

**PROGRAMMATIC AGREEMENT
BETWEEN KATAHDIN WOODS AND WATERS NATIONAL MONUMENT, MAINE
STATE HISTORIC PRESERVATION OFFICER,
PENOBSCOT NATION TRIBAL HISTORIC PRESERVATION OFFICER,
PASSAMAQUODDY TRIBE TRIBAL HISTORIC PRESERVATION OFFICER,
MI'KMAQ NATION TRIBAL HISTORIC PRESERVATION OFFICER, AND
HOULTON BAND OF MALISEET INDIANS TRIBAL HISTORIC PRESERVATION
OFFICER
REGARDING COMPLIANCE WITH SECTION 106 AND SECTION 110 OF THE
NATIONAL HISTORIC PRESERVATION ACT FOR
KATAHDIN WOODS AND WATERS NATIONAL MONUMENT**

WHEREAS, Katahdin Woods and Waters National Monument (Monument) plans for, operates, manages, and administers over 87,500 acres of land, and is responsible for identifying, preserving, maintaining, and interpreting the historic properties of the Monument unimpaired for the enjoyment of future generations in accordance with the 1916 National Park Service Organic Act, and applicable National Park Service (NPS) regulations and policies; and

WHEREAS, the operation, management, and administration of Monument entail 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 11(a) of the National Historic Preservation Act as amended (NHPA) (16 USCA470 *et seq.*), the regulations of the Advisory Council on Historic Preservation (ACHP) (36 CFR Part 800), and the 2008 Programmatic Agreement Among the NPS, ACHP and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the NHPA (Servicewide PA); and

WHEREAS, the Servicewide PA (Stipulation IX Subsequent Agreements) encourages Superintendents to develop programmatic agreements for park undertakings that would otherwise require numerous individual requests for comment; and

WHEREAS, the Superintendent has identified several categories of undertakings that currently require numerous requests for consultation; and

WHEREAS, many of the undertakings are unlikely to have adverse impacts on historic properties due to past land use by logging companies; and

WHEREAS, the Monument has entered into a co-stewardship agreement with the Penobscot Nation; and

WHEREAS, the Monument regularly also consults with the Tribal Historic Preservation Officers of the Passamaquoddy Tribe, Mi'kmaq Nation and Houlton Band of Maliseet Indians on projects affecting the Monument; and

WHEREAS, all four Tribal Historic Preservation Officers (collectively referred to as THPOs) have been actively engaged in discussing the need for programmatic compliance at the Monument, have had opportunities to review and discuss multiple drafts, of this document and are currently invited to sign this PA as signatories; and

WHEREAS, this PA has been developed under 36 CFR 800(b)(3) and the Monument has invited the ACHP to participate in the development of this PA and the ACHP has declined to participate; and

WHEREAS, the public has been afforded the opportunity to comment on a draft PA and their

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comments were shared with the THPOs and together we determined how best to take them into account;

NOW, THEREFORE the Monument, the Maine State Historic Preservation Officer (SHPO) and the Tribal Historic Preservation Officers (THPOs) of the Penobscot Nation, Passamaquoddy Tribe, Mi'kmaq Nation, and Houlton Band of Maliseet Indians (hereinafter "Parties, individually a "party") agree that the Monument will carry out its Section 106 responsibilities in accordance with the following stipulations.

PURPOSE AND NEED

Katahdin Woods and Waters was designated a National Monument in 2016 and has fewer than 10 permanent staff to manage over 87,000 acres of woodland. Much of the Monument has been heavily impacted by previous activity including logging (roads, bridges, culverts, laydown, and skid areas); borrow pits for sand and gravel; and previous development for recreational purposes. Loggers and others have reserved rights within the Monument whose exercise is not subject to Section 106 review; however, NPS operations, management, and administration require large numbers of low-impact or repetitive activities on a daily basis that would have the potential to affect properties listed in or determined to be eligible for listing in the National Register of Historic Places, if those resources were present. This Monument-specific PA incorporates and adapts some of the provisions in the NPS Servicewide PA for streamlining projects to the specific circumstance of the Monument and offers Indian Tribes that are co-stewards of the Monument an opportunity to sign onto streamlined processes for the Monument.

STIPULATIONS

The Superintendent of the Monument shall ensure that the following measures are carried out:

I. RESPONSIBILITIES

A. Superintendent

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

B. 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 personnel, the NPS Regional Office, NPS Centers, and others involved in undertakings. The coordinator makes recommendations to the Superintendent regarding the appropriate course of action under this PA, including whether a project constitutes a Section 106 undertaking.

C. Cultural Resource Management (CRM) Team

The CRM Team shall provide expertise and technical advice to the Superintendent and the Park Section 106 Coordinator for purposes of Section 106 compliance and implementation of this PA. The CRM Team shall be designated by the Superintendent.

1. CRM Team members shall be subject matter experts whose expertise is appropriate 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 necessary disciplines. Multi-disciplinary reviews of proposed undertakings are recommended.

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2. CRM Team members may be on the park staff or in other parks, or from NPS Regional Offices, NPS Centers, Federally recognized Indian Tribes, or elsewhere in the public or private sector.
3. CRM Team members who are federal employees shall meet the qualifications for the applicable discipline as defined in Appendix E to NPS-28: Cultural Resource Management Guideline. CRM Team members who are representing Federally recognized Indian Tribes may be traditional cultural authorities, elders, and others experienced in the preservation of tribal culture. All other CRM team members, who are not federal employees or representing a Federally recognized Indian Tribe, must meet the Professional Qualification Standards in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.

II. STREAMLINED REVIEW PROCESS

- A. General Criteria for Using the Streamlined Review Process.
 1. The Park Section 106 Coordinator, in consultation with appropriate members of the CRM Team, will determine whether the proposed undertaking is an undertaking eligible for streamlined review listed in Stipulation III of this PA. If not, compliance for the undertaking must be accomplished through the Standard Review Process.
 2. The Park Section 106 Coordinator, in consultation with members of the CRM Team with expertise in the appropriate discipline(s) will determine the project's area of potential effect (APE), considering direct, indirect, and cumulative effects.
 3. The Park Section 106 Coordinator, in consultation with members of the CRM Team with expertise in the appropriate discipline(s) will determine if there are known historic properties within the APE. Identification and evaluation of all types of historic properties within the area of potential effect must have been previously undertaken sufficient to assess effects on those resources with the following exceptions.
 - a. If the CRM Team locates a potential resource that may be eligible for listing in the National Register, that resource may be assumed to be historic and streamlining only applied if the project would not affect or would have no adverse effect on the resource.
 - b. If the CRM Team identifies resources 30 years old or less, the resource may be assumed not to be eligible for listing in the National Register and streamlining applied. Buildings older than 30 years old will follow procedures listed in Stipulation V.C prior to streamlining.
 - c. The CRM Team may make assumptions based on known and observed disturbance and the longevity of certain types of features (e.g., wooden bridge decking) that significant resources are not located within the APE provided that they follow an archeological testing plan as outlined in Stipulation II.B.3.
 4. The Section 106 Coordinator, in consultation with appropriate members of the CRM Team, must have reviewed the project and certified that the effects of the proposed undertaking on historic properties on or eligible for listing in the National Register will not be adverse based on criteria in 36 CFR 800.5, including consideration of direct, indirect, and cumulative effects. The Effect Finding must be "No Historic Properties Affected" or "No Adverse Effect."

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5. The Section 106 Coordinator will document all use of streamlined activities in the NPS Planning Environment and Public Comment (PEPC) system.

B. Additional Criteria

1. THPOs will be notified in writing or in periodic meetings at least annually of the types and general locations of projects that will take place over the course of the upcoming year to determine if survey of these areas is warranted to identify and evaluate historic properties of religious and cultural significance to Indian tribes and to make a plan for the survey for these resources.
2. If the CRM Team's archeological advisor cannot confirm previous disturbance based on their knowledge of past logging and borrow practices, advanced testing may be needed prior to using streamlined review. Indigenous tribal members shall be invited to participate in conducting this archeological work.
3. Within three (3) years of the date this PA is registered with the ACHP, NPS, working with the Parties to this PA, shall develop an archeological testing plan to test assumptions regarding archeological sensitivity in areas with evidence of heavy logging.
4. NPS will continue to pursue basic Section 110 research goals in conjunction with the Parties to this PA with the goal of developing Determinations of Eligibility (DOEs) for potential historic properties throughout the Monument (see Stipulation V).

III. UNDERTAKINGS ELIGIBLE FOR STREAMLINED REVIEW

NPS has developed the following streamlined activities to cover specific types of repetitive work to be performed at the Monument. Streamlined Activities imported from the Servicewide PA will be subject to the processes outlined in Stipulation II of this PA.

A. Streamlined Activities from the Servicewide PA

1. **Preservation Maintenance and Repair of Historic Properties:** The Streamlined Review Process is intended to be used for:

- Mitigation of wear and deterioration of a historic property to protect its condition without altering its historic character;
- Repairing when its condition warrants with the least degree of intervention including limited replacement in-kind;
- Replacing an entire feature in-kind when the level of deterioration or damage of materials precludes repair; and
- Stabilization to protect damaged materials or features from additional damage.

Use of the Streamlined Review Process is limited to actions for retaining and preserving, protecting, maintaining, and repairing and replacing in-kind, as necessary, materials and features, consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards) and the accompanying guidelines.

Emergency stabilization, including limited replacement of irreparably damaged features or materials and temporary measures that prevent further loss of historic material or that correct

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unsafe conditions until permanent repairs can be accomplished, may use the Streamlined Review Process. For archeological sites and cultural landscapes, the Streamlined Review Process may also be used for work to moderate, prevent, or arrest erosion.

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 Federally recognized Indian Tribes shall be invited to participate in monitoring.

The Streamlined Review Process may be used for routine repairs necessary to continue use of a historic property, but it is not intended to apply to situations where there is a change in use or where a series of individual projects cumulatively results in the complete rehabilitation or restoration of a historic property. 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. This streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

- a. Removal of non-historic debris from an abandoned building.
- b. Cleaning and stabilizing of historic structures, features, fences, stone walls, and plaques, using treatment methods that do not alter or cause damage to historic materials.
- c. Repainting in the same color as existing, or in similar colors or historic colors based upon an approved historic structure report, cultural landscape report, or a **historic paint color analysis**.
- d. Removal of non-historic, exotic species according to Integrated Pest Management principles when the species threatens cultural landscapes, archeological sites, or historic or prehistoric structures.
- e. Energy improvements limited to insulation in the attic or basement, and installation of weather stripping and caulking.
- f. In-kind repair and replacement of deteriorated pavement, including, but not limited to, asphalt, concrete, masonry unit pavers, brick, and stone on historic roads, paths, trails, parking areas, pullouts, etc.
- g. Repair or limited in-kind replacement of rotting floorboards, roof material, or siding. Limited in-kind replacement refers to the replacement of only those elements of the feature that are too deteriorated to enable repair, consistent with the Standards.
- h. In-kind replacement of existing gutters, broken or missing glass panes, retaining walls, and fences.

2. Rehabilitation and/or Minor Relocation of Existing Trails, Walks, Paths, and Sidewalks:
The Streamlined Review Process may be used for undertakings proposed on existing non-historic trails, walks, paths, and/or sidewalks that are located within previously disturbed areas and do not exceed the depth of the previous disturbance. The Streamlined Review Process may also be used for undertakings proposed on existing historic trails, walks, paths, and/or sidewalks, provided that the proposed undertaking is conducted in

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accordance with an approved treatment plan (such as a historic structure report, cultural landscape report, or preservation maintenance 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 Federally recognized Indian Tribes shall 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. In-kind regrading, graveling, repaving, or other maintenance treatments of all existing trails, walks and paths within existing disturbed alignments.
- b. Minor realignment of trails, walks, and paths where the ground is previously disturbed as determined by a qualified archeologist.
- c. Changing the material or color of existing surfaces using materials that are recommended in an approved treatment plan or in keeping with the cultural landscape.
- d. Construction of water bars following the recommendations of an approved treatment plan or in keeping with the cultural landscape.

3. Repair/Resurfacing/Removal of Existing, Roads, Trails, and Parking Areas: The Streamlined Review Process may be used as follows:

- a. Existing roads, trails, parking areas, and associated features that have been determined not eligible for the National Register in consultation with the SHPO/THPOs, may be repaired or resurfaced in-kind or in similar materials as long as the extent of the project, including staging areas, is contained within the existing surfaced areas. The repair or resurfacing cannot exceed the area of the existing road surface and cannot exceed the depth of existing disturbance determined not eligible for the National Register in consultation with the SHPO/THPOs, may be repaired or resurfaced in-kind or in similar materials as long as the extent of the project, including staging areas, is contained within the existing surfaced areas. The repair or resurfacing cannot exceed the area of the existing road surface and cannot exceed the depth of existing disturbance.
- b. Existing roads, trails, parking areas, and associated features, that have been determined eligible for the National Register in consultation with the SHPO/THPO, may be repaired or resurfaced in-kind. The project, including staging areas, cannot exceed the area of the existing surface and cannot exceed the depth of existing disturbance.
- c. Existing surfaced areas may be expanded, or new surfaces constructed if the extent of new surfacing can be demonstrated to occur on land that has been disturbed by prior excavation or construction and has been shown not to contain buried historic properties. New or expanded surface may not be an addition to, or continuation of, existing surfaces that are listed in or eligible for the National Register and all project activities, including staging areas, must be located in non-historic areas to be eligible for streamlined review.

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- d. Existing surfaced areas may be removed if the surfaced area is not a historic property, it is not located within a historic property and all project activities, including staging areas, will occur on land that has been disturbed by prior excavation or construction and has been shown not to contain buried historic properties.

- 4. **Health and Safety Activities:** The Streamlined Review Process may be used for health and safety activities that do not require the removal of original historic elements or alteration of the visual character of the property or area.

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 Federally recognized Indian Tribes shall 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. Sampling/testing historic fabric to determine hazardous content, e.g., lead paint, asbestos, radon.
- b. Limited activities to mitigate health and safety problems that can be handled without removal of historic fabric, surface treatments, or features that are character-defining elements, or features within previously disturbed areas or areas inventoried and found not to contain historic properties.
- c. Testing of soil and removal of soil adjacent to buried tanks, provided the project does not exceed the area of existing disturbance and does not exceed the depth of existing disturbance, as determined by a qualified archeologist.
- d. Removal of oil or septic tanks within previously disturbed areas or areas inventoried and found not to contain historic properties.
- e. Removal of HAZMAT materials within previously disturbed areas or areas inventoried and found not to contain historic properties.
- f. Safety activities related to black powder regulations.
- g. Replacement of septic tanks and systems in previously disturbed areas, or areas inventoried and found not to contain historic properties.
- h. Common pesticide treatments.
- i. Removal of both natural and anthropogenic surface debris following volcanic activity, tropical storms, hurricanes, tornados, or similar major weather events, provided removal methods do not include ground disturbance or otherwise cause damage to historic properties.

- 5. **Routine Grounds Maintenance:** The Streamlined Review Process may be used for routine grounds maintenance activities. 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 Federally recognized Indian Tribes shall 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. Grass replanting in same locations with approved species.
 - b. Woodland and woodlot management (including tree trimming, hazard tree removal, thinning, routine removal of exotic species that are not a significant component of a cultural landscape, stump grinding).
 - c. Maintaining existing vegetation on earthworks, trimming trees adjacent to roadways and other historic roads and trails.
 - d. Routine maintenance of gardens and vegetation within cultural landscapes with no changes in layout or design.
 - e. Routine grass maintenance of cemeteries and tombstones with no tools that will damage the surfaces of stones (i.e., weed whips).
 - f. Trimming of major specimen trees needed for tree health or to address critical health/safety conditions.
 - g. Routine roadside and trail maintenance and cleanup with no ground disturbance.
 - h. Planting of non-invasive plant species in non-historic areas.
 - i. Removal of dead and downed vegetation using equipment and methods that do not introduce ground disturbance.
 - j. Replacement of dead, downed, overgrown, or hazard trees, shrubs, or other vegetation with specimens of the same species.
 - k. Replacement of invasive or exotic landscape plantings with similar non--invasive plants.
 - l. Routine lawn mowing, leaf removal, watering, and fertilizing.
 - m. Routine orchard maintenance and pruning.
6. Battlefield Preservation and Management: NOT APPLICABLE TO THE MONUMENT *Numbering kept for consistency with the Servicewide PA.*
 7. Hazardous Fuel and Fire Management: The Streamlined Review Process *may be used only if the park has an approved fire management plan or forest management plan.*

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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 Federally recognized Indian Tribes shall 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.

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:

- a. 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.
 - b. 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.
 - c. 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.
 - d. Restoration of existing fire line disturbances, such as hand lines, bulldozer lines, safety areas, helispots, and other operational areas.
 - e. 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.
8. Installation of Environmental Monitoring Units: The Streamlined Review Process may be used for the placement of small-scale, temporary or permanent monitoring units, such as weather stations, termite bait stations, water quality, air quality, or wildlife stations, in previously disturbed areas, as determined by a qualified archeologist, or areas inventoried and found not to contain historic properties. Borings must be limited to pipes less than 2 inches in diameter and surface samples to less than 12 inches in size and minimal in number.
9. Maintenance or Replacement of Non-Historic Utility Lines, Transmission Lines, and Fences: 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 Federally recognized Indian Tribes shall 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:

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- 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.

10. Erection of Signs, Wayside Exhibits, and Memorial 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 Federally recognized Indian Tribes shall 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
- 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) and the sign is to be located in previously disturbed areas or areas inventoried and found not to contain historic properties.
- 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 inventoried and found not to contain historic properties.
- e. Temporary signage for closures, repairs, detours, safety, hazards, etc. in previously disturbed areas or areas inventoried and found not to contain historic properties.
- f. Memorial plaques placed within established zones that allow for such placement.

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11. Culvert Replacement: See Streamlined Activity B2 below.
12. Reburial of Human Remains and Other Cultural Items Subject to the Native American Graves Protection and Repatriation Act (NAGPRA): The Streamlined Review Process may be used for the reburial of human remains and other cultural items subject to NAGPRA. The Streamlined Review Process may only be used when:
 - a. The reburial is in previously disturbed areas and does not introduce ground disturbance beyond documented disturbance; or
 - b. The reburial is in previously inventoried areas found to not contain historic properties.

Any reburial in NPS-administered areas must be in conformance with NPS policies on cemeteries and burials including cultural resource policies. **Streamlining of the NHPA consultation process does not in any way streamline, abbreviate, or diminish the NPS' procedural and substantive obligations under NAGPRA and regulations and policies promulgated thereunder.**

13. Meeting Accessibility Standards in Historic Structures and Cultural Landscapes: The Streamlined Review Process may only be used for the following undertakings intended to meet accessibility standards:
 - a. Reconstruction or repair of existing wheelchair ramps and sloped walkways provided the undertaking does not exceed the width or depth of the area of previous disturbance.
 - b. Upgrading restroom interiors in historic structures within existing room floor area to achieve accessibility unless the historic features and/or fabric of the restroom contribute to the historic significance of the structure.
14. Mechanical, Electrical and Plumbing Systems: The Streamlined Review Process may be used as follows for activities related to mechanical, electrical, and plumbing systems. Such systems may include HVAC systems, fire detection and suppression systems, surveillance systems, and other required system upgrades to keep park lands and properties functional and protected.
 - a. Park areas, landscapes, buildings, and structures that have been determined not eligible for the National Register in consultation with the SHPO/THPO, may undergo installation of new systems or repair/ upgrading of existing systems in accordance with the Streamlined Review Process.
 - b. Properties that have been determined eligible for the National Register in consultation with the SHPO/THPO may undergo limited upgrading of mechanical, electrical, and plumbing systems. However, the Streamlined Review Process may not be used for the installation of new systems or complete replacement of these systems. If proposed activities include the removal of original historic elements or alter the visual character or the property's character-defining materials, features, and spaces, then the Streamlined Review Process may not be used.
 - c. 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 Federally recognized Indian Tribes shall be invited to participate in monitoring.

15. Acquisition of Lands for Park Purposes: The Streamlined Review Process may be used identification and evaluation of all types of historic properties within the project APE does not apply to this activity, provided the acquisition does not include any further treatment or alteration of properties, since access to land for inventory and evaluation prior to NPS acquisition may be limited. Any known or potential historic properties on the land acquired should be protected from demolition by neglect. Pursuant to 36 CFR 800.5(a)(2)(vi), demolition by neglect constitutes an adverse effect. If any undertakings are proposed in conjunction with the acquisition that have the potential to affect historic properties, the Streamlined Review Process may not be used.
16. Leasing of Historic Properties: The Streamlined Review Process may be used provided all treatment of historic properties proposed in relation to the leasing action is consistent with undertakings eligible for Streamlined Review, set forth in Stipulation II of this PA. The Streamlined Review Process may not be used where there is a change of use or where a series of individual projects cumulatively results in the complete rehabilitation or restoration of a historic property.

B. Streamlined Activities Developed for the Monument

1. Maintenance and Repair of Non-Historic Properties:

- Mitigation of wear and deterioration of a property less than thirty years old or properties or those that have been determined not to be eligible for listing in the National Register of Historic Places to protect their condition without altering their character;
- Repairing or replacing material when conditions warrant with the least degree of intervention; Replacement in kind is encouraged;
- This streamlined activity includes the following undertakings as well as other activities that are comparable in scope, scale, and impact. Ground-disturbing activities may require archeological monitoring in accordance with Stipulation II.B.3.
 - a) Removal of non-historic debris from an abandoned building.
 - b) Cleaning and stabilizing of structures, features, fences, stone walls, bridge decks that do not alter the character or cause damage to the structure.
 - c) Painting previously painted surfaces.
 - d) Removal of exotic species according to Integrated Pest Management principles.
 - e) Energy improvements limited to insulation in the attic or basement and installation of weather stripping and caulking.
 - f) Repair and limited replacement of damaged floorboards, roof material and siding.
 - g) In kind replacement of gutters and downspouts, missing panes of glass, retaining walls, fences, etc.

- h) Repair or replacement of kitchen appliances and bathroom fixtures and finishes.
- i) Identify and remove hazard trees.

2. Culvert Replacement: The Streamlined Review Process may be used for culverts made out of corrugated metal or PVC. It may also be used for concrete culverts less than 30 years old or those that have been determined with the SHPO (and THPOs?) not to be eligible for listing in the National Register.

- a) Culverts must be replaced in the same location, although they may be widened or replaced with a bridge where necessary.
- b) If the project includes ground disturbance outside the existing road prism and culvert depth, 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 Federally recognized Indian Tribes shall be invited to participate in monitoring.

3. Bridge Rehabilitation

- Replacement in kind of the deck.
- Replacement of structural elements in kind with prior archeological review and/or monitoring.

4. Beaver Control and Maintenance

- Removal of beaver dams where the staging is on an existing roadbed, or removal can be accomplished without rutting the ground surface.
- Initial placement and maintenance of beaver deceivers, also known as a flow devices¹.

5. Issuance of Special Use Permits, Commercial Use Permits, and Research Permits

Activities may include the following types of activities and similar activities with the same general potential impact:

- Guiding activities for hunting, rafting, camping, fishing, or other activities not to exceed the backcountry quota for the area in established or prior use camping areas and/or spike camps. Permittees will be encouraged to use existing facilities and discouraged from digging holes for tests or waste unless found to be appropriate in accordance with Stipulation II.A.3.c.
- Trail grooming and maintenance during the winter season over snow-packed roads.
- Research projects that may include temporary or permanent placement of objects in the environment, such as rebar stakes, small traps, cameras, or include small numbers of

¹ [Beaver deceivers](#) or flow devices are comprised of a small trapezoidal fence that protects the mouth of a culvert, usually associated with a roadway, to prevent beavers from damming the culvert. A caged floating culvert or flexible pond leveler works like a float valve and may be installed with the beaver deceiver upstream of the main culvert, in the adjacent beaver pond. Its purpose is to convey water into the main culvert and assist in the gradual maintenance of the pond level without completely draining the pond, allowing the beaver habitat to remain intact.

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people walking off trail to reach specific research sites.

6. Pit and Compost Toilet Maintenance

Placement or maintenance of new or relocation of existing pit or compost toilets within established campsites, parking areas, or trail heads with previous archeological clearance or monitoring.

IV. REVIEW AND MONITORING OF PA IMPLEMENTATION

NPS will continue to follow reporting procedures found in the Servicewide PA Stipulation VIII (Review and Monitoring of PA Implementation) and will disseminate information on the use of Streamlined Activities from this PA annually to the Parties of this PA. In addition:

- A. NPS will invite the THPOs to meet at least once per year to discuss upcoming projects and work programs, the status of Section 110 research, and to determine if the tribes would like to see details of any projects or project types prior to NPS streamlining them.
- B. On a biennial basis and in concert with any meetings regarding the Servicewide PA, NPS will initiate meetings with the Maine SHPO, and THPOs (together or separate) to evaluate the effectiveness of this PA and discuss any changes that may need to be made to restrict or expand the use of streamlined activities as a result of monitoring, inventory work, and the results of the implementation of the archeological testing plan. Any proposed changes must go through the amendment process laid out in Stipulation IX below before taking effect.

V. SECTION 110 SURVEY WORK WITHIN THE MONUMENT

- A. As funds allow, NPS will continue to pursue inventory and evaluation for listing in the National Register of Historic Places assets within the Monument that are subject to regular and ongoing maintenance.
- B. NPS will consult with the Parties to this PA on scopes of work for inventory work.
- C. Buildings older than 30 years old will be formally evaluated for eligibility for inclusion in the National Register of Historic Places before applying streamlining. If found NOT to be eligible for inclusion in the National Register, their eligibility will be revisited when they approach 50 years old.
- D. NPS acknowledges that tribes possess special expertise in assessing the eligibility of historic properties that possess religious and cultural significance to them. NPS will invite the tribes to participate in inventory work related to archeology, ethnography, and the identification of properties of religious and cultural significance.
- E. NPS will send the Parties to this PA results of all inventory work as it is completed.
- F. Information about sacred sites will remain with the THPOs who will determine what and how much to share with NPS and other parties to this PA for purposes of managing the Monument. Sensitive information concerning archeological resources will be protected and classified in accordance with ARPA (16 USC § 470hh; 43 CFR 7.18)

VI. DURATION

This PA will be in effect for 10 years to allow Section 110 research to be conducted. Prior to the expiration of the PA, NPS will re-evaluate the terms with the SHPO and THPOs and modify or delete

stipulations that are no longer relevant and add new terms as necessary. The Monument, SHPO and THPOs may also decide to continue the PA with or without changes. If the PA is continued, the amendment process found in Stipulation IX of this PA will be followed.

VII. POST-REVIEW DISCOVERIES

In the event that historic properties are inadvertently encountered during an undertaking for which review has been previously conducted and completed under Section III or Section V of this PA, or through other events such as erosion or animal activity, the Superintendent will notify the parties to the PA, within 48 hours, or as soon as reasonably possible. The Superintendent in consultation with the Section 106 Coordinator and the appropriate members of the CRM Team, will make reasonable efforts to avoid, minimize, or mitigate adverse effects on those historic properties in consultation with the parties as appropriate.

If human remains or other cultural material that may fall under the provisions of NAGPRA are present, the Superintendent will follow the provisions of an Inadvertent Discoveries Plan/Plan of Action developed in conjunction with the tribes. The Superintendent will ensure that any human remains are left in situ, are not exposed, and remain protected while compliance with NAGPRA, ARPA, or other applicable federal, state, and/or local laws and procedures is undertaken. The NAGPRA Plan of Action will be appended to this PA when complete using the process laid out in Stipulation IX of this PA.

VIII. DISPUTE RESOLUTION

Should any party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, NPS shall consult with such party to resolve the objection. If NPS determines that such objection cannot be resolved, NPS will:

A. Forward all documentation relevant to the dispute, including the NPS's proposed resolution, to the ACHP. The ACHP shall provide NPS with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NPS shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and the parties to this PA and provide them with a copy of this written response. NPS will then proceed according to its final decision.

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

C. NPS's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

IX. AMENDMENTS

This PA may be amended when such an amendment is agreed to in writing by all Parties. Any amendments will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

X. TERMINATION

If any party to this PA determines that its terms will not or cannot be carried out, that party shall

Programmatic Agreement Regarding Compliance with Section 106 and Section 110 of the National Historic Preservation Act for Katahdin Woods and Waters National Monument

immediately consult with the other Parties to attempt to develop an amendment per Stipulation IX, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the PA upon written notification to the other signatories. Once the PA is terminated, NPS must either (a) execute an PA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. NPS shall notify the signatories as to the course of action it will pursue.

XI. RELATION TO SERVICEWIDE PA

The Tribes have not signed the Servicewide PA, and although the NPS has signed and is bound by the Servicewide PA, in case of direct conflict between the terms of this PA and the Servicewide it will follow the terms of this PA in its relations with the Tribes.

XII. ANTI-DEFICIENCY ACT STATEMENT

The stipulations of this PA are subject to the provisions of the Anti-Deficiency Act (31 U.S.C. 1341 (1988)). If compliance with the Anti-Deficiency Act alters or impairs NPS ability to implement the stipulations of this PA, the Monument will consult in accordance with the dispute resolution, amendment or termination stipulations as specified in Stipulations VIII-X of this PA.

Execution of this PA by the NPS, the SHPO and THPOs and implementation of its terms evidence that NPS has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

**Programmatic Agreement Regarding Compliance with Section 106 and Section 110 of the National
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Signature Page

National Park Service, Katahdin Woods and Waters National Monument:

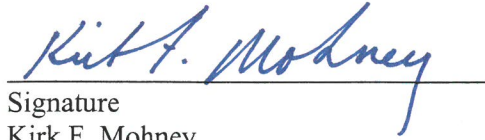
Signature

Mark Wimmer, Superintendent

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Signature Page

Maine Historic Preservation Commission:



Signature

Kirk F. Mohny

State Historic Preservation Officer

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Signature Page

Penobscot Nation:

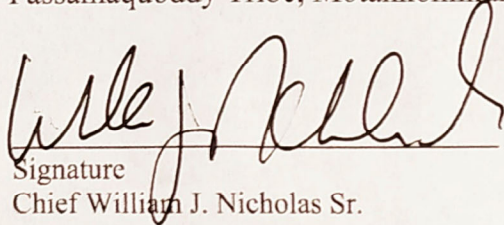
A handwritten signature in black ink, appearing to read "K. Francis", written over a horizontal line.

Signature
Chief Kirk E. Francis

Programmatic Agreement Regarding Compliance with Section 106 and Section 110 of the National
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Signature Page

Passamaquoddy Tribe, Motahkomikuk:

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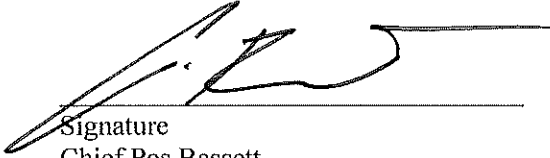
Signature

Chief William J. Nicholas Sr.

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Signature Page

Passamaquoddy Tribe, Sipayik:



Signature
Chief Pos Bassett

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Signature Page

Mi'kmaq Nation:

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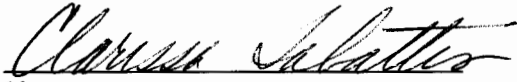
Signature

Chief Edward Peter-Paul

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Signature Page

Houlton Band of Maliseet Indians:

A handwritten signature in cursive script, reading "Clarissa Sabattis", written over a horizontal line.

Signature

Chief Clarissa Sabattis