

**PROGRAMMATIC AGREEMENT AMONG THE  
NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

**June 2020**

**WHEREAS**, Yosemite National Park (the park), a unit of the National Park Service (NPS) located in Mariposa, Tuolumne, and Madera Counties in California, plans for, operates, manages, and administers the park and is responsible for identifying, preserving, maintaining, and interpreting the historic properties of the park unimpaired for the enjoyment of future generations in accordance with the 1916 NPS Organic Act, NPS Management Policies (2006), and applicable NPS Director's Orders; and

**WHEREAS**, the Superintendent of the park is the responsible agency official as defined in 36 CFR § 800.2(a) for purposes of Section 106 compliance of the National Historic Preservation Act as amended (NHPA) and for the implementation of this programmatic agreement (PA); and

**WHEREAS**, the operation, management, and administration of the park entails undertakings that may affect historic properties (as defined in 36 CFR Part 800), which are therefore subject to review under Sections 106, 110(f), and 111(a) of the NHPA as amended (54 U.S.C. 300101 et seq.) and the Section 106 implementing regulations (36 CFR Part 800); and

**WHEREAS**, the park has consulted with the California State Historic Preservation Officer (SHPO) in the development of this PA pursuant to 36 CFR § 800.6 and § 800.14(b)(3); and

**WHEREAS**, in accordance with 36 CFR § 800.6, the park notified the Advisory Council on Historic Preservation (ACHP) of the development of this PA and ACHP chose to participate in the consultation; and

**WHEREAS**, NPS has established management policies, Director's Orders, standards, and technical information designed for the identification, evaluation, documentation, and treatment of historic properties consistent with the spirit and intent of the NHPA; and

**WHEREAS**, the park has a qualified Cultural Resources Management Team (CRM Team) with members who meet the Secretary of the Interior's Historic Preservation Professional Qualifications Standards to carry out programs for historic properties; and

**WHEREAS**, the purpose of this PA is to establish a program for the park's compliance with Section 106 of the NHPA and set forth a streamlined process when agreed upon criteria are met and procedures are followed; and

**WHEREAS**, the Raker Act of 1913 conveys autonomous management of and regulatory compliance for the O’Shaughnessy Dam and associated buildings, improvements, and other infrastructure in the Hetch Hetchy Valley within Yosemite National Park to the San Francisco Public Utilities Commission; this PA does not apply to San Francisco Public Utilities Commission undertakings; and

**WHEREAS**, Stipulation II.F of the 2008 Programmatic Agreement among the National Park Service (U.S. Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act (NPS Nationwide PA), allows for development of PAs that are independent of the NPS Nationwide PA; and

**WHEREAS**, the terms of this PA, rather than those of the NPS Nationwide PA, shall be implemented by the park to simplify Section 106 compliance; and

**WHEREAS**, execution and implementation of this PA supersedes the park’s 1979 Memorandum of Agreement Among the National Park Service at Yosemite, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding the General Management Plan, Yosemite National Park, California, and the associated 1979 Cultural Resources Management Plan which functioned as a mitigation plan for the General Management Plan; and

**WHEREAS**, this PA supersedes the park’s 1999 Programmatic Agreement Among the National Park Service at Yosemite, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Planning, Design, Construction, Operation and Maintenance, Yosemite National Park, California, as amended in 2014 and 2016 (1999 PA); and

**WHEREAS**, signature and implementation of this PA does not invalidate and does not apply to actions addressed in active park-, region-, or project-specific memoranda of agreement (MOAs) or PAs negotiated for Section 106 purposes prior to the effective date of this PA which are listed in Appendix A of this PA; and

**WHEREAS**, Appendix B of this PA lists the projects and plans the park concluded consultation for under the 1999 PA, and compliance on those active undertakings are not changed by this PA; and

**WHEREAS**, the Tuolumne Wild and Scenic River Comprehensive Management Plan (2014) was completed under the 1999 PA in consultation with SHPO and traditionally associated American Indian Tribes and groups; and in that consultation, the park and SHPO agreed that a subset of individual undertakings within the plan would be reviewed under the Standard Review Process (36 CFR §§ 800.3 – 6) which are listed in Appendix C; and

**WHEREAS**, the park in recognition of the sovereignty of each of the following Federally Recognized American Indian Tribes that attach religious and cultural significance to historic properties affected by agency undertakings, consults on a Government-to-Government basis in accordance with 36 CFR § 800.2(c)(2) and Executive Order 13175: Consultation and Coordination with American Indian Tribal Governments: the North Fork Rancheria of Mono Indians of California, the Picayune Rancheria of the Chukchansi Indians, the Bishop Paiute Tribe, the Bridgeport Indian Colony, the Tuolumne Band of Me-

Wuk Indians, and has consulted with them on this PA through meetings and development of draft language, and has invited them to concur with this agreement; and

**WHEREAS**, the park in recognition of the sovereignty of each of the following traditionally associated American Indian groups that attach religious and cultural significance to historic properties affected by agency undertakings, consults in accordance with 36 CFR § 800.2(c)(2)(ii)(F): the American Indian Council of Mariposa County, Inc. (also known as the Southern Sierra Miwuk Nation) and the Mono Lake Kutzadika<sup>a</sup> Tribe (also known as the Mono Lake Indian Community); the park has consulted with them on this PA through meetings and development of draft language, and has invited them to concur with this agreement; and

**WHEREAS**, the park provided the public with an opportunity to review and comment on this PA on March 10, 2020 prior to its execution during a 21-day review period via the NPS Planning, Environment and Public Comment (PEPC) website; and

**NOW, THEREFORE**, the park, ACHP, and SHPO mutually agree that the park shall carry out its Section 106 responsibilities with respect to operation, management, and administration of the park in accordance with the following stipulations.

## **PURPOSE AND NEED**

Park operations, management, and administration require a large number of low-impact or repetitive activities on a daily basis that have the potential to affect properties listed on or determined eligible for listing on the National Register of Historic Places and require consultation under Section 106. This PA provides an efficient process for compliance with Section 106 for daily park operations, management, and administration activities. It establishes a streamlined review process for designated undertakings that meet established criteria. This PA also provides programmatic procedures and guidance for other activities related to the Section 106 compliance process, including identification of resources, consultation, and planning. The park shall ensure the following stipulations are implemented.

### **I. RESPONSIBILITIES, QUALIFICATIONS, AND TRAINING**

The following stipulations list the responsibilities and required qualifications for those individuals responsible for implementing this PA.

#### **A. Responsibilities**

##### **1. Superintendent**

a) The Superintendent is the responsible agency official as defined in 36 CFR § 800.2(a) for purposes of Section 106 compliance and the implementation of this PA.

b) The Superintendent shall do the following with support from the NPS Director, the Associate Director for Cultural Resources, the Pacific West Regional Director, and the Pacific West Regional Section 106 Coordinator:

(1) Develop and maintain a relationship with SHPO;

(2) Develop and maintain relationships with Federally Recognized American Indian Tribes and traditionally associated American Indian groups;

(3) Designate a Park Section 106 Coordinator, Park Cultural Resources Program Manager, and a Cultural Resources Management Team (CRM Team) meeting the necessary qualifications as described in Stipulation I.B – Qualifications of this PA;

(4) Designate a Park American Indian Liaison who shall serve as the Superintendent's representative in Government-to-Government consultations with Federally Recognized American Indian Tribes;

(5) Provide contact information on the park's Section 106 Coordinator, Park Cultural Resources Program Manager, and Park American Indian Liaison to Federally Recognized American Indian Tribes and traditionally associated American Indian groups, to SHPO, and the NPS Pacific West Regional Office upon appointment, and no

later than 60 days after their appointment to the position. This information will also be updated in the park's annual report, if a change occurs during the year, or as requested;

(6) Ensure early coordination among the Park Section 106 Coordinator, the Park Cultural Resources Program Manager, the CRM Team, and other park and regional staff, concessioners, park partners, neighboring communities, Federally Recognized American Indian Tribes and traditionally associated American Indian groups, and others in the planning of projects and activities that may affect historic properties;

(7) Ensure that Section 106 consultation with SHPO and other consulting parties is initiated early in the planning stages of any given undertaking, so that the widest feasible range of alternatives is available for consideration; and

(8) Ensure that the Park Section 106 Coordinator, CRM Team members and the park cultural resources staff receive the NHPA training needed to carry out their responsibilities. Provide opportunities for park staff and consulting parties to receive NHPA training.

c) The Superintendent shall ensure that the park provides annual updates to the SHPO regarding the composition of the CRM Team in the annual report (Stipulation VIII.C.1.a).

## 2. CRM Team

### a) Responsibilities of the CRM Team

The CRM Team shall provide expertise and technical advice to the Park Cultural Resources Program Manager and the Park Section 106 Coordinator for purposes of Section 106 compliance and implementation of this PA. The CRM Team subject matter experts are responsible for signing the park's internal compliance documentation to confirm review of a proposed undertaking (e.g., document the assessment of effect, monitoring requirements, and avoidance and minimization measures).

### b) Composition of the CRM Team

The CRM Team includes the Park Cultural Resources Program Manager, Park 106 Coordinator, Park American Indian Liaison, archeologist, cultural anthropologist, historian, historical architect, and historical landscape architect. The Park Cultural Resources Program Manager shall ensure review occurs as needed by additional qualified subject matter specialists (e.g., curator, preservation specialist) for proposed undertakings. CRM Team members may be on the park staff or in other parks, or from the NPS Pacific West Regional Office, other NPS offices, Federally Recognized American Indian Tribes and traditionally associated American Indian groups, or elsewhere in the public or

private sector (see Stipulation VIII for reporting requirements of CRM Team members).

3. Park Cultural Resources Program Manager (CRM Team Lead)

The Park Cultural Resources Program Manager shall lead the CRM Team and provide expertise and technical advice to the Park Section 106 Coordinator for purposes of Section 106 compliance and implementation of this PA. The Park Cultural Resources Program Manager shall make the final Section 106 finding of effect and ensure that the appropriate CRM Team subject matter experts review each undertaking.

4. Park Section 106 Coordinator

The Park Section 106 Coordinator provides day-to-day staff support for Section 106 activities and serves as liaison among park staff, the NPS Pacific West Regional Office, other NPS offices, and others involved in undertakings. The Park Section 106 Coordinator makes recommendations to the Superintendent communicating the findings of the CRM Team regarding the appropriate course of action under this PA, including whether a project constitutes a Section 106 undertaking. The Park Section 106 Coordinator shall serve as the park's primary point of contact for SHPO, ACHP, and other consulting partners regarding Section 106 undertakings.

5. Park American Indian Liaison

This designee serves as liaison for tribal governments and designee(s) of the Federally Recognized American Indian Tribes and traditionally associated American Indian groups. The Park American Indian Liaison shall provide day-to-day staff support for Section 106 consultation with Federally Recognized American Indian Tribes and traditionally associated American Indian groups and serve as a liaison communicating tribal concerns, suggestions, and recommendations to the Superintendent, the Park Section 106 Coordinator, the CRM Team, park project managers, other NPS offices (e.g., Pacific West Region and Denver Service Center), and other consulting parties involved in the undertaking (as applicable).

**B. Qualifications**

1. CRM Team

CRM Team members must have appropriate subject matter expertise to the resource types found in the park. Therefore, the number of individuals who comprise the CRM Team is not static and will be appropriate to include all disciplines relevant to the historic property under analysis. Multi-disciplinary reviews of proposed undertakings are required.

a) CRM Team members who are federal employees shall meet the qualifications for the respective discipline as described in the Secretary of Interior Standards and Guidelines (Qualification Standards).

b) CRM Team members who are representing Federally Recognized American Indian Tribes and traditionally associated American Indian groups may be traditional cultural authorities, elders, and/or others experienced in the preservation of tribal culture.

c) CRM team members, who are not federal employees or representing a Federally Recognized American Indian Tribe or traditionally associated American Indian group, must meet the Qualification Standards for the appropriate discipline.

2. Park Cultural Resources Program Manager

The Park Cultural Resources Program Manager shall have a combination of professional cultural resources management and NHPA training and/or experience to effectively carry out the responsibilities of the position. The Park Cultural Resources Program Manager must meet the Qualification Standards.

3. Park Section 106 Coordinator

The Park Section 106 Coordinator shall have a combination of professional cultural resources management and NHPA training and/or experience to effectively carry out the responsibilities of the position.

4. Park American Indian Liaison

The Park American Indian Liaison shall have an appropriate combination of professional training and/or experience to effectively carry out the responsibilities of the position.

**C. Training**

Training on Section 106 compliance and the provisions of this PA is needed to maintain an understanding of the requirements of each. Training will provide up-to-date regulatory information on current guidance, policy, and best practices. Such training may be accessed through NPS, the park, ACHP, SHPO, Federally Recognized American Indian Tribes and traditionally associated American Indian groups, and other Federal or state agencies or private industry. Training may be in a classroom format, electronic media, meetings, or other formats that allow for the conveyance of information.

1. The Superintendent and Park Section 106 Coordinator shall ensure regular training of park staff on this PA. The park shall work with the Regional Section 106 Coordinator to identify and provide additional opportunities for Section 106 and PA training.

2. Training will be required of the CRM Team members a minimum of every two (2) years. Training will also be required of new CRM Team members and first-time

Superintendents and facility management supervisors or otherwise consistent with NPS policy.

3. Training will be made available to park project managers, compliance staff, maintenance staff, park leadership and supervisors, concessioner maintenance staff and preservation team members (per concession contract), and other park partners with agreements to operate within historic properties (e.g., NatureBridge, Yosemite Conservancy, United States Postal Service).

4. The Superintendent shall report on Section 106 training received by park staff as part of the annual report (see Stipulation VIII for reporting requirements of this PA).

## II. CONSULTATION

### A. Consultation with Federally Recognized American Indian Tribes and Traditionally Associated American Indian Groups

Government-to-Government consultation with Federally Recognized American Indian Tribes and consultation with traditionally associated American Indian groups will occur at the Superintendent level and will be initiated during planning and prior to undertaking an activity, program or project that may affect historic properties of religious and cultural significance to Federally Recognized American Indian Tribes and traditionally associated American Indian groups. Maintaining an on-going working relationship between staff and representatives of Federally Recognized American Indian Tribes and traditionally associated American Indian groups is essential for compliance with Section 106.

#### 1. Consultation on Undertakings within the Park Boundaries

a) The Superintendent shall identify, compile a list of, and consult with Federally Recognized American Indian Tribes and traditionally associated American Indian groups that assert an interest in historic properties within the park boundaries, or have interest in lands adjacent to the park.

b) Such consultation will be in accordance with 36 CFR § 800.2(c)(2)(ii) and with Stipulations III – Streamlined Review Process and IV – Standard Review Process of this PA.

c) The Park Cultural Resources Program Manager, in coordination with the Park American Indian Liaison, shall notify Federally Recognized Indian Tribes and traditionally associated American Indian groups of streamlined activities.

#### 2. Development of Agreements to Facilitate Government-to-Government and Other Consultation with Traditionally Associated Federally Recognized American Indian Tribes and American Indian Groups

Development of consultation protocols, PAs, MOAs, and memoranda of understanding is encouraged. Such agreements may be negotiated between the Superintendent and one or



multiple Federally Recognized American Indian Tribes and traditionally associated American Indian groups and may be independent of or supplemental to this PA.

a) Programmatic Tribal Consultation Protocol

(1) Within two (2) years of the execution of this PA, the Superintendent, in coordination with the Park Section 106 Coordinator, Park American Indian Liaison, and the Park Cultural Resources Program Manager, shall initiate consultation with Federally Recognized American Indian Tribes and traditionally associated American Indian groups to develop Programmatic Tribal Consultation Protocol(s) with all seven (7) Federally Recognized American Indian Tribes and traditionally associated American Indian groups to provide for early coordination between the park and the Federally Recognized American Indian Tribes and traditionally associated American Indian groups. The goal is to involve all tribes in the development of the protocol. However, the park recognizes that the tribes are not required to sign the protocol for it to be implemented.

(2) The protocol will establish further procedures and timelines for consultation under 36 CFR § 800.2(c)(2)(ii)(E) in identification and evaluation of historic properties including those with religious and cultural significance and the planning of projects and activities that may affect historic properties.

(3) The protocol will be consistent with this PA.

(4) The park shall provide a copy of any executed consultation protocol to the NPS Pacific West Regional Section 106 Coordinator, ACHP, and SHPO in accordance with 36 CFR § 800.2(c)(2)(ii)(E).

(5) Until or unless such a protocol is developed, the park shall consult in accordance with 36 CFR § 800.2(c)(2)(ii)(D).

3. Comprehensive NAGPRA Plan of Action

a) Within two (2) years of the execution of this PA, the park shall initiate consultation with Federally Recognized American Indian Tribes and traditionally associated American Indian groups to develop a parkwide Comprehensive Native American Graves Protection and Repatriation Act (NAGPRA) Plan of Action per 43 CFR §10.5(f).

b) With approval from Federally Recognized American Indian Tribes and traditionally associated American Indian groups, the park may provide a draft Comprehensive NAGPRA Plan of Action to SHPO for review and comment.

c) The comprehensive plan will be consistent with this PA.

d) The park shall develop a NAGPRA Plan of Action as appropriate for specific undertakings until or unless a comprehensive plan is reached.

e) At any point, the park may determine in consultation with traditionally associated American Indian Tribes and groups that a NAGPRA Plan of Action specific to a particular undertaking may be warranted.

f) The park shall comply with Stipulation VI – Inadvertent Discoveries of this PA in the event of inadvertent discovery of American Indian human remains.

**B. Consultation with SHPO**

1. The park shall conduct consultation with SHPO on projects reviewed in accordance with the Standard Review Process in accordance with the procedures set forth in Stipulation IV of this PA. The park shall conduct consultation with SHPO on implementation of this PA annually in accordance with the reporting requirements in Stipulation VIII of this PA.

2. The park shall provide draft treatment documents (e.g., cultural landscape reports, historic structure reports, archeological site management plans) to SHPO for a 30-day review and comment period. The park shall consult with SHPO to address/resolve any written concerns. In the event of an unresolved objection, the Superintendent shall notify all PA signatory and consulting parties and consult to resolve the objection per Stipulation IX – Dispute Resolution of this PA. The park shall provide final copies of all treatment documents to SHPO for their records.

**C. Consultation with the Advisory Council on Historic Preservation**

The park shall conduct consultation with ACHP on projects reviewed in accordance with the Standard Review Process when there is potential for adverse effects, or to assist with dispute resolution in accordance with Stipulation IX – Dispute Resolution of this PA.

**D. Consultation with Local Governments and Applicants for Federal Assistance, Licenses, Permits, and Other Approvals**

Where appropriate, the Superintendent shall actively seek the views and comments of local governments. Those seeking Federal assistance, licenses, permits, or other approvals are entitled to participate as a consulting party as defined in 36 CFR § 800.2(c)(4) and shall be consulted, as applicable, on undertakings.

**E. Consultation with the Public**

The Superintendent or designee shall consult with interested parties and members of the public through any or all of the following mechanisms reflective of the nature and complexity of the undertaking and its effects on historic properties per 36 CFR § 800.2(d)(1): public meetings, informational mailings (e.g., electronic), park website posts, social media posts, and/or use of the NPS PEPC website. Consultation with the public is conducted under the direction of the Superintendent by project managers, public information specialists, and/or other designees. The park shall indicate on outreach advertisements and meeting materials when public consultation is

intended to be coordinated under both Section 106 and National Environmental Policy Act (NEPA) per 36 CFR § 800.8.

#### **F. General Consultation Provisions**

##### **1. Inventory of Historic Properties (54 USC 306102)**

The park shall ensure that historic properties under the jurisdiction or control of the agency are identified, evaluated, and nominated to the National Register of Historic Places in accordance with Sections 110(a)(1), 110(a)(2), 110(c), and 110(d) of the NHPA. Research and testing of all types of historic properties for purposes of identification and evaluation must be limited to the minimum necessary to obtain the required inventory and evaluative information. Early coordination on the identification and evaluation of historic properties should be undertaken with Federally Recognized American Indian Tribes and traditionally associated American Indian groups utilizing tribal knowledge and expertise wherever applicable. Knowledge and data from appropriate sources of expertise should be utilized, including SHPO, local governments, Federally Recognized American Indian Tribes and traditionally associated American Indian groups, and national and local professional and scientific organizations. The park shall review and update inventory records as necessary to ensure data on historic properties, including condition information, is current, and any previous evaluations of significance remain accurate.

##### **2. Information Sharing: Historic Property Inventories**

The park shall share information with SHPO regarding Section 110 inventories of historic properties and historic contexts developed, as well as other reports and research results related to historic properties in the park, whenever such studies become available. In addition, the park shall make such information available to interested Federally Recognized American Indian Tribes and traditionally associated American Indian groups. Federally Recognized American Indian Tribes and traditionally associated American Indian groups may make such information available to the park. The park shall share information with the understanding that sensitive information must be withheld by the recipient of the information from public disclosure pursuant to Section 304 of the NHPA and other applicable laws. The parties shall agree upon procedures for information sharing and format for information (e.g., electronic, hard copy).

### **III. STREAMLINED REVIEW PROCESS**

If the Park Cultural Resources Program Manager determines, in coordination with the Park Section 106 Coordinator and other members of the CRM Team, that the following process is followed for a proposed undertaking, no further consultation is required.

#### **A. Evaluating Eligibility for Streamlined Review**

The Park Cultural Resources Program Manager, in coordination with the Park Section 106 Coordinator and other members of the CRM Team, shall determine if each proposed undertaking is included among or is comparable in scope, scale, and effect to an activity to the activities listed in Appendix E – Undertakings Eligible for Streamlined Review, excluding all new construction. These undertakings will be referred to as “streamlined activities.” The park shall include descriptions of streamlined activities not expressly described in Appendix E in the annual report

so that signatories and consulting parties may track and comment on the park's use of the streamlined activities. If the proposed undertaking is not eligible for streamlined review and the undertaking is not otherwise covered by an existing project-specific Section 106 agreement, compliance must be accomplished through the Standard Review Process per 36 CFR §§ 800.3-800.6. Considerations for evaluating undertakings eligible for streamlined review include the following:

1. Ensure Consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties (the Standards) to Avoid Adverse Effects

The park shall perform work consistent with the Standards to maintain the integrity of design, material, workmanship, feeling, and association. When referenced in this PA, in-kind will mean that the result of the work shall match all physical and visual aspects of existing materials, including design, form, color, finish, texture, workmanship, and materials.

2. Implement Recommendations from Treatment Plans

Treatment plans may include historic structure reports, cultural landscape reports, and preservation maintenance plans (see Stipulation II.B.2 – Consultation with SHPO).

3. Avoid Ground Disturbance that May Adversely Affect a Historic Property

Ground disturbance is any activity that involves moving, compacting, or penetrating the ground surface. This applies to mechanical excavation as well as activities such as driving posts, stakes, drilling, boring, digging, trenching, blasting, and paving. The Park Cultural Resources Program Manager, in coordination with the CRM Team, shall determine that no historic properties would be adversely affected by any proposed ground disturbance. If the streamlined activity includes ground disturbance within historic properties, archeological and/or cultural monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team and/or Federally Recognized American Indian Tribes and traditionally associated American Indian groups. Federally Recognized American Indian Tribes and traditionally associated American Indian groups will be notified when the park recommends archeological monitoring, and be given the opportunity to request cultural monitoring.

4. Ensure Interdisciplinary Review by CRM Team

The Park Cultural Resources Program Manager shall ensure that the appropriate CRM Team subject matter experts review each undertaking.

**B. Determining the Area of Potential Effect (APE)**

The Park Cultural Resources Program Manager, in coordination with the CRM Team, shall determine and document the project's APE. The park shall determine an APE that is sufficient to

address direct, indirect, and cumulative effects to historic properties; and incorporate the vertical APE in the context of previous disturbance as determined by a qualified archeologist.

### **C. Identifying Historic Properties within APE**

The Park Cultural Resources Program Manager, in coordination with the CRM Team, shall identify all types of historic properties within the APE sufficient to assess effects on those resources. Identification may be based on previously documented resources, existing historical studies, geographic information system (GIS) data, consultation, or new research conducted specifically for the undertaking. Identification will include the following:

1. Historic Properties Listed or Eligible for Listing on the National Register of Historic Places

The Park Cultural Resources Program Manager, in coordination with the CRM Team, shall identify previously documented resources using surveys and inventories, historical studies, GIS data, new historic research, the NPS Archeological Sites Management Information System, the Yosemite Historical Resources Database, records of previous consensus determinations of eligibility for listing on the National Register of Historic Places, documentation as a contributing resources to a National Register eligible or listed property, or other relevant park studies or records. Inventory records should be periodically reviewed and updated to ensure data on historic properties, including condition information, is current, and any previous evaluations of significance remain accurate.

2. Historic Properties with Religious and Cultural Significance

The Park American Indian Liaison is the Superintendent's designated liaison for conducting consultation with Federally Recognized American Indian Tribes and traditionally associated American Indian groups to identify and evaluate historic properties with potential religious and cultural significance within the APE. The park shall conduct consultation to include assessment of the potential effects of the undertaking on such properties.

3. Properties Not Formally Evaluated for Eligibility to the National Register of Historic Places

a) Properties Assumed Eligible for Listing

The park shall consult with the SHPO pursuant to 36 CFR § 800.4(c) on eligibility of any unevaluated resources or when reconsidering eligibility of previously identified properties. Until such consultation is concluded, the park shall manage unevaluated resources as historic properties for the purposes of Section 106. The CRM Team shall identify potential historic features (i.e. character-defining) that may be affected by the undertaking. The park shall ensure the views of Federally Recognized American Indian Tribes and traditionally associated American Indian groups and any other consulting parties are taken into account in the park's determinations of eligibility.

b) Additional Inventory Requirements

(1) The Park Cultural Resources Program Manager, in coordination with the CRM Team, shall determine when additional inventory is required to determine if historic properties are present in the APE. 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 CRM subject matter specialists shall determine if inventory(ies) for historic resources within the APE require reevaluation consistent with § 800.4(c)(1), or whether additional inventories or amendments are necessary to reflect any changes since the National Register status was established.

(2) The Park American Indian Liaison, in coordination with the Park Cultural Resources Program Manager and CRM Team and in consultation with the Federally Recognized American Indian Tribes and traditionally associated American Indian groups, shall develop and implement a survey protocol appropriate for the undertaking and the potential for the presence of historic properties with religious and cultural significance.

**D. Assessing Effects of Undertaking on Historic Properties in APE**

1. Effects of Proposed Undertaking

The Park Cultural Resources Program Manager, in coordination with the CRM Team, and in consultation with Federally Recognized American Indian Tribes and traditionally associated American Indian groups, shall evaluate the effects of the proposed undertaking and cumulative effects on historic properties, applying the Criteria of Adverse Effect set forth in 36 CFR § 800.5(a)(1). Within one year of PA execution, signatories shall commence consultation to develop a method and criteria to analyze cumulative effects across all park activities, including those covered by other consultations and agreement documents.

2. Treatment Recommendations

a) Treatments (General)

The Park Cultural Resources Program Manager shall consolidate CRM Team treatment recommendations including additional investigations or other actions (e.g., modifications to the undertaking) specific to the undertaking consistent with the Standards.

b) Monitoring

If the streamlined activity includes ground disturbance, archeological and/or cultural monitoring may be appropriate in accordance with any recommendation of the CRM Team and/or Federally Recognized American Indian Tribes and traditionally associated American Indian groups. These parties shall be notified

of the recommendation for archeological monitoring and be given the opportunity to request cultural monitoring.

c) Implementation

The Park Cultural Resources Program Manager shall ensure that project implementation follows the treatment recommendations and monitoring as required.

3. Assessment of Effect

a) No Historic Properties Affected

The Park Cultural Resources Program Manager, in coordination with the CRM Team shall apply the definition of effect consistent with 36 CFR § 800.16(i). If the Park Cultural Resources Program Manager, in coordination with the CRM Team, finds that the proposed undertaking would result in a finding of no historic properties affected, no further consultation is required unless otherwise requested by Federally Recognized American Indian Tribe(s), traditionally associated American Indian group(s) following notification and consultation in accordance with Stipulation III.C.2 – Historic Properties of Religious and Cultural Significance of this PA.

b) No Adverse Effect

If properties may be affected, then the Park Cultural Resources Program Manager, in coordination with the CRM Team, shall apply the Criteria of Adverse Effect consistent with 36 CFR § 800.5(a)(1). Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative. If the Park Cultural Resources Program Manager, in coordination with the CRM Team find that there is no adverse effect, no further consultation is required.

c) Adverse Effect

If the Park Cultural Resources Program Manager, in coordination with the CRM Team, finds that an activity will result in an adverse effect, the park shall consult per the Standard Review Process (36 CFR §§ 800.3-.6).

**E. Streamlined Documentation**

1. Streamlined Documentation

The Park Section 106 Coordinator, in coordination with the CRM Team, and in consultation with Federally Recognized American Indian Tribes and traditionally associated American Indian groups, shall document the streamlined review process. The

park shall ensure that documentation meets the requirements established in 36 CFR § 800.11.

2. Notification of Intent to Use Streamlined Process for Undertakings Not Specifically Listed as Eligible for Streamlined Review

a) The Park 106 Coordinator shall provide SHPO with electronic notification of streamlined undertakings once the CRM Team agrees on eligibility for streamlined review. Notification shall include a brief description of the undertaking, the area of potential effects, identification of historic properties, and the anticipated streamlined undertaking category. The park shall provide additional detail on streamlined activities within National Historic Landmarks boundaries (e.g., recommendations from existing treatment documents).

b) The park shall notify the Federally Recognized Indian Tribes and traditionally associated American Indian groups electronically of streamlined undertakings with the potential to affect historic properties with religious and cultural significance consistent with Stipulation II.A(1)(c). Should any tribe or group express concerns regarding use of the streamlined review process, the park shall proceed with standard review in accordance with Stipulation IV and notify the SHPO of any concerns.

c) If the SHPO expresses concerns regarding the use of the streamlined review process within ten (10) working days of receipt of notification, the park shall consult with the SHPO and, if the park and SHPO cannot reach agreement that the undertaking is eligible for streamlined review, the park shall proceed with standard review in accordance with Stipulation IV

3. Public Access to Sensitive Information

The park shall ensure that sensitive information contained within the documentation remains confidential to the extent that the documentation meets the definitions set forth in Section 304 of the NHPA, Section 9 of the Archaeological Resources Protection Act, and other relevant legislation.

4. Comments and Signatures

The Park Section 106 Coordinator and the Park Cultural Resources Program Manager shall ensure that comments from each member of the CRM Team involved in the review process are included in the documentation. The Park American Indian Liaison shall ensure that comments from Federally Recognized American Indian Tribes and traditionally associated American Indian groups are documented. Electronic comments and signatures are acceptable.

5. Annual Report Summary

The Park Section 106 Coordinator shall prepare an annual report which will include a summary of the undertakings reviewed under the streamlined process per Stipulation VIII.A of this PA.



#### **IV. STANDARD REVIEW PROCESS**

The park shall ensure that all undertakings that do not qualify for streamlined review as described in Stipulation III above, are reviewed in accordance with 36 CFR Part 800 unless otherwise covered by an existing project-specific PA or MOA.

#### **V. NATIONAL HISTORIC LANDMARKS**

##### **A. Streamlined Review for NHLs**

If the criteria for evaluating eligibility for streamlined review as listed in Stipulation III.A are met, proposed undertakings within a designated NHL may follow the Streamlined Review Process in addition to the conditions included in 36 CFR § 800.10.

##### **B. Internal Review Process to Avoid Adverse Effects**

If preliminary planning activities indicate that a proposed undertaking has the potential to have an adverse effect on an NHL, prior to initiating a formal consultation process, the Superintendent shall explore and document alternatives to avoid adverse effects. The park shall consult with signatories and the Pacific West Region NHL Program Manager regarding any undertakings with potential for adverse effects to NHLs per 36 CFR Part 800.

#### **VI. INADVERTENT DISCOVERIES AND UNANTICIPATED EFFECTS TO KNOWN PROPERTIES**

##### **A. Notification**

In the event that properties that are potentially eligible for listing on the National Register are inadvertently encountered during an undertaking for which review has been previously conducted and completed under Stipulation III – Streamlined Review Process or Stipulation IV – Standard Review Process of this PA, or through other events such as erosion or animal activity, the Superintendent shall notify SHPO, and Federally Recognized American Indian Tribe(s) and traditionally associated American Indian groups (interest in affected resources is determined through consultation) within 48 hours and consistent with 36 CFR § 800.12 and the 2008 NPS Nationwide PA Stipulation VII, or as soon as reasonably possible. Park notification to SHPO and Federally Recognized American Indian Tribes and traditionally associated American Indian groups shall include a proposed schedule for assessing eligibility and a process to develop treatment recommendations.

##### **B. Avoidance and/or Resolution of Adverse Effects**

The Superintendent shall make reasonable efforts to avoid, minimize, or mitigate adverse effects on those historic properties as advised by the CRM Team, and in consultation with SHPO,

Federally Recognized American Indian Tribe (s), and traditionally associated American Indian groups.

**C. NAGPRA Considerations**

The park shall ensure that any American Indian burials or American Indian human remains, funerary objects, sacred objects and objects of cultural patrimony discovered during implementation of an undertaking, archeological fieldwork, or other actions, are treated with appropriate respect and according to federal law, including, but not limited to NAGPRA. Actions described herein do not constitute compliance with provisions of NAGPRA. If objections are raised by any traditionally associated American Indian Tribes and groups regarding treatment of human remains or cultural items as defined under NAGPRA, the parties shall resolve the objection in accordance with NAGPRA. The park shall notify SHPO and ACHP of any such dispute if so requested by involved Federally Recognized American Indian Tribe(s) and traditionally associated American Indian groups.

**VII. EMERGENCY ACTIONS**

Emergencies are those actions deemed necessary by the Superintendent as an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a State, or another immediate threat to life or property. Emergency actions are only those actions required to resolve the emergency at that time and they are limited to undertakings that will be started within thirty (30) days after the emergency has been declared. Such emergency actions will be consistent with the NPS Environmental Safeguards Plan for All-Hazards Emergencies and any other approved servicewide emergency response plans. The Superintendent will notify the SHPO/THPO within 24 hours of the declared emergency or as soon as conditions permit.

**VIII. ANNUAL REPORTING OF PA IMPLEMENTATION**

The purpose of the PA review and monitoring process is to ensure NPS protection of historic properties in its stewardship. This is accomplished through the review of undertakings that were completed during the reporting period, review of programmed undertakings, review of implementation of the PA, review of completion of training requirements, and to ensure that the terms of the PA are being met.

**A. Park Annual Reporting to Signatories and Federally Recognized American Indian Tribes and traditionally associated American Indian groups**

The Superintendent shall provide an annual report summarizing Section 106 undertakings.

1. Content of the Annual Report

The report will include a summary, at a minimum, of the following:

- a) Identification of CRM Team members
- b) As stated in Stipulation I.A.1.c, the Superintendent shall ensure that the park provides annual updates to the SHPO regarding the composition of the CRM Team in the annual report.

- c) Section 106 training received by park staff
- d) Inventory and evaluation of historic properties (e.g., determination of eligibility, historic structure reports, cultural landscape reports)
- e) Streamlined Review
  - (1) Undertakings conducted under the streamlined review process as described in Appendix E
  - (2) Undertakings conducted under the streamlined review process that are not listed in Appendix E but that the Park deemed comparable in scope, scale, and effect.
  - (3) Reporting of cumulative effects on historic properties, including an analysis of the effects of streamlined undertakings and undertakings completed under existing agreement documents or the standard review process.
  - (4) Reporting of the status of meeting the requirements of other existing project-specific PAs, MOAs, or standard reviews.
  - (5) Updates on the implementation of actions for which compliance was completed under the park's 1999 PA (see Appendix B of this PA)
  - (6) Agreed upon changes to the PA per Stipulation X – Requests, Amendments or Revisions, and Termination of this PA

2. Distribution of the Annual Report

The park shall distribute the annual report to signatories and Federally Recognized American Indian Tribes and traditionally associated American Indian groups. The park shall also make the report available to the public and submit the report to the park's archives. SHPO, ACHP, and Federally Recognized American Indian Tribes and traditionally associated American Indian groups may review the annual report and provide comments to the Superintendent. The park shall provide an opportunity to discuss questions or comments related to the annual report or this PA through the annual meeting, annual meeting with Federally Recognized American Indian Tribes and traditionally associated American Indian groups, or supplemental meetings.

**B. Annual Review Meeting**

An annual review meeting will be conducted following the submittal of the annual report to all signatories and scheduled within 30 days of submitting the report. The park shall invite signatories to an annual meeting(s) to review actions covered by this PA. The park shall record

and distribute attendance and meeting minutes to all signatories after the conclusion of the meeting.

**C. Annual Tribal Meeting**

The park shall report on the actions covered by this PA in an annual report and at the annual meeting with the Federally Recognized American Indian Tribes and traditionally associated American Indian groups.

**IX. DISPUTE RESOLUTION**

Should any signatory or consulting party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, the Superintendent shall notify the other PA signatory and consulting parties and consult to resolve the objection. The park shall ensure that all work that is the subject of the objection will stop until the objection is resolved in accordance with the procedures in this stipulation.

**A. ACHP Recommendation to the Superintendent**

If the park determines that such objection cannot be resolved, the park shall notify signatories and Federally Recognized American Indian Tribes and traditionally associated American Indian groups and forward all documentation relevant to the dispute, including the park's proposed resolution, to ACHP. ACHP shall provide the park with its advice on the resolution of the dispute within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, the park shall prepare a written response that takes into account any timely advice or comments regarding the dispute from ACHP, signatories, and Federally Recognized American Indian Tribes and traditionally associated American Indian groups, and provide them with a copy of this written response. The park shall then proceed according to its final decision.

**B. Superintendent Decision in Absence of ACHP Recommendation**

If ACHP does not provide its advice regarding the dispute within the thirty (30) day period, the Superintendent may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the park shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories to this PA and Federally Recognized American Indian Tribes and traditionally associated American Indian groups, and provide them and ACHP with a copy of such written response.

**C. PA Compliance during Dispute Resolution Process**

It is the park's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute.

**X. REQUESTS, AMENDMENTS OR REVISIONS, AND TERMINATION**

**A. Documentation and Information Requests**

The park shall make available documentation of park Section 106 reviews not already provided to SHPO, Federally Recognized American Indian Tribes and traditionally associated American

Indian groups, and ACHP for review upon request. Requests to review this documentation must be upon written request to the Superintendent.

**B. Amendments or Revisions to this PA**

1. Amendments to this PA

a) Amendments to this PA (e.g., extension of duration) must be agreed to in writing and signed by all signatories.

b) Any signatory may request that this PA be amended. The signatories shall consult to determine whether an amendment to this PA is needed.

(1) Any amendments will be effective on the date a copy is signed by all signatories.

(2) If the signatories cannot agree on executing an amendment, the parties shall address the matter pursuant to Stipulation IX - Dispute Resolution of this PA.

(3) The park shall transmit all executed amendments to all signatories and Federally Recognized American Indian Tribes and traditionally associated American Indian groups and in the annual report per Stipulation VIII.A.1.i.

2. Revisions of the Appendices

If the streamlined review process illustrated in Appendix D is modified by amendment by the signatories per Stipulation X.B.1 of this PA, the flowchart shall also be amended by mutual written agreement by the signatories per Stipulation X.B.1 of this PA.

Appendices may be modified through agreement of signatories without requiring amendment of the PA itself.

The park shall summarize all revisions in the annual report. The park shall provide the revised version of the PA to all signatories and Federally Recognized American Indian Tribes and traditionally associated American Indian groups.

3. Public Notification

The park shall post the amended or revised PA for the public.

**C. Termination**

Any signatory to this PA may terminate it by providing thirty (30) days written notice to the other parties, provided that the parties shall consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of

termination, the park shall comply with the NPS Nationwide PA or 36 CFR Part 800 for undertakings at the park.

#### **XI. SEVERABILITY**

If any stipulation, paragraph, sentence, clause, or phrase in this PA is, for any reason, held to be unconstitutional or invalid or ineffective, such decision will not affect the validity or effectiveness of the remaining portions of this PA. The signatories shall consult to determine whether an amendment to this PA is needed.

#### **XII. ANTI-DEFICIENCY ACT STATEMENT**

The stipulations of this agreement are subject to the provisions of the Anti-Deficiency Act (31 U.S.C. 1341 (1998)). If compliance with the Anti-Deficiency Act alters or impairs park's ability to implement the stipulations of this agreement, the park shall consult in accordance with the dispute resolution, amendment or termination stipulations as specified in Stipulations X – Dispute Resolution and XI – Requests, Amendments or Revisions, and Termination of this PA.

#### **XIII. DURATION OF THIS PA**

The duration of this PA shall be ten (10) years following ACHP signature date. The park may consult with the signatories and concurring parties to reconsider its terms, which may include continuation of the PA through amendment, altering the terms of the PA through amendment (in accordance with Stipulation X – Requests, Amendments or Revisions, and Termination of this PA), or termination. If any signatory wishes to extend the duration of the PA, it shall initiate such consultation to amend the PA no less than three (3) months prior to the expiration date of the PA.

**PROGRAMMATIC AGREEMENT AMONG THE  
NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

**SIGNATORY PARTY:**

**National Park Service**



Cicely Muldoon  
Superintendent (Acting), Yosemite National Park

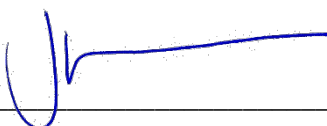
**JUN 16 2020**

Date

**PROGRAMMATIC AGREEMENT AMONG THE  
NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

**SIGNATORY PARTY:**

**California State Historic Preservation Officer**



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Julianne Polanco  
State Historic Preservation Officer

6/18/20

Date



**PROGRAMMATIC AGREEMENT AMONG THE  
NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

**SIGNATORY PARTY:**

**Advisory Council on Historic Preservation**



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John M. Fowler  
Executive Director

July 28, 2020

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Date

**PROGRAMMATIC AGREEMENT AMONG THE  
NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

**CONCURRING PARTY:**

**For the American Indian Council of Mariposa County (Southern Sierra Miwuk):**

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William Leonard	Title	Date
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**PROGRAMMATIC AGREEMENT AMONG THE  
NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

**CONCURRING PARTY:**

**For the Bishop Paiute Tribe:**

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Allen Summers Sr.	Title	Date
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**PROGRAMMATIC AGREEMENT AMONG THE  
NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK,  
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THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

**CONCURRING PARTY:**

**For the Bridgeport Paiute Indian Colony:**

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Herbert Glazier	Title	Date
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**PROGRAMMATIC AGREEMENT AMONG THE  
NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK,  
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THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

**CONCURRING PARTY:**

**For the Mono Lake Kutzadika<sup>a</sup> Tribe:**

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Charlotte Lange	Title	Date
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**PROGRAMMATIC AGREEMENT AMONG THE  
NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK,  
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THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

**CONCURRING PARTY:**

**For the North Fork Rancheria of Mono Indians:**

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Elaine Bethel-Fink	Title	Date
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**PROGRAMMATIC AGREEMENT AMONG THE  
NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

**CONCURRING PARTY:**

**For the Picayune Rancheria of Chukchansi Indians:**

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Claudia Gonzales	Title	Date
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**PROGRAMMATIC AGREEMENT AMONG THE  
NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK,  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND  
THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER  
FOR COMPLIANCE WITH  
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**

**CONCURRING PARTY:**

**For the Tuolumne Band of Me-Wuk Indians:**

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Kevin Day	Title	Date
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## **APPENDICES**

A – Projects (at the Time of Signing of this PA) with Project-Specific Agreements that are Not Superseded by this PA

B – Existing Plans and Projects (at the Time of Signing of this PA) Completed under the 1999 PA

C – Tuolumne River Plan Actions Requiring Standard Review per 36 CFR §§ 800.3-6

D – Yosemite Section 106 Project Review Flowchart

E – Undertakings Eligible for Streamlined Review

**APPENDIX A –PROJECTS (AT THE TIME OF SIGNING OF THIS PA) WITH PROJECT-SPECIFIC AGREEMENTS THAT ARE NOT SUPERCEDED BY THIS PA**

YEAR	PROJECT	AGREEMENT TYPE	EXPIRATION
<b>2019</b>	Removal of the Ahwahnee Hotel Tennis Courts	Memorandum of Agreement	June 2024
<b>2018</b>	Removal of the Concessioner Headquarters Building (General Offices)	Memorandum of Agreement	November 2023
<b>2016</b>	Tuolumne Meadows Gas Station Removal	Memorandum of Agreement	August 2021
<b>2015</b>	Emergency Services Rehabilitation	Memorandum of Agreement	January 2020
<b>2014</b>	Merced Wild and Scenic River Comprehensive Management Plan	Programmatic Agreement	March 2034
<b>2013</b>	Rehabilitation of the Mariposa Grove of Giant Sequoias	Memorandum of Agreement (amended 2015)	December 2023
<b>2011</b>	Curry Village Rock Fall Hazard Zone Structures Project	Memorandum of Agreement	December 2021
<b>2011</b>	The Ahwahnee Hotel Comprehensive Rehabilitation Plan	Programmatic Agreement	January 2031
<b>1986</b>	Merced River Hydroelectric Generating System	Memorandum of Agreement	Not specified

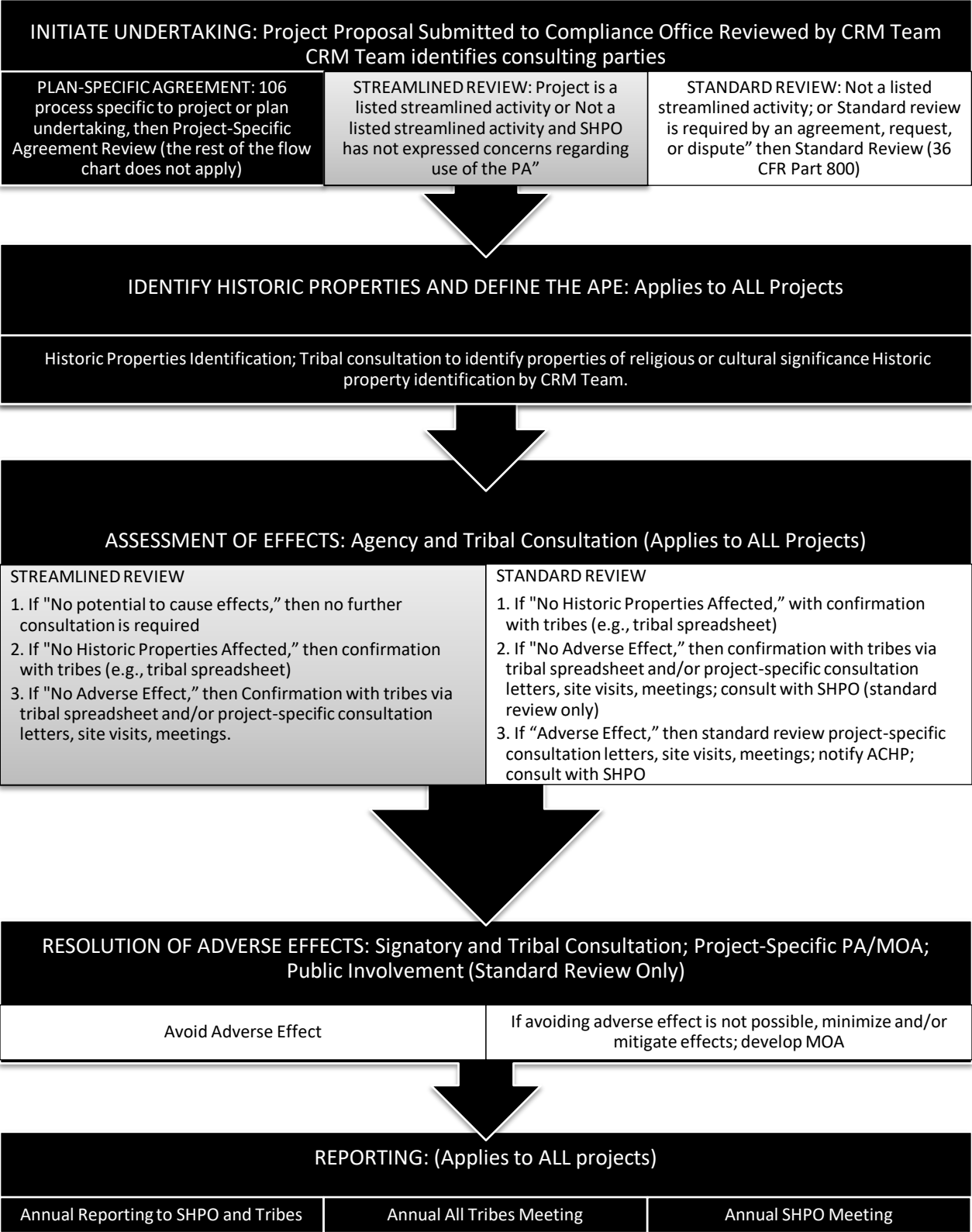
**APPENDIX B – EXISTING PLANS AND PROJECTS (AT THE TIME OF SIGNING OF THIS PA) COMPLETED UNDER THE 1999 PA**

YEAR	PLAN/PROJECT	FINDING OF EFFECT
2014	Tuolumne Wild and Scenic River Comprehensive Management Plan (Environmental Impact Statement)	No Adverse Effect or Potential Adverse Effect – A subset of the actions in the Tuolumne River Plan would be reviewed per standard 36 CFR §§ 800.3-6. Refer to Appendix C of this PA for further details regarding the actions subject to standard review under the Tuolumne River Plan.
2014	White Wolf Lodge Rehabilitation (Environmental Assessment)	Phase 1 - No Adverse Effect Phase 2 –No Adverse Effect
2012	Tioga Road Rehabilitation (Environmental Assessment)	Adverse Effect
2011	Tenaya Lake Area Plan (Environmental Assessment)	No Adverse Effect
2011	Badger Pass Ski Lodge Rehabilitation (Environmental Assessment)	No Adverse Effect
2011	Scenic Vista Management Plan (Environmental Assessment)	No Adverse Effect
2010	Environmental Education Center (Environmental Impact Statement)	Adverse Effect
2010	Invasive Plant Management Plan Update (Environmental Assessment)	No Adverse Effect
2010	Parkwide Communication Data Network (Environmental Assessment)	Determined per review of individual phases of implementation
2006	Yosemite Valley Loop Road Rehabilitation (Environmental Assessment)	No Adverse Effect
2004	Fire Management Plan (Environmental Impact Statement)	Adverse Effect
2002	Yosemite Lodge Area Redevelopment (Environmental Assessment)	Adverse Effect

**APPENDIX C – TUOLUMNE RIVER PLAN ACTIONS REQUIRING STANDARD REVIEW  
PER 36 CFR §§ 800.3-6**

	UNDERTAKING (TUOLUMNE RIVER PLAN ACTION)	FINDING OF EFFECT
1	Modify the Tuolumne River bridge and abutments to mitigate a ponding effect at the meadows.	Potential Adverse Effect
2	Remove non-historic structures inappropriately sited near the riverbank or in wet areas.	No Adverse Effect
3	Demolish the historic public fuel station/mountaineering shop building; redevelop site for day parking. (MOA listed in Appendix A)	Adverse Effect
4	Upgrade the wastewater treatment plant.	Adverse Effect
5	Repair/replace water and wastewater lines.	To be determined
6	Replace vault toilets at Lemberg Dome with flush toilets if water capacity is available after implementation of campground rehabilitation and associated water-conserving actions.	To be determined
7	Rehabilitate the campground, providing better site delineation, improving campground roads, rehabilitating and adding restrooms, upgrading the wastewater collection system if necessary, repairing or replacing leaking water and wastewater lines, and installing low-flow fixtures.	Adverse Effect
8	Relocate campground entrance road and kiosk out of floodplain.	Adverse Effect
9	Realign the campground A-loop road and relocate the 21 campsites that are currently within 100 feet of the Lyell Fork.	Adverse Effect
10	Relocate three guest tent cabins and possibly the dining hall/kitchen to a location more than 150 feet from the river; upgrade the shower house.	Adverse Effect
11	Relocate/upgrade/expand the concessioner employee housing north of the lodge, consolidating all concessioner employee housing at this location.	To be determined
12	Construct new visitor contact station, picnic area, trailhead for Parsons Memorial Lodge, and day parking on south side of Tioga Road.	Potential Adverse Effect
13	Renovate or replace historic tent cabins at Road Camp, Bug Camp, and Ranger Camp in consultation with the California state historic preservation officer.	Potential Adverse Effect
14	Provide additional park employee housing at stable site, if needed; retain and adaptively use the historic stable structures if possible.	To be determined
15	Construct up to five new double-capacity units at Road Camp, designed to be similar to existing units	Potential Adverse Effect
16	Construct bunkhouse at site of existing NPS stable.	To be determined
17	Rehabilitate the historic ranger station.	No Adverse Effect
18	Convert CCC mess hall building to administrative use.	No Adverse Effect
19	If park visitation and demand for day parking in the Tuolumne Meadows area continues to increase, implement a parking reservation system in the future.	No Adverse Effect
20	Implement a wilderness day-use permit system if necessary to ensure that use remains within the standard.	No Adverse Effect

**APPENDIX D – YOSEMITE SECTION 106 REVIEW PROCESS FLOW CHART**



## Outline of Yosemite Section 106 Review Process Flow Chart

- I. INITIATE UNDERTAKING: Project Proposal Submitted to Compliance Office Reviewed by CRM Team CRM Team identifies consulting parties
  - A. PLAN-SPECIFIC AGREEMENT: 106 process specific to project or plan undertaking, then Project-Specific Agreement Review (the rest of the flow chart does not apply)
  - B. STREAMLINED REVIEW: Project is a listed streamlined activity or Not a listed streamlined activity and SHPO has not expressed concerns regarding use of the PA”
  - C. STANDARD REVIEW: Not a listed streamlined activity; or Standard review is required by an agreement, request, or dispute” then Standard Review (36 CFR Part 800)
- II. IDENTIFY HISTORIC PROPERTIES AND DEFINE THE APE: Applies to ALL Projects
  - A. Historic Properties Identification; Tribal consultation to identify properties of religious or cultural significance Historic property identification by CRM Team.
- III. ASSESSMENT OF EFFECTS: Agency and Tribal Consultation (Applies to ALL Projects)
  - A. STREAMLINED REVIEW
    - 1. If "No potential to cause effects," then no further consultation is required
    - 2. If "No Historic Properties Affected," then confirmation with tribes (e.g., tribal spreadsheet)
    - 3. If "No Adverse Effect," then Confirmation with tribes via tribal spreadsheet and/or project-specific consultation letters, site visits, meetings.
  - B. STANDARD REVIEW
    - 1. If "No Historic Properties Affected," then confirmation with tribes (e.g., tribal spreadsheet)
    - 2. If "No Adverse Effect," then confirmation with tribes via tribal spreadsheet and/or project-specific consultation letters, site visits, meetings; consult with SHPO (standard review only)
    - 3. If "Adverse Effect," then standard review project-specific consultation letters, site visits, meetings; notify ACHP; consult with SHPO

IV. RESOLUTION OF ADVERSE EFFECTS: Signatory and Tribal Consultation; Project-Specific PA/MOA; Public Involvement (Standard Review Only)

- A. Avoid Adverse Effect
- B. If avoiding adverse effect is not possible, minimize and/or mitigate effects; develop MOA

V. REPORTING: (Applies to ALL projects)

- A. Annual Reporting to SHPO and Tribes
- B. Annual All Tribes Meeting
- C. Annual SHPO Meeting



## APPENDIX E – Undertakings Eligible for Streamlined Review

Project proponents shall submit all project proposals to the park Compliance Office. The Park Cultural Resources Program Manager, in coordination with the Park Section 106 Coordinator and other members of the CRM Team, shall determine if each proposed undertaking is included among or is comparable in scope, scale, and effect to an activity listed in this Appendix. These undertakings will be referred to as “streamlined activities.” If the Park Cultural Resources Program Manager determines, in coordination with the Park Section 106 Coordinator and other members of the CRM Team, that the process identified in Stipulation III.A-E is followed for a proposed undertaking, no further consultation is required unless otherwise specifically requested by SHPO, Federally Recognized Indian Tribes, traditionally associated American Indian groups, or ACHP.

The Streamlined Review Process may be used for the following list of activities, including activities comparable in scope, scale, and effect, excluding new construction, provided that the requirements in Stipulation III are met. The park shall include descriptions of streamlined activities not expressly described in Appendix E in the annual report so that signatories and consulting parties may track and comment on the park’s use of the streamlined activities.

### A. Streamlined Activities

#### 1. Preservation Maintenance, Repair, and Minor Rehabilitation of Historic Properties (Built Environment)

Treatment of a historic property to improve its condition without altering its historic character:

- a) Repair of deteriorated historic features – these features shall be repaired in-kind rather than replaced. This may include matching the material that was present during the period of significance, both physically and visually, such as species, type, composition, and texture of the historic fabric. If the severity of deterioration requires replacement of a distinctive feature, the park shall ensure that the new feature matches the old in design, color, texture, and, if possible, materials. The park shall ensure that replacement of missing features is substantiated by documentary and/or physical evidence. In-kind replacement of historic features (i.e. character-defining) when the level of deterioration or damage of materials precludes repair.
- b) Non-destructive cleaning and stabilization to protect damaged materials, historic features (i.e. character-defining) retaining to the greatest extent possible the building’s existing form, features, and materials.
- c) Removal and/or alteration of non-historic features, materials, and debris from a building without affecting the building by the method of removal.
- d) Repainting in the same color as existing, or in similar colors or historic colors based upon a historic structure report, cultural landscape report, and/or a historic paint color analysis.

- e) Removal and exclusion of pests and repair of pest damage (e.g., weather stripping, door sweeps, plugging of access points for rodents, termite bait treatments, exclusionary netting).
- f) Interior and exterior energy improvements limited to insulation in the attic or basement and installation of weather stripping and caulking.
- g) In-kind repair and replacement in the same location, alignment, and width of deteriorated pavement, including asphalt, concrete, masonry unit pavers, brick, and stone.
- h) Repair, maintenance, or replacement of non-historic features (e.g., appliances, furnishings, insulation) with compatible materials consistent with the Standards.
- i) Changes in use of a building (interior and exterior) that do not adversely affect historic properties and are consistent with the Standards (e.g., installation or removal of removable office partitions within a building, conversion of retail space for office use).

2. Rehabilitation, Repair, Construction, or Minor Relocation of Trails, Walks, Paths, Boardwalks, and Sidewalks, and Abandoned Roads where the ground is previously disturbed or in areas inventoried by a qualified archeologist

- a) Regrading, graveling, repaving, or other in-kind maintenance of all trails, walks and paths within existing disturbed depths and alignments.
- b) Maintenance of vegetation on and adjacent to trails, walks, paths, boardwalks, and sidewalks (e.g., pruning, thinning, removal).
- c) Minor realignment of trails, walks, and paths.
- d) Changing the material or color of existing, non-historic surfaces using materials that are consistent with the Standards or are recommended in an approved treatment plan.
- e) Construction of water bars in keeping with the historic design and configuration or following the recommendations of an approved treatment plan.
- f) Maintenance and in-kind repair of associated contributing/historic walls. Maintenance and repair of associated non-contributing/non-historic walls.
- g) Establishment of new trails, walkways, and boardwalks that avoid adverse effects to historic properties in a manner consistent with the Standards.

3. Maintenance/Repair/Resurfacing/Removal of Roads and Parking Areas

- a) Maintenance, repair, resurfacing, removal, or replacement of existing roads, parking areas, and associated features (e.g., bridges) that have been determined not eligible for listing on the National Register.

- b) Maintenance, in-kind repair, in-kind replacement of small-scale features or resurfacing of roads and parking areas that have been determined eligible for listing on the National Register (or that have not been fully evaluated and are being treated as eligible).
- c) Maintenance of vegetation within and adjacent to roads and parking areas (e.g., pruning, thinning, removal).
- d) Expansion of existing surfaced areas or construction of new surfaces while avoiding adverse effects and consistent with the Standards. New or expanded surface may not be an addition to, or continuation of, existing surfaces that are listed or eligible for listing on the National Register.
- e) Removal of existing surfaced areas provided that the surfacing is not a historic feature of the historic property.
- f) Maintenance, repair, and replacement of road/trail culverts and/or headwalls and other drainage improvements (e.g., rip rap, ditches, water bars, subsurface drains, curbs, swales). The park shall replace historic culverts and headwalls in-kind.
- g) Installation of new culverts, headwalls, and other drainage improvements adjacent to or within a historic property and avoiding adverse effects to archeological resources when consistent with the Standards.
- h) Changes in function or use of a road that do not adversely affect historic properties and are consistent with the Standards (e.g., re-directed traffic flow, use of pull-outs and parking areas for temporary construction staging).

4. Health and Safety Activities

- a) Sampling/testing of historic fabric to determine hazardous content (e.g., lead paint, asbestos, radon). The park shall repair sampled/tested fabric consistent with the Standards with compatible materials of the sampled / tested fabric. This activity does not cover undertakings to remediate any hazardous material.
- b) Non-destructive activities to address health and safety problems (e.g., application of surface pesticide treatments or treatments to address vector-borne pathogens).
- c) Testing, removal, and remediation of potentially contaminated soil. The park shall implement site restoration within historic properties consistent with the Standards.
- d) Removal and/or replacement of underground or above-ground tanks and related supply and distribution lines (e.g., water, oil, fuel, and septic). The park shall replace tanks within historic properties consistent with the Standards and with the same massing, scale, and footprint.

- e) Destruction of inactive non-historic water wells by sealing and filling with impervious inorganic material in accordance with the California Water Code.
- f) Removal of hazardous substances within previously disturbed areas (e.g., dump sites, contaminated ground water). The park shall implement site restoration within historic properties consistent with the Standards.
- g) Removal or encapsulation of hazardous substances within a building or structure (e.g., asbestos and lead-based paint). The park shall implement treatment of historic properties consistent with the Standards.
- h) Removal of natural and human-made debris following weather or geologic events such as a fire, rock fall, flood, heavy snowstorm, or similar major weather events. Debris shall be evaluated by the specialist(s) within the CRM Team to determine if it contains salvageable material from a historic property in its physical context prior to removal.
- i) Maintenance and upgrades of fire detection and suppression systems and security alarm systems for historic properties consistent with the Standards.
- j) Remediation and/or repair of pest damage. Refer to 1.e of this appendix for actions related to buildings.

5. Routine Grounds Maintenance

- a) Routine maintenance of gardens, orchards, or other cultural landscape resources with no changes in layout or design and replacement of existing vegetation with species that are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes. Planting and replanting of vegetation with compatible species.
- b) Maintenance or removal of non-historic vegetation on earthworks (e.g., ditches and other archeological features).
- c) Routine maintenance of cemeteries and grave markers with tools and treatments that do not damage the markers.
- d) Removal, pruning, topping, trimming, and limbing of trees and vegetation to provide for tree health or to address critical health/safety conditions along roadways, road prisms, utility corridors, trails, and developed areas. The park shall use directional falling and limbing to avoid damage to archeological sites. The park shall implement removal to avoid disturbance to archeological sites, and shall require an archeological monitor if recommended by the CRM Team. Logs left in place should not generate risk of indirect effects to historic properties from intense burning.
- e) Routine ground maintenance including lawn mowing, leaf removal, weeding, watering, fertilizing, and installation and maintenance of irrigation

systems outside of documented archeological site boundaries and historic properties of religious and cultural significance, or within archeological site boundaries in areas of documented previous disturbance.

f) Installation, replacement, repair, and maintenance of the following non-historic, small-scale features requiring concrete pads (e.g., bear boxes, campfire grills, garbage/recycling cans and dumpsters, picnic tables) when excavation would not adversely affect archeological resources.

g) Installation and maintenance of landscape features requiring staking or laying markers on the ground (e.g., campsite markers, half logs, and road delineators).

h) Maintenance of recreational structures (e.g., tennis courts, ice rinks, golf courses, swimming pools, playgrounds, ski runs, and ball fields).

i) Temporary placement of rocks, logs, or fencing with the timeframe to be identified according to project specific needs and documented in the annual report as physical barriers for resource protection provided that introduction of new features does not adversely affect a historic property.

j) Removal of exotic and/or invasive species of plants or animals that are not historic features (e.g., Himalayan blackberry, velvet grass, non-native bullfrogs).

k) Maintenance and repair of historic vegetation, scenic vistas, and small-scale landscape features. Addition of non-historic small-scale landscape features (e.g., planter borders, pathway delineation) must be consistent with the Standards.

l) Grading of terrain adjacent to a building to facilitate water run-off.

m) Changes in function or use of the landscape that do not adversely affect historic properties and are consistent with the Standards (e.g., use of grounds for temporary construction staging, temporary use of abandoned campground for parking).

## 6. Hazardous Fuel and Fire Management

a) In order to use the Streamlined Review Process for this activity, identification and evaluation of all types of historic properties within the project area of potential effect (APE) must have been previously undertaken, sufficient to assess effects on those resources. Identification and evaluation of historic properties of religious and cultural significance to Indian tribes must be based upon consultation with those entities. All properties within the APE must have previously been evaluated for eligibility to the National Register of Historic Places and the SHPO/THPO must have concurred with the eligibility determination. Inventory records should be periodically reviewed and updated, as necessary, to ensure data on historic properties, including condition information, is current, and any previous evaluations of significance remain accurate.

b) The Streamlined Review Process may be used only if the park has an approved fire management plan or forest management plan. If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate traditionally associated American Indian tribes and groups may be invited to participate in monitoring. Following completion of activities under this section, post-burn inspection and monitoring should be conducted by a qualified archeologist to ensure no archeological sites were impacted or previously unknown sites revealed.

c) Consistent with the approved fire management plan or forest management plan, this streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

(1) Removal of dead and downed vegetation, outside of historic districts, cultural landscapes, and archeological sites, using equipment and methods that do not introduce ground disturbance beyond documented natural or historic disturbance.

(2) Removal of dead and downed vegetation, as well as trees and brush located within historic properties, if the vegetation does not contribute to the significance of the historic property and equipment and methods are used that do not introduce ground disturbance beyond documented natural or historic disturbance.

(3) Forest management practices, including thinning of tree stands, outside of historic districts, cultural landscapes, and archeological sites, using equipment and methods that do not introduce ground disturbance beyond documented natural or historic disturbance.

(4) Restoration of existing fire line disturbances, such as hand lines, bulldozer lines, safety areas, helispots, and other operational areas.

(5) Slope stabilization, to include reseeding with native seeds, replanting with native plants and/or grasses, placement of straw bales, wattles, and felling of dead trees when the root ball is left intact and in situ.

#### 7. Installation of Monitoring Units

Placement of small-scale, temporary or permanent environmental and visitor-use monitoring units (e.g., weather stations, termite bait stations, water or air quality monitoring equipment, traffic and pedestrian counters/cameras, vegetation plots, or

wildlife stations) using equipment and methods that avoid adverse effects to historic properties.

8. Maintenance or Replacement of Non-Historic Utility Lines, Transmission Lines, and Fences

In order to use the Streamlined Review Process for this activity, identification and evaluation of all types of historic properties within the project area of potential effect (APE) must have been previously undertaken, sufficient to assess effects on those resources. Identification and evaluation of historic properties of religious and cultural significance to Indian tribes must be based upon consultation with those entities. All properties within the APE must have previously been evaluated for eligibility to the National Register of Historic Places and the SHPO/THPO must have concurred with the eligibility determination. Inventory records should be periodically reviewed and updated, as necessary, to ensure data on historic properties, including condition information, is current, and any previous evaluations of significance remain accurate.

If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendations of the CRM Team. When monitoring is recommended, members of any traditionally associated American Indian tribes or groups may be invited to participate in monitoring.

This streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

- a) Maintenance or replacement of buried linear infrastructure in previously disturbed areas. The area of previous disturbance must be documented by a qualified archeologist and must coincide with the route of the infrastructure in its entirety.
- b) Replacement of non-historic materials, provided the undertaking will not impact adjacent or nearby historic properties and is not located in a historic property, or visible from an above-ground historic property.
- c) Maintenance or replacement of infrastructure, such as old water distribution systems, that has been determined to be not eligible for the National Register, in consultation with the SHPO/THPO.
- d) Maintenance of above-ground infrastructure.
- e) Replacement of above-ground infrastructure provided the undertaking is not located in a historic property or visible from an above-ground historic property.
- f) Enhancement of a wireless telecommunications facility, including the updating of mechanical equipment, provided the activities do not involve excavation nor any increase to the size of the existing facility.

9. Installation of Signs, Wayside Exhibits, and Plaques

If an approved treatment plan exists for a given historic property (such as a historic structure report, cultural landscape report, or preservation maintenance plan), the proposed undertaking needs to be in accordance with that plan. If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate traditionally associated American Indian tribes and groups may be invited to participate in monitoring. This streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

- a) Replacement of existing signage in the same location with similar style scale and materials
- b) New signs that meet NPS standards, e.g. at entrance to the park or related to the park's interpretive mission, provided the sign is not physically attached to a historic building, structure, or object (including trees) provided the sign is to be located outside of documented archeological site boundaries and historic properties of religious and cultural significance, or within archeological site boundaries in previously disturbed areas or areas inventoried and found to contain no eligible archeological resources, and provided that the actions are completed in a manner that does not adversely affect historic properties directly, indirectly, or cumulatively.
- c) Replacement of interpretive messages on existing signs, wayside exhibits, or memorial plaques.
- d) Small developments such as paved pads, benches, and other features for universal access to signs, wayside exhibits, and memorial plaques in previously disturbed areas or areas located outside of documented archeological site boundaries and historic properties of religious and cultural significance, or within archeological site boundaries in previously disturbed areas or areas inventoried and found to contain no eligible archeological resources, and provided that the actions are completed in a manner that does not adversely affect historic properties directly, indirectly, or cumulatively.
- e) Installation of temporary warning/information signs (e.g., closures, repairs, restoration, seasonal wildlife notices, detours, safety, hazards). The timeframe for temporary signs will be identified according to project specific needs and documented in the annual report.
- f) Memorial plaques placed within established zones that allow for such placement.



10. Reburial of Human Remains and Other Cultural Items Subject to the Native American Graves Protection and Repatriation Act (NAGPRA)

- a) Reburial in previously disturbed areas, in areas excavated using archeological methods, or in areas inventoried and found to contain no archeological resources eligible for the National Register.
- b) Reburial in park-administered areas must be in conformance with NPS cultural resource policies including those on cemeteries and burials.

11. Meeting Accessibility Standards

- a) Reconstruction or repair of existing wheel chair ramps and sloped walkways provided the undertaking does not exceed the width or depth of the area of previous disturbance.
- b) Upgrading restrooms interiors in historic structures within existing room floor area plan to achieve accessibility, unless the historic features and/or fabric of the restroom contribute to the historic significance of the structure.

12. Mechanical, Electrical and Plumbing Systems

- a) Interior: Maintenance, repair, replacement, rehabilitation, removal, installation, or upgrades to mechanical, electrical, and plumbing systems provided the activity does not include removal of historic features or alter or obscure the historic character of the property's character defining materials, features, and spaces and does not constitute an adverse effect.
- b) Exterior: Maintenance, repair, replacement, rehabilitation, removal, installation, or upgrades to mechanical, electrical, and plumbing systems provided there is no change to the massing, size, or scale of the equipment and any related elements.

13. Acquisition of Lands for Park Purposes

The streamlined review process may be used for the acquisition of land for park purposes, including additions to the park. Stipulation III.C – Identifying Historic Properties within APE of this PA does not apply to this activity provided the acquisition does not include any further treatment or alteration of newly acquired lands, because access to land for inventory and evaluation prior to NPS acquisition may be limited. This does not relieve the park of Section 110 inventory responsibilities after acquisition. The park shall protect any known or potential historic properties on the land acquired from demolition by neglect. Pursuant to 36 CFR § 800.5(a)(2)(vi), demolition by neglect constitutes an adverse effect. Undertakings proposed in conjunction with the acquisition

that have the potential to adversely affect historic properties, must be reviewed per 36 CFR Part 800.

14. Permitting, Leasing, Agreements, Contracts, and Commercial Use Authorizations

a) Issuances, extensions, renewals, reissuances, or minor modifications of concession contracts, special use permits, rights-of-way, or leases (e.g., concessioner contracts assigning operation and maintenance of the properties within the concessioner's land assignment, leases or special use permits with partner organizations and private homeowners in El Portal, wireless telecommunications rights-of-way, special use permits for rights of way or the day care organization, interagency agreements with the United States Postal Service and Mariposa County School District). The park shall evaluate for eligibility for streamlined review proposed undertakings by the permittee, lessee, concessioner, or contractor. The park shall process permits, leases, agreements, contracts and authorizations under the terms this PA like any other undertaking.

b) Research and collection permits provided that activities are approved by the park research permit review committee. The CRM Team shall review activities with potential to affect historic properties to ensure there are no adverse effects to historic properties. Researchers must use NPS Research Permit and Reporting System online system for applying for permits and reporting on findings.

c) The park may issue a letter of authorization in response to an approved application by a private individual to scatter cremated remains (cremains) provided that remains are dispersed in park-approved locations and avoid adverse effects to historic properties and culturally sensitive locations and are out of the sight of any public use areas including roads, walkways, trails, and parking areas. Park-approved locations are determined through CRM Team review and consultation with Federally Recognized American Indian Tribes and traditionally associated American Indian groups. All such activity must occur at least 100 yards from any watercourse or creek bed (running or dry). Cremains must be spread over an area large enough that no single portion is accumulated in one place. The cremation identification disc must not be dispensed or left on site during or after scattering activity. No marker of any kind can be left to commemorate the event.

d) Special use permits may be issued provided that activities are restricted to park-approved locations and avoid adverse effects to historic properties and culturally sensitive locations. Activities requiring special use permits include activities such as film and photography, weddings and special events, First Amendment activities, and educational programs.

e) Commercial use authorizations may be issued for commercial services provided that activities are restricted to park-approved locations and avoid adverse effects to historic properties and culturally sensitive locations. Services include commercial guiding activities such as hiking and backpacking, stock use, Nordic skiing, fishing, hang gliding, motorcycle tours, commercial passenger vehicles, art workshops, and commercial transportation services (e.g., road-based

sightseeing tours and in-park non tour point-to-point transportation, camping trailer delivery).

15. Actions to Non-Historic Buildings, Structures, and Landscapes

- a) Maintenance and repair activities of non-historic buildings, structures, and landscapes within the setting of a historic property or district (built environment).
- b) Maintenance, repair, removal, or remodeling within existing size, scale, and massing of non-historic, privately-owned residences on federal land (e.g., El Portal Administrative Site) located outside of documented archeological site boundaries and historic properties of religious and cultural significance, or within archeological site boundaries in previously disturbed areas or areas inventoried and found to contain no eligible archeological resources.
- c) Changes in function or use of a non-historic building, structure, or landscape that do not adversely affect historic properties (e.g., conversion of equipment room to office space).

16. Ecological Restoration and Site Stabilization of Archeological Resources and Historic Properties of Religious and Cultural Significance

- a) Disassembly of non-historic cairns, rock features, campfire rings and dispersal of charcoal determined not to be archeological resources by a qualified archeologist. Features must not be associated with contemporary traditional use by Federally Recognized American Indian Tribes and traditionally associated American Indian groups.
- b) Decompaction of soil and/or contouring impacts to immediate landscape.
- c) Salvage and replanting of locally obtained plants.
- d) Removal of conifers for meadow restoration.
- e) Seeding, mulching, and planting of restoration areas with locally gathered materials.
- f) Obstruction of restoration areas with logs, rocks, fencing, and natural camouflage to discourage use.
- g) Removal of non-historic trails.
- h) Capping of archeological resources with fill material.

17. Small-Scale Non-Historic Buildings, Structures, and Features

- a) Demolition or removal of non-historic (less than 45 years old), small-scale buildings, structures, and features (e.g., storage sheds, dog fences, portalets, picnic tables, bear boxes, trash cans, grills).

- b) Relocation or installation of small-scale features (e.g., non-historic storage sheds, dog enclosures, portalets) located outside of documented historic properties, or within archeological district boundaries in previously disturbed areas or areas inventoried and found to contain no eligible archeological resources, and provided that the actions are completed in a manner that does not adversely affect historic properties directly, indirectly, or cumulatively.

18. Litter Removal

Removal of non-historic litter (e.g., by organized groups, park partners, park staff) provided that participants receive training to identify historic archeological material as well as guidance to avoid adverse effects to historic properties and culturally sensitive locations. Park archeologists shall provide education, educational materials, and monitor activities to discourage collection of historic material. The park shall treat inadvertent discoveries and unanticipated effects according to Stipulation VI of this PA.

19. Research and Preliminary Investigations in Support of Future Actions

- a) Archeological test excavations and limited surface collections that have no adverse effect on archeological resources. The park shall ensure that archeological test investigations are guided by the Yosemite National Park Archaeological Synthesis and Research Design, Yosemite National Park, California (Hull and Moratto, 1999) or a project-specific research design.
- b) Sampling and destructive fabric analysis of historic buildings, structures, or objects such as paint, wood trim, and sheathing. The park shall repair all damage in-kind or with compatible materials consistent with the Standards.
- c) Geotechnical borings, installation of piezometer and ground water monitoring wells, percolation tests, and soil tests including soil pits and soil sampling associated with site investigation, wetland delineation, and other baseline research.
- d) Land survey and associated activities including establishing site lines, staking, installing survey markers.