

**PROGRAMMATIC AGREEMENT
BY AND AMONG THE
U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE,
ALASKA STATE HISTORIC PRESERVATION OFFICER,
AND
COOK INLET REGION, INC.
REGARDING THE
JOHNSON TRACT DEEDS OF EASEMENTS,
LAKE CLARK NATIONAL PARK AND PRESERVE, ALASKA**

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WHEREAS, the U.S. Department of the Interior (“**Department**”) plans to convey through Deeds the congressionally-mandated port and transportation easements to provide access to the Johnson Tract to the Cook Inlet Region, Inc. (“**CIRI**”); and

WHEREAS, the conveyance is mandated by the “Terms and Conditions for Land Consolidation and Management of the Cook Inlet Area” (“**TERMS and CONDITIONS**”), a 1975 agreement among the Department, CIRI and the State of Alaska, which settled certain of CIRI’s claims under the Alaska Native Claims Settlement Act, 42 U.S.C. 1601, et seq. (“**ANCSA**”) and was incorporated into federal law and ratified by Congress in Section 12 of Public Law 94-204 as amended by Public Law 94-456 (collectively, the “**1976 Public Laws**”) and approved by the Alaska Legislature in 1976; and

WHEREAS, the Johnson Tract easements will transect the Lake Clark National Park and Preserve (“**Park**”), which is managed by the National Park Service (“**NPS**”); and

WHEREAS, pursuant to the TERMS and CONDITIONS, as ratified and incorporated into by federal law by the 1976 Public Laws, the easements will enable development of the Johnson Tract—a 20,942-acre inholding within the Park, in which CIRI holds in fee simple the rights to metalliferous minerals (*i.e.*, subsurface estates) on the North and South Blocks and a surface estate on the South Block, and which is subject to a restriction that it only be used for purposes reasonably incident to mining and mineral extraction; and

WHEREAS, the TERMS and CONDITIONS specify that:

The Secretary shall also convey to CIRI an easement for a port which shall reasonably provide for receiving, shipping, storage and incidental handling, and incidental facilities thereto, of the minerals extracted from [the Johnson Tract]. The Secretary shall also convey to CIRI a transportation easement to provide for transportation by road, rail or pipeline, of the minerals from the [Johnson Tract] to the port easement. The Secretary and CIRI shall mutually agree upon the location of these two easements; and

WHEREAS, Congress mandated that the conveyances of the Johnson Tract mineral rights, fee simple land and easements “shall be considered and treated as conveyances under [ANCSA],” Section 12(c) of Pub. L. 94-204, and are therefore undertaken in partial fulfillment of CIRI’s entitlements under ANCSA and thus subject to section 910 of the Alaska Native Interest Land Conservation Act, 43 U.S.C. § 1638; and

WHEREAS, CIRI, in collaboration with the NPS Alaska Regional Office, prepared an environmental analysis document in 1993 that described findings of a cultural resources field investigation and identified one feasible location for the transportation easement; and

WHEREAS, at the time of initial development of this Programmatic Agreement (“**PA**”), proposals for the mineral development of the Johnson Tract, the port, and the transportation facilities do not currently exist and may be many years away, if they ever materialize; and

WHEREAS, nonetheless, CIRI is seeking for the Department to complete the conveyance of the congressionally-mandated easements; and

WHEREAS, the Department and CIRI intend to agree to amend and shrink the easement areas as the Project progresses through three Phases: Planning, Construction, and Operation and Maintenance; and

WHEREAS, without prejudice to any arguments that the procedural requirements contained in Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108 (“**NHPA**”) and the Advisory Council on Historic Preservation (“**ACHP**”) Section 106 implementing regulations, 36 C.F.R. Part 800, do not apply to mandatory conveyances under ANCSA, the Department and CIRI have agreed to treat the conveyance of the easements through the execution and potential later amendment of Deeds as if it is an undertaking for purposes of establishing a process to ensure consideration of historic properties throughout the term of the Deeds (“**the Undertaking**”); and

WHEREAS, CIRI anticipates that other federal agencies may be involved in the Undertaking in the future, prior to the initiation of construction of permanent improvements associated with the Project, due to the issuance of the necessary permits and other authorizations for construction of the transportation and port facilities; and

WHEREAS, in consultation with the Alaska State Historic Preservation Officer (“**SHPO**”) and in compliance with 36 C.F.R. § 800.4(a)(1), NPS has determined and documented the Undertaking’s Area of Potential Effects (“**APE**”) for the Planning Phase, which is described herein and depicted in Appendix A; and

WHEREAS, a cultural resources reconnaissance report was prepared for NPS and CIRI’s leaseholder, HighGold/JT Mining, Inc., in February 2024 documenting the findings of a desktop analysis and a reconnaissance survey, and recommending additional identification efforts; and

WHEREAS, assuming Section 106 applies, a **PA** is appropriate under 36 C.F.R. § 800.14(b)(1)(ii), because the Undertaking is a complex project and its effects on historic properties cannot be fully determined prior to conveyance of the easements, and has been prepared pursuant to 36 C.F.R. § 800.6 and § 800.14(b)(3); and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), by letter dated August 20, 2024, NPS invited the **ACHP** to participate in consultation, and, by letter dated August 28, 2024, **ACHP** declined to participate; and

WHEREAS, NPS is consulting with **SHPO** pursuant to 36 C.F.R. § 800.2(c)(1), and **SHPO** is a Signatory to this **PA** pursuant to 36 C.F.R. § 800.6(c)(1)(ii); and

WHEREAS, NPS has consulted with CIRI on the development of this **PA** pursuant to 36 C.F.R. § 800.2(c)(4), and CIRI is an Invited Signatory to this **PA** pursuant to 36 C.F.R. § 800.6(c)(2)(iii); and

WHEREAS, NPS recognizes its government-to-government responsibility to consult with federally-recognized Indian Tribes that may attach traditional religious and cultural significance to historic properties, including historic properties located off tribal lands and traditional cultural properties and traditional cultural landscapes that may be associated with resources that are eligible for or listed in the National Register of Historic Places (“**NRHP**”) that may be affected by the Undertaking, and will continue to consult with such potentially affected Indian Tribes under Section 106; and

WHEREAS, NPS has invited the potentially affected Indian Tribes—as defined in 36 C.F.R. § 800.16(m) to include federally recognized Indian Tribes (i.e., native villages), regional corporations, and village corporations—that are listed in Appendices B.1 and B.2 of this **PA** to participate in consultation pursuant to 36 C.F.R. § 800.2(c)(2)(ii), and whereas the NPS has also invited them to sign the **PA** as Concurring Parties pursuant to 36 C.F.R. § 800.6(c)(3); and

WHEREAS, NPS has invited the individuals and organizations with a demonstrated interest in the Undertaking and expertise in historic properties and preservation that are listed in Appendix B.3 of this PA to participate in consultation pursuant to 36 C.F.R. § 800.2(c)(5), and whereas the NPS has also invited them to sign the PA as Concurring Parties pursuant to 36 C.F.R. § 800.6(c)(3); and

WHEREAS, NPS provided the public an opportunity to review and comment on the Undertaking consistent with 36 C.F.R. § 800.6(a)(4); and

NOW, THEREFORE, the Signatories and Invited Signatory agree that the Undertaking shall be implemented in accordance with the following stipulations in order to take into account the potential effect of the Undertaking on historic properties.

STIPULATIONS

NPS shall ensure that the following stipulations are carried out:

I. THE PROJECT

- A. The Deeds each define a project, which shall collectively be referred to herein as **“the Project”** for purposes of this PA:
 - 1. Under the Deed of Transportation Easement, the project includes the designing, engineering, permitting, constructing, modifying, improving, using, operating, maintaining, and reclamation of a road or rail line plus Incidental Facilities, as defined therein, for the transportation of minerals extracted from the Johnson Tract to the Port Easement Area, along with the transportation of all other equipment, goods, fuel, supplies, waste, material, personnel, or other resources for purposes reasonably incident to mining and mineral extraction on the Johnson Tract.
 - 2. Under the Deed of Port Easement, the project includes designing, engineering, permitting, constructing, modifying, improving, using, operating, maintaining, and reclamation of a port plus Incidental Facilities, as defined therein, for the receiving, shipping, storage, and incidental handling of minerals extracted from the Johnson Tract, along with the receiving, shipping, storage, and incidental handling of all other equipment, goods, fuel, supplies, waste, material, personnel, or other resources for purposes reasonably incident to mining and mineral extraction on the Johnson Tract.
- B. The Project shall be composed of three Phases, which are defined based on CIRI’s permissible uses of the easements:
 - 1. During the **“Planning Phase,”** CIRI’s use of the transportation easement shall include activities reasonably necessary to design, engineer, and permit the Project, including geotechnical assessment through the drilling of boreholes, hydrology and hydraulics analysis, additional environmental and cultural resource surveys, and associated disturbance to enable access throughout the transportation easement area for such activities. CIRI’s use

of the port easement shall include activities reasonably necessary to design, engineer, and permit the Project, including geotechnical assessment through the drilling of boreholes, hydrology and hydraulics analysis, additional environmental and cultural resource surveys, and associated disturbance to enable access throughout the port easement area for such activities. CIRI's use of the easements shall also include reclamation activities.

2. During the “**Construction Phase**,” CIRI's use of the transportation easement shall include activities reasonably necessary to re-design, re-engineer, and re-permit, as necessary, and construct, modify, or improve the Project. CIRI's use of the Port Easement shall include activities reasonably necessary to re-design, re-engineer, and re-permit, as necessary, and construct, modify, or improve the Project, as well as to receive, ship, store, and incidentally handle equipment, goods, fuel, supplies, waste personnel, or other resources for activities necessary to perform such activities within the port easement and transportation easement. CIRI's use of the easements shall also include reclamation activities.
3. During the “**Operation and Maintenance Phase**,” CIRI's use of the transportation easement shall include activities reasonably necessary to re-design, re-engineer, re-permit, re-construct, modify, or improve, as necessary, and use, operate, and maintain the Project. CIRI's use shall also include reclamation activities. CIRI's use of the Port Easement shall include activities reasonably necessary to re-design, re-engineer, re-permit, re-construct, modify, or improve, as necessary, and use, operate, and maintain the Project. CIRI's use of the easements shall also include reclamation activities.

II. STANDARDS

- A. NPS will review work carried out pursuant to this PA and comply with applicable standards, including the *Secretary of the Interior's Standards for Archeology and Historic Preservation* (48 Fed. Reg. 44716), as updated (“**Standards and Guidelines**”).
- B. NPS will ensure that persons supervising cultural resources work on its behalf hold any necessary permits and/or authorizations, as appropriate, for archaeological inventory, monitoring, and other archaeological investigations, and meet the Standards and Guidelines, as well as the *Secretary of the Interior's Professional Qualification Standards* (48 Fed. Reg. 44716, 44738–39) for the applicable discipline, as updated.
- C. NPS recognizes that Indian Tribes, as defined in 36 C.F.R. § 800.16(m), or other groups, may have special expertise regarding places of traditional religious, spiritual, or cultural significance, or Traditional Cultural Properties, but these individuals or groups may not meet the standards in Stipulations II.A and II.B. However, NPS will equally consider and incorporate special expertise into decisions regarding the implementation of this PA, consistent with 36 C.F.R. § 800.2(c)(2).

III. ADMINISTRATIVE STIPULATIONS

- A. The Deeds to be executed by NPS and CIRI shall require compliance with this legally enforceable PA, so that appropriate provisions of this PA and its requirements become binding on CIRI while the PA is in effect consistent with Stipulation XIX.
- B. The Signatories and Invited Signatories, collectively the “**Signatories**,” recognize that certain information about historic properties or archaeological resources are protected from public disclosure under Section 304 of the NHPA, 54 U.S.C. § 307103, the ACHP Section 106 implementing regulations, 36 C.F.R. § 800.11(c), the Archaeological Resources Protection Act (16 U.S.C. 470aa et seq.; 43 C.F.R. § 7.18), and Alaska State law, as required by Public Law 96-95, AS 40.25.120(a)(4), and Policy and Procedure No. 50200. Signatories and Consulting Parties (see Appendix B) shall ensure that all actions and documentation prescribed by this PA are consistent with the non-disclosure requirements of these laws. The Signatories shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy, risk harm to the historic property, or impede the use of a traditional religious site by practitioners.
- C. Any of the Signatories may seek qualified independent expert consultation through a contractor in order to fulfill the responsibilities under this PA, provided the contractor meets the qualifications in Stipulation II.B.
- D. Specific terms used herein have the meanings given to them in 36 C.F.R. § 800.16. Any additional definition of such terms herein shall be interpreted to supplement those at 36 C.F.R. § 800.16.
- E. Signatories, Concurring Parties, and Consulting Parties shall have the roles, rights, and responsibilities assigned to them in 36 C.F.R. §§ 800.2, 800.6.

IV. ROLES AND RESPONSIBILITIES

- A. NPS is responsible for administering this PA and shall ensure that all of the PA’s stipulations are carried out.
- B. NPS and CIRI may use a phased process consistent with 36 C.F.R. § 800.4(b)(2), to conduct further identification and evaluation—both for the initial proposal and for any modifications to the Undertaking. Such phasing may be based on Phases, Components, Segments, or Stages.¹ However, CIRI may not initiate activities that could adversely affect potential historic properties (e.g., mechanized ground disturbance) during the Construction Phase and Operation and Maintenance Phase until identification, evaluation, assessment, and resolution of any adverse effects, as necessary, has been completed for that Phase, Component, Segment, or Stage. Nothing herein is intended to prohibit CIRI from conducting baseline studies and

¹ “**Components**” are defined as types of infrastructure features. “**Segments**” are defined as geographical sections of the Project. “**Stages**” are defined as the specific construction activities that would occur for each construction Phase or Component.

similar activities that may be necessary to prepare for, or comply with, requirements under federal, state, and local laws and regulations, as long as CIRI implements the Planning Phase CRMP, including its monitoring requirements.

- C. NPS is responsible for continuing government-to-government consultation with Indian tribes, including as set forth in this PA.
- D. CIRI will be responsible for funding and overseeing, either directly or through consultants or contractors, work that is determined necessary to ensure compliance with the terms of the PA. This work will be completed on behalf of and at the direction of NPS.
- E. Any of the responsibilities assigned to CIRI herein may be performed by or at the direction of CIRI's lessees, or CIRI's or its lessees' agents, contractors, or subcontractors. CIRI shall require compliance with the PA in any contract for implementation of work related to the Project.
- F. CIRI, with oversight by NPS, will ensure that all such activities undertaken under this PA are conducted in a professional manner and consistent with the stipulations of this PA.
- G. The Signatories may, at their own expense, observe any actions carried out to comply with this PA at any time. To the extent practicable, every effort will be made to minimize the number of observers involved. Depending on the activity or area being observed, the observers may be required to attend mandatory safety training.

V. CULTURAL RESOURCES MANAGEMENT PLANS

- A. CIRI will develop Cultural Resources Management Plans ("CRMPs") to guide compliance with the stipulations in this PA for each Phase of the Project.
 - 1. The Planning Phase CRMP will be finalized and approved by NPS and SHPO prior to the initiation of any that could adversely affect potential historic properties during the Planning Phase (e.g., mechanized ground disturbance).
 - 2. The Construction Phase CRMP will be finalized and approved by NPS and SHPO prior to the construction of any permanent improvements associated with the Project.²
 - 3. If an Operation and Maintenance Phase CRMP is determined necessary through consultation among the Signatories, then such a plan will be finalized and approved by NPS and SHPO within 240 days of the completion of construction of the Project, the date of which shall be determined based on the process in the Deeds.
- B. CIRI will draft and submit the CRMPs to NPS, which will:

² "Permanent improvements" means improvements installed and maintained for a period of [TBD NUMBER] years or greater.

1. Determine whether the plans are sufficient for review by others, and timely make or request revisions and re-submission by CIRI if not.
2. Provide a 30-day period for other Signatories and Consulting Parties to review and comment on the CRMPs, during which time NPS may have meeting(s) with the Signatories and Consulting Parties.
3. If necessary to resolve substantive issues identified during the first 30-day period, provide a second 30-day period for Signatures and Consulting Parties to review and comment on the CRMPs, during which time NPS may have meeting(s) with the Signatories and Consulting Parties.
4. Provide CIRI with any information received that NPS believes necessitates changes to the CRMPs, and an opportunity to review and consult any proposed changes prior to finalizing and approving the CRMPs.
5. Finalize and approve the CRMPs within 90 days of CIRI's submission (or re-submission pursuant to Stipulation V.B.1) of a CRMP, unless CIRI agrees to a longer time period to enable NPS to conduct additional consultation.

C. The CRMPs will contain a phase-specific:

1. Technical design plan that contains detailed descriptions of the work, including any Components, Segments, or Stages that will be advanced in that Phase, as well as the anticipated schedules for such work. Each CRMP will contain all information known at that time of the CRMP development for that Phase.
2. Description of the efforts to identify and evaluate historic properties, undertaken consistent with Stipulation VIII, that have been or will be undertaken for the Phase, and a tentative schedule for any outstanding work.
3. Plan for resolving any adverse effects, which identifies:
 - a. Standard mitigation options, which include at a minimum those standard mitigation options in Stipulation IX.C; and
 - b. Any Historic Properties Treatment Plans ("HPTs") prepared consistent with Stipulation IX.B that have been or will be completed for that Phase, and a tentative schedule for any outstanding work.
4. An Inadvertent Discovery Plan that is consistent with Stipulations X and XI, and includes a stop work protocol and , a monitoring plan which:
 - a. During the Planning Phase, requires monitoring by an archaeologist meeting the *Secretary of the Interior's Professional Qualification Standards* (48 Fed. Reg. 44716, 44738–39) for any activity that could adversely affect historic properties (e.g., mechanized ground disturbance).
 - b. During the Construction and Operations and Maintenance Phases, identifies the areas where monitoring by an archaeologist meeting the *Secretary of the Interior's Professional Qualification Standards*

(48 Fed. Reg. 44716, 44738–39) is necessary due to the high potential for discovery of historic properties and the infeasibility of avoidance, minimization, and monitoring.

- c. Gives authority to the archaeologist to halt ground-disturbing activity within the immediate vicinity as soon as practicable, considering worker safety, upon an inadvertent discovery in a manner consistent with Stipulations X and XI.
 - d. Requires the archaeologist to document the monitoring results, which shall be included in the annual report shared consistent with Stipulation XIII.B.
- 5. Curation protocol that is consistent with Stipulation XII.
- 6. Employee, contractor, and subcontractor training requirements, which shall inform project personnel of their responsibilities under the law and this PA, and identify procedures to follow in the event they encounter cultural resources.
- D. In the event of any substantial changes to the Project's scope, design, schedule, or implementation after approval of a CRMP, the following measures will be implemented:
 - 1. CIRI will submit to NPS notification before any substantial changes occur and propose any necessary updates to the CRMP.
 - 2. NPS will determine whether the CRMPs are sufficient, and timely make or request revisions and re-submission by CIRI if not.
 - 3. Where NPS determines the change in scope, design, schedule, or implementation does not require changes to other parts of the CRMP, NPS may notify the Signatories of such changes without initiating consultation.
 - 4. Where NPS determines change in scope, design, schedule, or implementation does require changes to other parts of the CRMP, NPS will follow the process in Stipulation V.B to amend the CRMP.

VI. COORDINATION WITH OTHER FEDERAL REVIEWS

- A. If another federal agency, not initially a party to this PA, receives an application for to fund, license, permit, or otherwise authorize the Project, that federal agency may request NPS to designate it as the lead agency pursuant to 36 C.F.R. § 800.2(a)(2) and may request the Signatories to become a Signatory under this PA.
- B. Upon the Signatories' agreement, the federal agency may become a Signatory to the PA by executing a Signature page and filing it with the Signatories and ACHP. Alternatively, any of the Signatories or CIRI may request amendment pursuant to Stipulation XVII.

VII. AREA OF POTENTIAL EFFECTS

- A. The APE for the Planning Phase, which is the Transportation Easement Area and the Port Easement Area as depicted in Appendix A, encompasses the areas of all direct effects (e.g., mechanized ground disturbance), indirect effects (i.e., visual, vibrational, auditory, and atmospheric effects), and cumulative effects expected to occur during the Planning Phase (see Appendix A of this PA).
- B. Prior to the Construction and Operation and Maintenance Phases, NPS, in consultation with the Signatories, may amend the APE as needed, which will not require an amendment to the PA. Such consultation may be conducted prior to or concurrent with the submission of proposed plans for additional identification and evaluation activities under Stipulation VIII.

VIII. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES & ASSESSMENT OF EFFECTS

- A. No additional survey is required in advance of commencing permissible uses associated with the Planning Phase; such uses may proceed upon approval and finalization of the CRMP under Stipulation V.A.1. CIRI will, however, be required to implement monitoring in all areas where there is potential for adverse effects to historic properties, consistent with Stipulation V.C.4.a.
- B. Survey(s) will be conducted in accordance with this PA prior to the initiation of construction, or activities that could adversely affect potential historic properties (e.g., mechanized ground disturbance) during the Construction Phase and Operation and Maintenance Phase.
- C. The identification and evaluation efforts shall be conducted in accordance with the principles, standards, and guidelines contained in Standards and Guidelines and follow the procedures set forth in 36 C.F.R. § 800.4.
- D. CIRI will draft and submit plans for additional identification and evaluation to NPS.
 - 1. CIRI may propose separate plans for Phases, Components, Segments, or Stages, and may submit additional plans for modifications to the Project, as needed. The proposed plans will identify:
 - a. The work activities that will be performed.
 - b. The proposed level and scope of identification effort, which shall be commensurate with the potential effects for the Phase and represent a “reasonable and good faith effort,” consistent with 36 C.F.R. § 800.4(b)(1).
 - 2. Upon CIRI’s submission of any plans for additional identification and evaluation, NPS will:
 - a. Determine whether the plans are sufficient for review by others, and timely make or request revisions and re-submission by CIRI if not.

- b. Provide a 30-day period for the other Signatories to review and comment on the plans, during which time NPS may have meeting(s) with the Signatories.
 - c. If necessary to resolve substantive issues identified during the first 30-day period, provide a second 30-day period for Signatures to review and comment on the plans, during which time NPS may have meeting(s) with the Signatories.
 - d. Seek information from Consulting Parties regarding the potential presence of historic properties within the APE, to the extent NPS does not already have such information.
 - e. Provide CIRI with any information received that NPS believes necessitates changes to the plans, and an opportunity to review and consult any proposed changes prior to finalizing and approving the plans.
 - f. Finalize and approve the plans within 45 days of CIRI's submission (or re-submission pursuant to Stipulation VIII.D.2.a) unless CIRI agrees to a longer time period to enable NPS to conduct additional consultation.
- E. CIRI shall provide NPS with documentation of its performance of these identification and evaluation efforts, as well as proposed determinations of eligibility and assessment of effects, in cultural resource report(s) prepared consistent with 36 C.F.R. §§ 800.4(c), (d), 800.5.
- 1. CIRI shall endeavor to avoid effects to historic properties, including by modifying the Project or imposing conditions—which may enable the NPS and SHPO to reach a finding of no adverse effect consistent with 36 C.F.R. § 800.5(b).
 - 2. Upon CIRI's submission of any cultural resource report(s), NPS will:
 - a. Determine whether the cultural resource report(s) are sufficient for review by others, and timely make or request revisions and re-submission by CIRI if not.
 - b. Provide SHPO a 30-day period to review the cultural resource report(s) and proposed determinations therein, during and after which NPS and SHPO shall proceed consistent with 36 C.F.R. §§ 800.4(d), 800.5(c).
 - c. Provide Consulting Parties with a 30-day period to review the cultural resource report(s), during which time NPS may have meeting(s) with the Signatories and the Consulting Parties.
 - d. If necessary to resolve substantive issues identified during the first 30-day period, provide a second 30-day period for Signatories and Consulting Parties to review the cultural resource report(s), during which time NPS may have meeting(s) with the Signatories and the Consulting Parties.

- e. Provide CIRI with any information received that NPS believes necessitates changes to the cultural resource reports(s) and the determinations and findings therein, and an opportunity to review and consult on any proposed changes to the determinations of eligibility and findings of effect prior to finalizing the reports and determinations.
 - f. Complete its review of the cultural resource report(s), make determinations of eligibility, and reach findings of effect within 90 days of CIRI's submission (or re-submission under Stipulation VIII.E.2.a), unless NPS triggers the dispute resolution provisions in Stipulation XIV.A or CIRI agrees to a longer time period to enable NPS to conduct additional consultation.
- 3. The information in the cultural resource report(s) and any related correspondence will be summarized in the annual report prepared consistent with Stipulation XIII.B.
- F. If NPS finds there will be an adverse effect, NPS shall request CIRI prepare an HPTP pursuant to Stipulation IX.B.
- G. Cultural resources that are not eligible for the NRHP will no longer be subject to the terms of this PA. CIRI may proceed with implementation of any Phase, Component, Segment, or Stage for which the Signatories reach a finding of no historic properties affected or no adverse effect.
- H. Any disagreements regarding NRHP eligibility will be resolved by requesting a determination of eligibility from the Keeper of the NRHP in accordance with 36 C.F.R. Part 63 in accordance with Stipulation XIV.A.

IX. RESOLUTION OF ADVERSE EFFECTS

A. General Terms

- 1. The Signatories, in consultation with Consulting Parties, shall work collaboratively with CIRI to resolve all adverse effects that cannot be avoided or minimized through the implementation of appropriate and mutually agreed upon measures that are commensurate with the significance of the historic property and the Project's effect on the historic property. CIRI's operational needs and project timelines shall be considered in the development and implementation of these measures.
- 2. Resolution of adverse effects to historic properties will be considered in the preferred order of avoidance, minimization, and mitigation.

B. Historic Properties Treatment Plan(s)

- 1. CIRI will prepare and implement HPTP(s) to resolve any adversely affected historic properties. If there are adverse effects to more than one historic property, CIRI may develop separate or combined HPTP(s).
- 2. The HPTP(s) will:

- a. Document which historic properties will be avoided, or adverse effects minimized or mitigated, which can include archaeological and tribal monitoring;
 - b. Describe the scope of the adverse effects of the Undertaking on historic properties that will not be avoided; and
 - c. Identify: (i) measures to minimize and mitigate such adverse effects, (ii) the manner in which these measures will be carried out, and (iii) a schedule for the measures' implementation that includes finalization and dissemination of deliverables. Such measures may include the standard mitigation measures included in Stipulation IX.C, as well as any measures identified in the CRMP or otherwise agreed upon by the Signatories and CIRI.
3. CIRI will draft and submit HPTP(s) to NPS, which will:
- a. Determine whether the HPTP(s) are sufficient for review by others, and timely make or request revisions and re-submission by CIRI if not.
 - b. Provide a 30-day period for other Signatories and Consulting Parties to review and comment on the HPTP(s), during which time NPS may have meeting(s) with the Signatories and Consulting Parties.
 - c. If necessary to resolve substantive issues identified during the first 30-day period, provide a second 30-day period for Signatories and Consulting Parties, during which time NPS may have meeting(s) with the Signatories and Consulting Parties.
 - d. Provide CIRI with any information received that NPS believes necessitates changes to the HPTP(s), and an opportunity to review and consult any proposed changes prior to finalizing and approving the HPTP(s). NPS must take CIRI's operational needs and Project timelines into account in proposing any changes to the HPTP(s).
 - e. Finalize and approve the HPTP(s) with the SHPO within 90 days of CIRI's submission (or re-submission pursuant to Stipulation IX.B.3.a), unless the NPS triggers the dispute resolution provisions in Stipulation XIV or CIRI agrees to a longer time period to enable NPS to conduct additional consultation.
4. CIRI may proceed with implementation of any Phase, Component, Segment, or Stage for which:
- a. The NPS has found an adverse effect approves an HPTP; and
 - b. CIRI carries out any on-site field activities need to mitigate adverse effects before implementing the activities that were determined to cause adverse effects.

C. Standard Mitigation Measures

1. If the property is solely archaeological in nature, mitigation or treatment may include, but not be limited to, CIRI:
 - a. Developing community archaeology and/or cultural resource recordation programs;
 - b. Assisting with tribal artifacts repatriation efforts; or
 - c. Preparation of a research design with provisions for data recovery, analysis, curation, reporting, and recordation and performance of that design consistent with Stipulation XII and the *Secretary of the Interior's Standards and Guidelines for Archeological Documentation* (48 Fed. Reg. 44716, 44734–73), as updated and the Office of History and Archaeology's *Historic Preservation Series* ("Archeological Documentation Guidelines").
2. If the historic property is a building, structure, traditional cultural property, or landscape, mitigation or treatment could include, but not be limited to, CIRI:
 - a. Relocating a historic property;
 - b. Re-landscaping to reduce or minimize effects;
 - c. Public interpretation;
 - d. Data recovery and recordation consistent with the Archeological Documentation Guidelines; or
 - e. Prescribing use of a project component or activity in such a way as to minimize effects to historic properties.

X. INADVERTENT DISCOVERIES OF CULTURAL RESOURCES (NOT INCLUDING BURIAL SITES, HUMAN REMAINS, OR FUNERARY OBJECTS) AND UNANTICIPATED EFFECTS

- A. If an inadvertent (i.e., post-review) discovery of potential cultural materials (not including burial sites, human remains, or funerary objects, which are addressed in Stipulation XI) is made, CIRI shall stop work in the immediate vicinity of the discovery (i.e., a 100-foot buffer around the discovery) as soon as practicable, considering worker safety, and CIRI and NPS shall implement the Inadvertent Discovery Plan contained in the CRMP, which shall be consistent with 36 C.F.R. § 800.13(a)(1).
- B. The Inadvertent Discovery Plan shall establish, at a minimum, the following requirements upon the discovery of a cultural resource (other than burial sites, human remains, or funerary objects, which are addressed in Stipulation XI), which shall be implemented on an expedited basis to minimize operational delays:
 1. CIRI shall ensure stop work in the immediate vicinity of the discovery (i.e., a 100-foot buffer around the discovery) as soon as practicable, considering worker safety, and shall protect the discovery site against further

disturbance. Work outside of the immediate vicinity of the discovery may continue.

2. CIRI shall notify NPS and SHPO of the discovery within one business day.
3. At CIRI's direction, an archaeologist meeting the Standards and Guidelines will evaluate the find, assess its potential significance (eligibility for the NRHP), and notify the Signatories of the nature and potential significance of the discovery within two (2) weeks of the discovery. Such notification shall be in writing and provide adequate documentation to facilitate a determination of eligibility, finding of effects, and appropriate measures for the treatment of the discovery. CIRI shall indicate in this notification whether the location of the activities can be changed so as to avoid any effects.
4. The Signatories shall engage in expedited consultation on the potential significance of the discovery and whether any additional investigation is warranted.
5. NPS shall provide a determination to CIRI on how it may proceed no later than one (1) week following notification under Stipulation X.B.2. NPS, in consultation with SHPO, shall make a final decision in regard to NRHP eligibility and effects. If there is a dispute between NPS and SHPO concerning the NRHP eligibility of a resource, it would be resolved consistent with the requirements in Stipulation XIV.A.
 - a. If NPS determines, in consultation with the other Signatories, that additional investigation is warranted, NPS will initiate consultation with the Signatories to determine an appropriate level of effort to determine the NRHP eligibility of the discovery. NPS and CIRI will treat the discovery as eligible for the NRHP for the purposes of Section 106 pursuant to 36 C.F.R. § 800.13(c) until the appropriate cultural resource assessment is completed.
 - b. If NPS determines, in consultation with the other Signatories, that the discovery is not eligible for the NRHP, NPS may provide CIRI authorization to proceed.
 - c. If NPS determines, in consultation with the other Signatories, that the discovery is potentially eligible for the NRHP, but the CIRI can avoid any adverse effects to that discovery, NPS shall provide CIRI authorization to proceed contingent on implementation of those avoidance measures.
 - d. If NPS determines, in consultation with the other Signatories, that the discovery is eligible for the NRHP and there will be adverse effects (because the property cannot be avoided), NPS will request CIRI propose measures to resolve the adverse effects. Construction may not resume in the site protection/avoidance buffer (no less than 100 feet from the site limits) until onsite mitigation work, if required, has been completed.

- (i) CIRI may propose to utilize the standard mitigation as outlined in the CRMP and Stipulation IX.C, and must provide appropriate documentation pursuant to 36 C.F.R. § 800.11(e). NPS shall determine whether standard mitigation is sufficient to address the adverse effects to CIRI no later than within two working days following receipt of such documentation. NPS shall provide CIRI authorization to proceed once such measures have been implemented.
 - (ii) If CIRI does not propose standard mitigation or NPS decides it is not sufficient to address the adverse effects, NPS will initiate expedited consultation with the other Signatories and the Consulting Parties, which shall provide input to NPS on appropriate mitigation. NPS will provide the final mitigation decision no later than 30 days after initiating consultation. CIRI shall document the mitigation decision in an HPTP consistent Stipulation IX.B. CIRI may proceed with any stopped work once NPS approves the HPTP and CIRI carries out any on-site field activities needed to mitigate adverse effects, if required.
 - C. If an unanticipated effect to a historic property occurs, CIRI or NPS shall notify the other Signatories and the Consulting Parties within 48 hours of the effect. This initial notification shall describe the nature of the unanticipated effect and any measures to immediately reduce or minimize the effects. For direct effects, CIRI shall stop work in the immediate vicinity of the discovery (i.e., a 100-foot buffer around the discovery) as soon as practicable, considering worker safety. For indirect effects (i.e., visual, vibrational, auditory, and atmospheric), CIRI shall not be required to cease activity during construction to address the unanticipated indirect effect, except in exceptional circumstances where there is an imminent threat to the historic property.
 - 1. CIRI will provide adequate documentation to facilitate consideration and findings regarding the effects and appropriate measures to address those effects. CIRI's operational needs and Project timeline shall be considered in the development of these measures.
 - 2. NPS shall provide the Signatories and the Consulting Parties with its initial effects finding and the proposed measures to resolve the effects consistent with Stipulation IX. The Signatories and the Consulting Parties shall have one (1) week to respond with recommendations unless CIRI agrees to a longer time period because the schedule permits, which NPS shall consider before making a final decision.

XI. INADVERTENT DISCOVERY & TREATMENT OF BURIAL SITES, HUMAN REMAINS, AND FUNERARY OBJECTS

- A. If burial sites, human remains, and funerary objects are discovered, CIRI shall stop work in the immediate vicinity of the discovery (i.e., a 100-foot buffer around the

discovery) as soon as practicable, considering worker safety. CIRI and NPS will follow the provisions of applicable state laws, local laws, NAGPRA, and the *ACHP Policy Statement on Burial Sites, Human Remains, and Funerary Objects* (Mar. 1, 2023), and will implement the applicable provisions of the Inadvertent Discovery Plan contained in the CRMP, as well as a NAGPRA Plan of Action prepared consistent with 43 C.F.R. Part 10, as appropriate.

- B. The Inadvertent Discovery Plan shall establish, at a minimum, the following requirements upon discovery of human remains:
1. CIRI shall stop work in the immediate vicinity of the discovery (i.e., a 100-foot buffer around the discovery) as soon as practicable, considering worker safety, and protect the discovery site against further disturbance. Work outside of the immediate vicinity of the discovery may continue.
 2. The 100-foot buffer zone will be flagged or fenced off to protect the remains.
 3. If the discovery might be or contain human remains, CIRI will immediately notify NPS, a peace officer (Alaska State Trooper), and the Alaska SME immediately after the discovery, as stipulated in AS 12.65.005. CIRI will also notify SHPO, unless circumstances indicate that the death or burial is less than 50 years old and that there is a need for a criminal investigation or legal inquiry by the coroner.
 - a. If the human remains appear to be recent (less than 50 years old), a State Trooper and medical examiner will determine whether the remains are of a forensic nature and/or subject to criminal investigation.
 - b. If the human remains are found to be historic (50 years old or more), a qualified professional physical anthropologist with experience in the analysis of human remains will examine them to determine racial identity. The physical anthropologist shall document, analyze, and photograph the remains so that an independent assessment of racial identity can be made. The physical anthropologist shall be afforded no more than 30 days to conduct his or her analysis.
 - c. If the human remains are Native Alaskan, CIRI will consult with SHPO, NPS, and appropriate Alaska Native organizations regarding measures to respectfully handle such a discovery. If it can be adequately determined that the identified human remains have affinity to any federally recognized Indian Tribe(s), a reasonable effort will be made to identify, locate, and notify the Indian Tribe. The appropriate Alaska Native Corporations also will be contacted.
 - d. If the human remains are not Native Alaskan, and a determination has been made by the Trooper and Medical Examiner that a death investigation is not warranted, CIRI, in consultation with the medical examiner, will attempt to identify, locate, and inform descendants of the deceased.

- C. The NAGPRA Plan of Action will require consultation with the appropriate tribe as mandated by 43 C.F.R. §§ 10.4(b), 10.5(d). Consultation will facilitate proposed treatment of the human remains and determine who is entitled to custody of the human remains and other cultural items under NAGPRA so that the disposition process can be completed.
- D. CIRI may proceed with any stopped work once the Inadvertent Discovery Plan and NAGPRA Plan of Action have been implemented.

XII. COLLECTION AND CURATION

- A. Materials collected under this PA within the Transportation and Port Easement Areas are the property of NPS, as those areas remain NPS-owned lands.
- B. CIRI and NPS will ensure that materials and records from historic properties adversely affected by the Undertaking are curated in accordance with applicable federal law and federal curation standards, including the NPS Regulations on Curation of Federally-owned and Administered Archaeological Collections (36 C.F.R. Part 79) and the Secretary of the Interior's Standards for Archaeological Documentation.
- C. CIRI shall incur all standard costs necessary to ensure curation of materials collected in conjunction with actions taken under this PA, unless other arrangements have been made. Curation costs may include, but are not limited to, curation fees charged by approved institutions, acquisition of archival materials, shipping, and conservation actions.
- D. CIRI will safeguard collections from theft and damage by providing adequate interim storage facilities and conservation actions, as necessary and in consultation with approved repository and NPS.
- E. All collections and associated records will be returned to their owners or deposited in the approved repository six months after approval of the final report or within 1 year of completion of the fieldwork that generated the collection. All collections will be curation-ready, as determined by the approved repository, unless otherwise stipulated per the applicable CRMP and/or HPTP.

XIII. COMMUNICATIONS & REPORTING

- A. General Terms
 - 1. Electronic mail (email) will serve as the official correspondence method for all communications regarding this PA, unless otherwise requested.
 - 2. All review periods will commence upon receipt, rather than submission, of any correspondence.
 - 3. CIRI will maintain the contact information list of Signatories, Concurring Parties, and Consulting Parties as best practicable. CIRI will provide an updated list in each annual report.

4. It is the responsibility of each Signatory or Concurring Party to immediately inform CIRI of any change in name, address, email address, or phone number of any point-of-contact. CIRI will forward this information to the Signatories by email.
 5. Signatories and Consulting Parties may request NPS provide an extension to any of the time periods allotted for review of deliverables identified in this PA and Appendix C. NPS may grant the extension if CIRI confirms that the extension will not interfere with its ability to proceed with the Project in a timely manner.
 6. Signatories and Consulting Parties shall review the deliverables identified in this PA and Appendix C in accordance with the time allotted in this PA or the extension granted by NPS, or the NPS and CIRI will not have an obligation to integrate comments. Comments received after the review period may be considered at CIRI's discretion but will not delay final decisions.
- B. Annual Reporting. CIRI will provide to NPS and SHPO reporting on an annual basis, within the first quarter of each calendar year, that shall describe previous and upcoming activities as they relate to compliance with the stipulations of this PA and specifically include content identified in Stipulations V.C.4.d and VIII.E.3, as well as:
1. A projection of the upcoming year's activities, including information about possible permit modifications and upcoming efforts to identify, evaluate, and treat historic properties.
 2. A summary of the past year's efforts to identify, evaluate, and treat historic properties, along with references for cultural resource reports, including:
 - a. A record of CIRI's correspondence and/or consultation with Signatories and Consulting Parties for actions taken under this PA;
 - b. A summary of artifacts or other archaeological or historic materials encountered, including representative photographs or drawings, a description of analyses, and other recordation documents as appropriate;
 - c. A summary of artifacts sent to an approved facility for curation, or returned to the landowner, as appropriate;
 - d. Maps of areas surveyed or monitored, cultural resources identified, and alternative routes to be followed to avoid any identified historic properties; and
 - e. An evaluation of this PA and recommendations for any amendments.

XIV. DISPUTE RESOLUTION

- A. If any Signatory or Concurring Party disagrees regarding eligibility, NPS shall notify all Signatories of the dispute and consult with SHPO. If the dispute cannot be resolved, NPS shall seek a determination of eligibility from the Keeper of the NRHP under 36 C.F.R. § 63.4. The Keeper's determination shall be final in accordance with 36 C.F.R. § 63.4. Upon determination that the dispute cannot be resolved:
 - 1. CIRI shall develop drafts of all relevant documentation and arguments shall be jointly developed and submitted by CIRI and NPS.
 - 2. CIRI may request an independent review by a qualified third-party expert in historic preservation to provide an unbiased assessment of the property's eligibility. NPS will consider the expert's opinion in deciding whether to submit a request of determination of eligibility and include such opinion in the request documentation if requested by CIRI.
 - 3. The request for determination shall be submitted to the Keeper within 30 days of CIRI submitting documentation to NPS, unless CIRI agrees to a longer time period.
- B. Should any of the Signatories or Concurring Parties to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, NPS will consult with such party to resolve the objection. If it is determined that such objection cannot be resolved, NPS will:
 - 1. Forward all documentation relevant to the dispute, including NPS's proposed resolution, to the other Signatories, if CIRI is not the objecting party. The Signatories will consult to resolve the dispute within 30 calendar days of receiving adequate documentation.
 - 2. If the dispute cannot be resolved through consultation among the Signatories, then NPS will forward all documentation relevant to the dispute to the ACHP. Upon CIRI's request, such documentation must include an independent review by a third-party expert qualified in historic preservation to provide an unbiased assessment of the dispute. The ACHP will provide NPS with its advice on the resolution of the objection within 30 calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NPS will prepare a written response that takes into account any timely advice or comments regarding the dispute from the Signatories, and provide them with a copy of this written response. NPS will then proceed according to its final decision.
 - 3. If the ACHP does not provide its advice regarding the dispute within the 30 calendar-day time period, NPS may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, NPS will prepare a written response that takes into account any timely comments regarding the dispute from the Signatories, and provide them and the ACHP with a copy of such written response.

- C. All other actions subject to the stipulations of this PA, and that are not the subject of the dispute, will continue to be carried out as provided for by this PA.

XV. EFFECT OF EXECUTING THE PA

- A. The contractual obligations of CIRI created by this PA are enforceable only by NPS against CIRI. This PA creates no contractual right or obligation between CIRI and any other person or entity, including any other Signatory, any Indian Tribe, or member of the public. Nothing herein shall limit any person's or entity's rights under the NHPA or the Administrative Procedure Act.
- B. Nothing in this PA shall waive otherwise limit any administrative or judicial remedy or right of review available to CIRI under applicable law or regulation. By agreeing to this PA, CIRI does not waive any right to challenge any NPS decision under relevant law.
- C. A Consulting Party invited to sign as a Concurring Party may do so at any time while the PA is in effect. The failure of any Indian Tribe, as defined at as defined in 36 C.F.R. § 800.16(m), to sign this PA shall not relieve the NPS of its obligation to consult on a government-to-government basis.

XVI. ANTI-DEFICIENCY ACT

- A. NPS's obligations under this PA are subject to the availability of appropriated funds, and the stipulations of this PA are subject to the provisions of the Anti-deficiency Act, 31 U.S.C. § 1341 et seq. NPS will make reasonable and good faith efforts to secure the necessary funds to implement this PA in its entirety. If compliance with the Anti-deficiency Act alters or impairs NPS's ability to implement the stipulations of this PA, NPS will consult in accordance with Stipulation XVII of this PA.

XVII. AMENDMENT

- A. Concurrent with, but separate from, amending the Deeds, the Signatories will discuss whether an amendment to this PA is needed.
- B. Any of the Signatories may request an amendment, whereupon the Signatories and Consulting Parties shall consult for a 30-day period on the requested amendment(s). Concurring Parties may also propose amendments to the Signatories. The Signatories shall first consult for a 30-day period to determine whether to proceed to consultation with the Consulting Parties on the proposed amendment for an additional 30-day period.
 - 1. Any Signatory or Consulting Party may request an extension of the 30-day consultation periods established herein.
 - 2. NPS shall consider all requests and grant any extensions deemed appropriate.
- C. Amendments will be executed in the same manner as the original PA, unless the Signatories agree to a streamlined process.

XVIII. TERMINATION

- A. If any Signatory determines that the PA's terms will not or cannot be carried out, that party will immediately notify in writing the other Signatories to attempt to develop an amendment(s) pursuant to Stipulation XVII.
- B. If an alternative to termination cannot be reached within 45 days, any Signatory may terminate the PA upon written notification to the other Signatories that signed the PA. Should the PA be terminated, NPS will, in writing, immediately notify the Consulting Parties.
- C. In the event of termination of this PA, and prior to work continuing on the Undertaking, NPS must either:
 - 1. Execute a Memorandum of Agreement pursuant to 36 C.F.R. § 800.6 or a PA pursuant to 36 C.F.R. § 800.14(b); or
 - 2. Revert to and proceed at the appropriate point of the Section 106 process directly under 36 C.F.R. Part 800.

NPS will consult with CIRI on the above courses of action and will notify in writing all Signatories and Consulting Parties regarding the course of action it will pursue.

XIX. DURATION

- A. Effective Date. This PA shall be effective as of the date when it has been signed by the last Signatory.
- B. Term. Unless otherwise amended or terminated in accordance with Stipulations XVII and XVIII, this PA's term will be coextensive with the term of the Deeds.

XX. EXECUTION

- A. This PA may be executed in counterparts, with a separate page for each Signatory\.
- B. Execution of this PA by the Signatories and implementation of its terms evidence that NPS has taken into account the effects of the Undertaking on historic properties and afforded the ACHP an opportunity to comment.

(N.B. Separate signature pages would be generated for each party)

SIGNATORIES

U.S. Department of the Interior, National Park Service

By: _____ Date: _____

Alaska State Historic Preservation Officer

By: _____ Date: _____

INVITED SIGNATORY

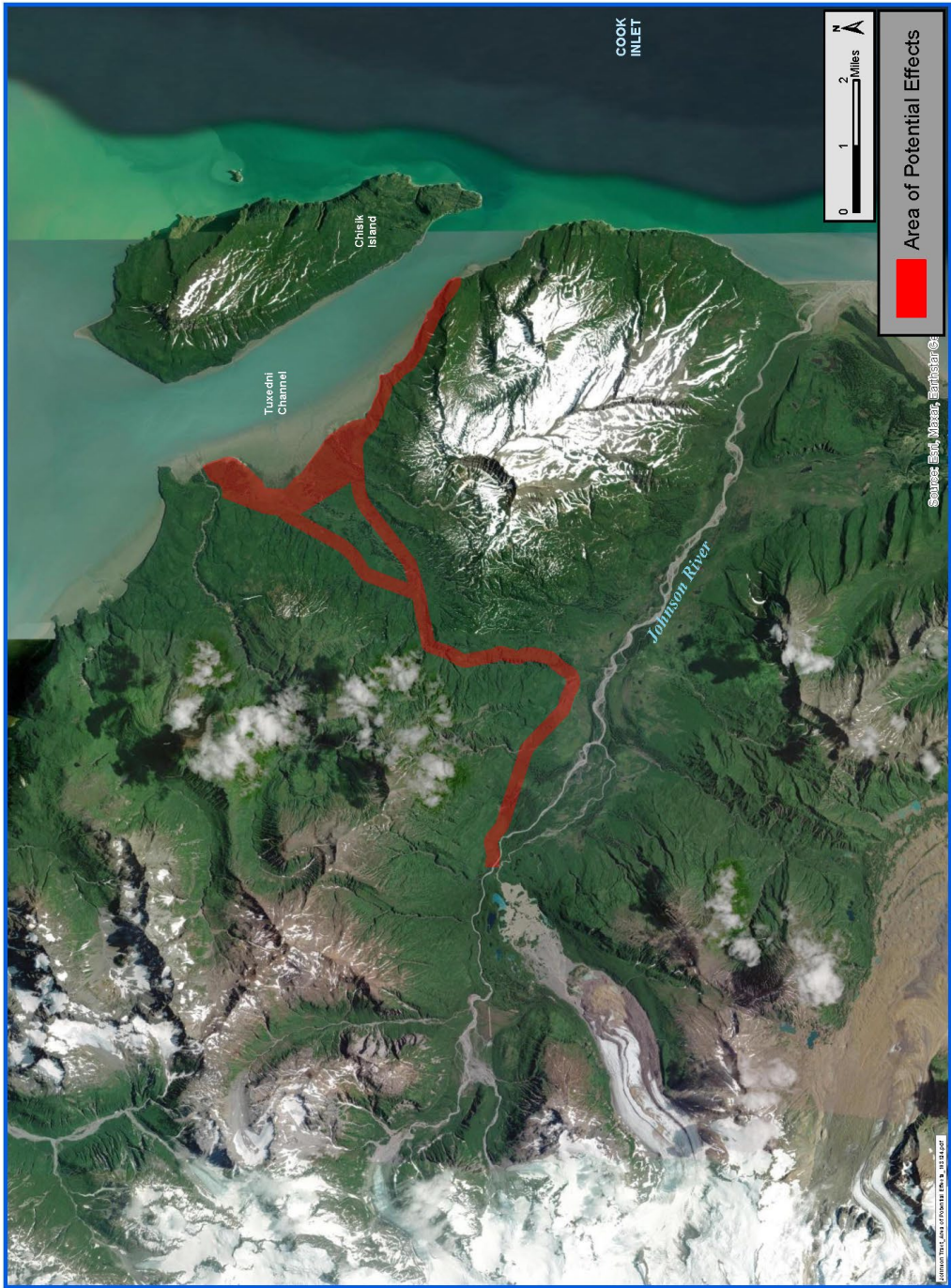
Cook Inlet Region, Inc.

By: _____ Date: _____

CONCURRING PARTIES

TBD

Appendix A – Area of Potential Effects For Planning Phase



Appendix B – Invited and Consulting Parties

1. Federally-Recognized Indian Tribes

(*Indicates a response that they will participate)

Chickaloon Village Traditional Council*

Kenaitze Indian Tribe

Knik Tribal Council

Ninilchik Traditional Council

Seldovia Village Tribe

Salamatof Tribal Council

Native Village of Tyonek

2. Alaska Native Corporations

(*Indicates a response that they will participate)

Tyonek Native Corporation

Knikatu, Inc.

Ninilchik Natives Association, Inc.

Seldovia Native Association, Inc.

3. Other Parties with a Demonstrated Interest

(*Indicates a response that they will participate)

Snug Harbor Outpost*

Kenai Borough

Preservation Alaska

Appendix C – Deliverable Table

Deliverable Name	Stipulation(s)	Due Date	Summary of Content	Reviewers	Review Timeline	Final Approval
Identification & Evaluation Plans	VIII.D	Prior to initiating survey	Propose the level of identification survey effort	Other Signatories	30 days	NPS (within 45 days unless CIRC agrees to longer)
Cultural Resource Reports, Determinations of Eligibility, & Findings of Effect	VIII.E	Prior to initiating activities that could adversely affect potential historic properties (e.g., mechanized ground disturbance) during the Construction Phase and Operation and Maintenance Phase for the relevant Phase, Component, Segment, or Stage	Provide the archeological and other cultural resource survey findings, make determinations of eligibility for properties identified, and propose findings of effect that may include discussion of avoidance measures	SHPO	30 days	NPS (within 90 days unless CIRC agrees to longer)
				Consulting Parties	30 days	
HPTP(s)	VIII.F, IX.B, X.B.5.d(ii)	Prior to: (1) proceeding with any Phase, Component, Segment, or Stage for which there is an adverse effect to historic properties; or (2) upon an inadvertent discovery of cultural resources determined eligible for the NRHP and for which standard mitigation measures are not proposed by CIRC or not found sufficient by NPS	Describe the adverse effects to the historic properties, and the measures to minimize and mitigate the adverse effects	Other Signatories	30 days	NPS (within 90 days unless CIRC agrees to longer)
				Consulting Parties	30 days	
CRMPs	V.A.1 (Planning)	Prior to initiating activities that could adversely affect potential historic properties (e.g., mechanized ground disturbance) during the Planning Phase	For the relevant phase, the planned work activities, the completed and outstanding identification, evaluation, assessment, and mitigation efforts, an Inadvertent Discovery Plan, a curation protocol, and training requirements	Other Signatories	30 days	NPS (within 90 days unless CIRC agrees to longer)
	V.A.2 (Construction)	Prior to construction of permanent improvements associated with the Project		Consulting Parties	30 days	
	V.A.3 (Operation and Maintenance)	If needed, within 240 days of completion of construction of the Project				
Annual Report	XIII.B	Within the first quarter of the calendar year	Summarize the activities undertaken pursuant to the PA in the previous year and planned for the upcoming year (noting any changes to the CRMP schedules), provide monitoring results, and identify any PA change recommendations	n/a	n/a	n/a