service plans to audit/verify fieldwork.
- ☐ Ask if GPS mapping of field survey efforts is required.
- ☐ Determine if/when subsurface probing or testing may be needed to identify the presence or absence of cultural materials and/or to evaluate significance.
- ☐ Discuss thresholds for full recordation of isolated finds (e.g., for diagnostic artifacts).
- ☐ Determine how datums will be set (virtual vs. field) and when sites should be flagged.
- ☐ Determine if artifacts in danger of being destroyed or looted should be collected.
- ☐ Acquire the preferred report template (if applicable).
- ☐ Determine if the report should include recommended methods to avoid or resolve effects.
- ☐ Identify dates and timelines for submittals and reviews of the field GIS data, the draft submittal, and the final deliverables. Determine how many paper copies to include with the final submittal.

## ATTACHMENT B: 2019 MOU

FS Agreement No. 19-MU-11046000-049

**MEMORANDUM OF UNDERSTANDING**  
**between the**  
**UTAH STATE HISTORIC PRESERVATION OFFICER**  
**and the**  
**USDA FOREST SERVICE, INTERMOUNTAIN REGION**  
**regarding**  
**COMPLIANCE WITH SECTION 106**  
**of the**  
**NATIONAL HISTORIC PRESERVATION ACT**

This MEMORANDUM OF UNDERSTANDING (MOU) is hereby made and entered into by and between the Utah State Historic Preservation Officer (“SHPO”) and the United States Department of Agriculture, Forest Service, Intermountain Region (“Forest Service”).

**BACKGROUND:** The Forest Service administers land within six units of the National Forest System in Utah: the Ashley National Forest, the Dixie National Forest, the Fishlake National Forest, the Manti-La Sal National Forest, the Sawtooth National Forest, and the Uinta-Wasatch-Cache National Forests. These Forests consult individually with the Utah SHPO under Section 106 of the National Historic Preservation Act (NHPA), which requires Federal agencies to take into account the potential effects of their undertakings on historic properties. Consultation protocols and standards such as identification and evaluation of properties vary between Forests, which results in inconsistencies. This Agreement is entered into to standardize procedures between the Forest Service and the Utah SHPO.

### **I. PURPOSE**

The purpose of this MOU is to document the cooperation between the parties to establish a framework and process for complying with the NHPA in accordance with the following provisions.

### **II. STATEMENT OF MUTUAL BENEFIT AND INTERESTS**

The Forest Service and the Utah SHPO mutually desire to foster good working relationships between the National Forests in Utah and the Utah SHPO in conducting consultations under the NHPA. This MOU provides protocols and standards that will improve communication, consistency, efficiency, and trust, all of which are in the interests of both parties. In consideration of the above premises, the parties agree as follows:

### **III. RESPONSIBILITIES**

A. The Utah SHPO and the Forest Service shall ensure that:

1. Annual Statewide Meetings. The Utah SHPO staff and heritage staff from each National Forest in Utah and the Forest Service’s Regional Office in Ogden shall meet collectively once per year, in person and/or by telephone, to discuss topics of mutual

interest such as the effectiveness of this MOU, ongoing and anticipated projects, issues of concern, and opportunities for additional cooperation.

2. Annual Forest Meetings. The Utah SHPO staff, the Forest Archaeologist/Heritage Program Leader, and the Regional Heritage Program Leader will meet once per year to discuss Forest-specific projects and concerns with the appropriate line officers and resource staff on that forest.

B. The Utah SHPO shall:

1. Restrict public access to information regarding the nature and location of cultural resources on National Forest System land.
2. Provide training on a variety of topics including, but not limited to, Section 106 compliance, National Register of Historic Places, and web-based consultation and literature review systems.
3. Make available the expertise of their architectural historian and historical architect to the Forest Service.

C. The Forest Service shall:

1. Provide training to recently hired cultural resource professionals on the use of this MOU. The Forest Archaeologist/Heritage Program Leader will provide the training, which must occur within 90 calendar days after the new employees begin their positions.
2. Acknowledge that, although proposed actions may be categorically excluded from environmental analysis under the National Environmental Policy Act (NEPA), they may still be undertakings as defined in the NHPA Section 106 regulations (36 CFR 800.16(y)).
3. Ensure compliance with NHPA Section 106, even when an undertaking is categorically excluded from NEPA analysis.
4. Be consistent with Forest Service Directives, specifically Forest Service Manual (FSM) 2360 and Forest Service Handbook (FSH) 2309.12.
5. Use the Utah SHPO's e106 portal for submitting Section 106 documentation.
6. Submit materials to the Utah SHPO that are required to meet the minimum standards for review. Those materials, as identified in the Utah SHPO's Archaeological Compliance Guidance document, are listed below. Prior to submitting a consultation package that does not include the following materials, the Forest Service will consult

with the Utah SHPO to ensure the package meets documentation standards per 36 CFR 800.11.

a) Materials submitted to the Antiquities Section should include:

- Consultation Materials
  - Agency Letter
  - Agency Map of Area of Potential Effect (APE)
- Archaeological Report
  - Utah SHPO Cover Sheet
  - Final Report
  - Inventory or investigation area map with varying inventory intensities denoted
- Archaeological Site Forms
  - Utah Archaeological Site Form(s) or Forest Service National Site Form(s)
  - Site Sketch & Locator Map
  - Photographs to Utah SHPO Standards
- Digital data conforming with the Utah SHPO Digital Records Submission Requirements
  - PDFs of all submitted materials
  - GIS of inventory areas and site locations
  - Spreadsheet with Utah Archaeological Site Form Tabular Data

b) Materials submitted to the Historic Preservation Section should include:

- Agency Letter identifying the agency and including a detailed project description, project location (specific addresses if available, a written description of the APE, and a map highlighting the project area and properties), determination of eligibility, and finding of effect.
- Historic Site Forms for standing buildings and structures that are 50 years or older.

7. Use the definitions and standards in Appendix A or provide justification in the Report and/or the Agency Letter for deviating from these definitions and standards.
8. Use the Agency Letter template in Appendix B when submitting materials to the Utah SHPO.
9. Follow the Intermountain Region's Inadvertent Discovery Plan in Appendix C.

#### IV. PRINCIPAL CONTACTS

Individuals listed below are authorized to act in their respective areas for matters related to this agreement.

<b>Cooperator Program Contact</b>	<b>Cooperator Administrative Contact</b>
Christopher W. Merritt, Deputy SHPO Antiquities Section Coordinator Utah Division of State History 300 S. Rio Grande Street Salt Lake City, UT 84101 Telephone: 801-245-7263 Fax: 801-364-0642 <a href="mailto:cmerritt@utah.gov">cmerritt@utah.gov</a>	Christopher L. Hansen, Deputy SHPO Antiquities Section Coordinator Utah Division of State History 300 S. Rio Grande Street Salt Lake City, UT 84101 Telephone: 801-245-7239 Fax: 801-364-0642 <a href="mailto:clhansen@utah.gov">clhansen@utah.gov</a>
<b>Forest Service Program Manager Contact</b>	<b>Forest Service Administrative Contact</b>
Richa Wilson Regional Heritage Program Leader USFS Intermountain Region 324 25 <sup>th</sup> Street Ogden, UT 84401 Telephone: 801-625-5704 Fax: 801-625-5170 <a href="mailto:richa.wilson@usda.gov">richa.wilson@usda.gov</a>	Timothy Wagoner Grants Management Specialist USFS Intermountain Region 324 25 <sup>th</sup> Street Ogden, UT 84401 Telephone: 801-625-5796 Fax: 801-625-5365 <a href="mailto:timothywagoner@usda.gov">timothywagoner@usda.gov</a>

#### V. NOTICES

Any communications affecting the operations covered by this agreement given by the Forest Service or the Utah SHPO is sufficient only if in writing and delivered in person, mailed, or transmitted electronically by email or fax, as follows.

- To the Forest Service Program Manager at the address specified in this MOU.
- To the Utah SHPO at the SHPO's address shown in this MOU.

Notices are effective when delivered in accordance with this provision, or on the effective date of the notice, whichever is later.

#### VI. PARTICIPATION IN SIMILAR ACTIVITIES

This MOU in no way restricts the Forest Service or the Utah SHPO from participating in similar activities with other public or private agencies, organizations, and individuals.



## **VII. ENDORSEMENT**

Any of the Utah SHPO's contributions made under this MOU do not by direct reference or implication convey Forest Service endorsement of the Utah SHPO's products or activities.

## **VIII. NONBINDING AGREEMENT**

This MOU creates no right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity. The parties shall manage their respective resources and activities in a separate, coordinate and mutually beneficial manner to meet the purpose(s) of this MOU. Nothing in this MOU authorizes any of the parties to obligate or transfer anything of value.

Specific, prospective projects or activities that involve the transfer of funds services, property, and/or anything of value to a party requires the execution of separate agreements and are contingent upon numerous factors, including, as applicable, but not limited to: agency availability of appropriated funds and other resources; cooperator availability of funds and other resources; agency and cooperator administrative and legal requirements (including agency authorization by statute); etc. This MOU neither provides nor meets these criteria. If the parties elect to enter into an obligation agreement that involves the transfer of funds, services, property, and/or anything of value to a party, then the applicable criteria must be met. Additionally, under a prospective agreement, each party operates under its own laws, regulations, and/or policies, and may Forest Service obligation is subject to the availability of appropriated funds and other resources. The negotiation, execution, and administration of those prospective agreements must comply with all applicable law.

Nothing in this MOU is intended to alter, limit, or expand the agencies' statutory and regulatory authority.

## **IX. TERMINATION**

Any of the parties, in writing, may terminate this MOU in whole or in part at any time before the date of expiration.

## **X. MODIFICATIONS**

Modifications within the scope of this MOU must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made in writing at least 30 days prior to implementation of the request change.

## **XI. DURATION**

This MOU is executed as of the date of the last signature and is effective for ten years at which time it will expire unless extended by both parties with a modification.

## XII. AUTHORIZED REPRESENTATIVES

By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this MOU.


  
DON HARTLEY  
State Historic Preservation Officer  
Utah Division of State History

26 June 2019  
Date

  
for NORA B. RASURE  
Regional Forester  
U.S. Forest Service, Intermountain Region

8/29/19  
Date

The authority and format of this agreement have been reviewed and approved for signature.

  
TIM WAGONER  
Grants Management Specialist  
U.S. Forest Service, Intermountain Region

8/21/19  
Date

## APPENDIX A: DEFINITIONS AND STANDARDS

The following references to the “Forest Service” includes consultants, partners, and others conducting cultural resources work on behalf of the Forest Service.

### I. Inventory Methods

- A. Reasonable and Good Faith Effort. The Forest Service will make a reasonable and good faith effort to identify historic properties within a planning or project area. The level of effort required may vary and, at a minimum must be sufficient to implement plans or activities without adverse effects to historic properties and to meet SHPO requirements for NHPA Section 106 review (FSM 2363.11). In addition to an existing data review, these efforts may include different intensities of field survey.
- B. Field Survey Standards. When conducting field surveys, the Forest Service will follow standards identified in the Utah SHPO’s Archaeological Consultation Guidance for “Class II: Reconnaissance or Intuitive Surveys” and “Class III: Intensive Pedestrian Surveys.”
  1. Class III: Intensive Pedestrian Surveys. The Utah SHPO defines a Class III survey as any survey using consistently spaced 15 meter transects (or less) across the APE. The Forest Service is not required to consult with the Utah SHPO on identification efforts per 36 CFR 800.4(b) prior to conducting Class III surveys.
  2. Class II: Reconnaissance or Intuitive Surveys. The Utah SHPO defines a Class II survey as any archaeological survey that 1) uses transects greater than 15 meters in spacing, 2) that excludes areas within the APE from surveys, or 3) that uses a sampling strategy. The Forest Service will consult with the Utah SHPO on identification efforts per 36 CFR 800.4(b) prior to conducting Class II surveys. Consultation may be formal (agency letter) or informal (communications not in the form of an agency letter), depending on the scale and complexity of the project. A Class II Survey generally will be acceptable when the following conditions are present:
    - a) The specific project or area seems to require a less intensive strategy due to slope, wetlands, high surface visibility, low site density, and/or other factors.
    - b) The scope of the project area supports the use of scientifically derived sample inventories.
    - c) Past natural or human-caused ground disturbance has modified the surface so extensively that the likelihood of finding evidence of cultural resources is negligible.
    - d) Existing inventory data and landscape-sensitivity-predictive models are sufficient to indicate that the specific environmental situation did not support human

occupation or use to a degree that would make further field survey information useful or meaningful.

- e) The type of undertaking or the environmental setting is exempted from field survey under the terms of a programmatic agreement.

C. Surveys Over 10 Years Old. The Utah SHPO recommends evaluating the adequacy of surveys that are over 10 years old.

If an APE contains areas that were surveyed more than 10 years ago, the Forest Service will either 1) re-survey the area or 2) consult with the Utah SHPO about the adequacy of the survey prior to submitting a final consultation package and preferably before conducting fieldwork. Consultation may be formal (agency letter) or informal (communications not in the form of an agency letter).

## **II. Archaeological Site Definitions**

- A. The Forest Service will consider all archaeological properties that are over 50 years old and that meet the following criteria as sites and will record them on site forms.
  - 1. At least 10 artifacts of a single class (e.g., debitage, ceramics, glass, cans) within a 10-meter diameter, except when all are from a single source (e.g., single pot, bottle).
  - 2. At least 15 artifacts of at least 2 classes within a 10-meter diameter area.
  - 3. One or more archaeological features in temporal association with any number of artifacts.
  - 4. Two or more temporally associated features without artifacts.
  - 5. Collapsed or partially collapsed “buildings” and “structures,” as defined by the National Register of Historic Places.
- B. Documentation of sites below these thresholds does not need pre-consultation with the Utah SHPO. However, the Forest Service will consult with the Utah SHPO on proposals to alter site definitions above these thresholds before commencing fieldwork.

## **III. Isolated Finds**

- A. The Forest Service will record all cultural material that falls below the thresholds for archaeological sites, as defined above, as isolated finds unless the isolated occurrences consist of entirely lithic debitage, bottles, or cans. The Forest Service will not record those unless warranted using professional judgement.
- B. The Forest Service will record Isolated Finds in the project report with a summary table that includes an individual Isolated Find number and a basic description.

#### **IV. Linear Sites**

- A. The Forest Service will follow the Utah Professional Archaeological Council's guidance for linear sites.

#### **V. Previously Documented Sites**

- A. As stated in 36 CFR 800.4(c)(1), "The passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible." The Forest Service will revisit previously documented eligible and unevaluated sites in the APE, and will provide updated documentation (which may be shortened forms as described in the Utah SHPO's Archaeological Compliance Guidance) when any of the following thresholds are met:
  - 1. The site record is over 10 years old and does not provide adequate information to make a determination of National Register eligibility or to assess effects of the undertaking.
  - 2. Notable changes to the site content or structure are identified.
  - 3. The site could not be relocated or was destroyed. This provides official documentation of the relocation or destruction for future reference.
  - 4. It is an unrecorded segment of a linear site.
  - 5. The National Register of Historic Places status has changed.
- B. Variations from these requirements to revisit sites and update documentation may be accomplished through consultation with SHPO prior to submitting a final consultation package and preferably before conducting fieldwork. Consultation may be formal (agency letter) or informal (communications not in the form of an agency letter).

#### **VI. Reporting**

- A. The Forest Service will submit reports containing information identified in the Utah SHPO's Archaeological Compliance Guidance: Utah SHPO Cover Sheet, Title Page, Nature of Proposed Undertaking, APE, File and Pre-Field Research, Field Methods, Project Maps & Geographic Information Systems information.
- B. The Forest Service will use the Utah SHPO's "Short Cultural Resources Inventory Report Form" for Class II Reconnaissance Level Field Surveys and for Class III Intensive Pedestrian Surveys that are small in nature, including those that did not locate any archaeological sites.
- C. The Forest Service will keep the cultural context portions of reports to a minimum, as appropriate to the scale of the undertaking.

## APPENDIX B: AGENCY LETTER TEMPLATE TO SHPO

*The following template is a slightly revised version of the SHPO template. It is tailored for Forest Service use. The Utah SHPO recommends concise agency letters. Avoid adding more information than what is suggested below.*

Dear [SHPO Reviewer]

As Agency Official per purposes of 54 U.S.C. 406108 (commonly referred to as Section 106 of the National Historic Preservation Act), we wish to consult with you pursuant to 36CFR800.3(g) about the proposed undertaking, [INSERT SHORT DESCRIPTION] (Forest Service Project No. XXXXX), on lands administered by the USDA Forest Service, [XXX] National Forest in [XXX] County. The area of potential effects includes [XXXXX] and comprises an area of [XX] acres.

In consultation with [list any additional consulting parties or agencies] as identified in 36CFR800.3, we have made a reasonable and good faith effort to carry out appropriate identification efforts as prescribed in 36CFR800.4 and have gathered sufficient information to evaluate the eligibility of the identified properties for the National Register of Historic Places (National Register). Identification efforts included an intensive pedestrian inventory of [XXXX] acres and identified [NUMBER OF RESOURCES] cultural resources, including [NUMBER] historic properties. Documentation of this finding is provided in the enclosed report:

REPORT NO: [Insert Bibliographic Reference that accompanies the agency letter]

It is our opinion that application of the National Register criteria has the following results:

Smithsonian Site No.	Forest Service Site No.	Type	Eligible	Criteria	Effect
42XX01111		Canal	Yes	A, C	No Adverse
42XX01122		Lithic Scatter	No	None	No Historic Properties
42XX01133		Historic Trash Dump	Yes	D	No Historic Properties

The proposed undertaking will avoid by project design both 42XX01122 and 42XX01133 by a minimum of 100 feet, thus the Forest Service determines “No Historic Properties” affected for these two properties.

A road will cross 42XX01111, a historic canal, on an existing bridge that will need to be widened and re-surfaced. As the proposed widening and use of road does not significantly affect the character defining features of the property, nor diminish its eligibility for the National Register, the Forest Service determines “No Adverse Effect” for this property.

We conclude that a determination of “No Adverse Effect” pursuant to 36CFR800.5(b) is appropriate for the undertaking, as the project will not alter those characteristics of the historic property that qualify it for the National Register.

As required at 36CFR800.5(c), we are submitting documentation of this finding of eligibility and effect and await your response within thirty days of receipt. We trust you will agree with this finding and seek concurrence that the Section 106 consultation process has been successfully completed for the subject undertaking.

If there are any questions, please contact [Agency Official and/or Archaeologist].

Sincerely,  
[Forest Supervisor or District Ranger Signature]

## **APPENDIX C: INADVERTENT DISCOVERY PLAN**

If unanticipated buried cultural resources or human remains are identified during project activities and construction, the Forest Service will ensure that employees or contractors comply with the following protocols to ensure their proper identification, evaluation, and protection.

### **Discovery of Cultural Resources**

#### **The Project Supervisor or Contractor will immediately:**

- Cease all activity within 100ft/30m of the discovery.
- Notify the Forest Archaeologist/Heritage Program Leader, who will notify the SHPO/THPO, Tribes, other consulting parties, and cultural resource consultants assigned to the project.
- Leave all artifacts and materials in place but protect the discovery from further damage, theft, or removal.

#### **The Forest Archaeologist/Heritage Program Leader & designated Heritage Specialists will:**

- Document the discovery in a manner to support consultation. Documentation should include, but is not limited to, documenting exposed artifacts and features; mapping the extent of artifacts, features, and cultural horizons; and documenting natural and cultural stratigraphy in open trenches or pits.
- Evaluate the cultural resources for National Register of Historic Places (NRHP) eligibility. If an eligibility recommendation cannot be made based on the data collected during recordation, additional testing may be required to further delineate the nature, extent, and significance of the discovery. Testing will be limited to a sufficient level needed to provide a recommendation of NRHP eligibility.
- If the cultural resources meet NRHP eligibility, the Forest Archaeologist/Heritage Program Leader will develop an action plan, mitigation plan, or emergency treatment plan for the affected cultural resources.

#### **The Forest Archaeologist/Heritage Program Leader will:**

- Determine NRHP eligibility and consult with the SHPO and Tribes.
- Ensure the Forest follows the Discovery of Human Remains Protocol below, if the discovery contains human remains.
- Ensure the Forest fulfills the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA), as described in the Discovery of Human Remains protocol below, if associated or unassociated funerary objects or objects of cultural patrimony are discovered.



- Recommend the resumption of work if the cultural resources are determined, in consultation with SHPO/THPO, to be ineligible for the NRHP. Resumption will include appropriate monitoring for further cultural resource disturbances.
- Consult with the SHPO/THPO and consulting parties to avoid, minimize, or mitigate further effects to cultural resources that are determined, in consultation with SHPO/THPO, to be eligible for the NRHP. Mitigation efforts may be contingent upon several factors, including the type and extent of the disturbed resource, the extent of the adverse effect, and whether or not it is possible to avoid further effects to the resource.

### **Resumption of Work**

Work in the immediate vicinity of the discovered materials may not resume until after the cultural resources are evaluated and adverse effects to historic properties have been avoided, minimized, or mitigated. Resumption of work is the Line Officer's decision. In most cases this will be the District Ranger, but in case where human remains are involved it is recommended that the Forest Supervisor make this decision.

### **Discovery of Human Remains**

If human remains or remains thought to be human are identified during project activities and construction, the Forest will ensure that employees or contractors comply with the following protocol in addition to the Discovery of Cultural Resources protocol described above.

#### **The Project Supervisor or Contractor will:**

- Ensure that employees or contractors do not take photographs of the human remains out of respect for Tribal concerns and because of law enforcement forensic concerns.
- Be responsible for the security and protection of human remains during NAGPRA consultations, until disposition of the remains is determined.

#### **The Forest Archaeologist/Heritage Program Leader will:**

- Notify appropriate law enforcement authorities and/or the County coroner about the human remains.
- Work with law enforcement and/or the County coroner to determine age and affiliation of the human remains.
- Fulfill the requirements of NAGPRA by consulting with affiliated SHPO/THPO, Tribes, and other consulting parties to fulfill the requirements of NAGPRA if law enforcement officials determine the human remains are not of recent age or criminal concern.

**The Forest Line Officer will:**

- Provide a specialist with expertise in human osteology and human remains to make an in-situ assessment of the remains, under the direction of the Forest Archaeologist/Heritage Program Leader, to document the remains and to determine cultural affiliation that would guide the development of a written Action Plan.
- Assist the Forest Archaeologist/Heritage Program Leader in developing an Action Plan for the evaluation and disposition of the human remains to meet NAGPRA and 36 CFR 800.

**Resumption of Work**

Work in the immediate vicinity of the human remains may not resume until after the disposition of the human remains is determined and a written binding agreement is executed between the necessary parties in accordance with NAGPRA (43 CFR Part 10.4(e)). Resumption of work is the Line Officer's decision. In most cases this will be the District Ranger, but in case where human remains are involved it is recommended that the Forest Supervisor make this decision upon the advice of the Forest Archaeologist/Heritage Program Leader and law enforcement officers.