

**PROGRAMMATIC AGREEMENT AMONG
NAVAL AIR STATION FALLON, NEVADA,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE IDENTIFICATION, EVALUATION AND
TREATMENT OF HISTORIC PROPERTIES WITHIN THE
NAVAL AIR STATION FALLON AREA OF RESPONSIBILITY**

WHEREAS, Naval Air Station Fallon (NAS Fallon), as the Navy's premier tactical air warfare training center, provides for the air operations, special training programs and related support activities to meet national defense mission requirements for the fleet, on lands under the jurisdiction of the Department of Navy in the State of Nevada and on public lands withdrawn for this purpose; and

WHEREAS, Section 2981 of the Military Land Withdrawals Act of 2013 (Public Law 113-66; 127 Stat. 1025), as amended by Section 2901 of the 2023 National Defense Authorization Act (2023 NDAA), approved the expansion and modernization of the Fallon Range Training Complex (FRTC); and

WHEREAS, the primary elements of the expansion and modernization effort include: Congressional renewal of the 1999 Public Land Withdrawal until November 6, 2047; withdrawal and reservation by Congress for military use of additional federal land for a term of 25 years; acquisition of private or state-owned (non-federal) land; expansion of associated Special Use Airspace (SUA) and reconfiguration of existing airspace; construction and modification of range infrastructure and road improvements/relocation; and

WHEREAS, this programmatic agreement (PA) supersedes and replaces (1) the 2011 *Programmatic Agreement Among Naval Air Station, Fallon, Nevada, The Nevada State Historic Preservation Officer and The Advisory Council on Historic Preservation Regarding the Identification, Evaluation and Treatment of Historic Properties on Lands Managed by Naval Air Station, Fallon* as well as Amendment One (2020) to that PA; (2) the 2014 *Programmatic Agreement Among the United States Navy and the Bureau of Reclamation, Mid-Pacific Region and the Nevada State Historic Preservation Officer Regarding the Effects of Demolition and Construction at Naval Air Station Fallon, Nevada Bombing Range BRAVO-16*; and (3) Appendix G of the 2014 (revised) *State Protocol Agreement between The Bureau of Land Management, Nevada and The Nevada State Historic Preservation Officer for Implementing the National Historic Preservation Act*; and

WHEREAS, in accordance with Section 2982(a)(1)(C) of the Military Land Withdrawals Act of 2013, as amended by Section 2901 of the 2023 NDAA, the National Historic Preservation Act (NHPA), 54 United States Code (U.S.C.) § 306108 *et seq.* and its implementing regulations (Section 106), 36 Code of Federal Regulations (CFR) Part 800, this PA addresses the management of historic properties as they relate to training, testing, construction (including military construction), routine operation, and maintenance and repair (OM&R); and

WHEREAS, in accordance with Sections 2982(a)(1)(D), 2982(a)(1)(E) and 2987(a) of the Military Land Withdrawals Act of 2013, as amended by Section 2901 of the 2023 NDAA, the Secretary of the Navy (SECNAV) shall, with affected Indian Tribes and the Secretary of the

Interior, enter into written agreements for the purpose of establishing continued, regular, and timely access to the land withdrawn and reserved by section 2981 of the Military Land Withdrawals Act of 2013 (as amended by Section 2901 of the 2023 NDAA), to include a minimum of four days of such access per month, for cultural, religious, gathering and ceremonial uses by affected Indian Tribes, consistent with military training requirements and public safety; and

WHEREAS, in accordance with Sections 2982(a)(1)(D), 2982(a)(2)(C), 2982(b)(3) and 2995(a)(1)(B) of the Military Land Withdrawals Act of 2013, as amended by Section 2901 of the 2023 NDAA, the SECNAV shall, through implementation of and compliance with this PA, seek to avoid, minimize and/or mitigate any potential adverse effects arising from or pertaining to loss of access or reduced access to the land withdrawn and reserved by the 2023 NDAA; and

WHEREAS, in accordance with Sections 2987(b) and (d) of the Military Land Withdrawals Act of 2013, as amended by Section 2901 of the 2023 NDAA, the SECNAV, in consultation with the State of Nevada and appropriate Tribal governments, shall conduct an ethnographic study of the expanded FRTC to assess the importance of that area to Indian Tribes and the religious and cultural practices of those Indian Tribes; and

WHEREAS, in accordance with Sections 2987(c)(1), (c)(2) and (d) of the Military Land Withdrawals Act of 2013, as amended by Section 2901 of the 2023 NDAA, after consultation with affected Indian Tribes and review of data, studies, and reports in the possession of such Indian Tribes, the SECNAV shall conduct a cultural resources survey of the land withdrawn and reserved by the 2023 NDAA for each of the expanded areas of the B-16, B-17, and B-20 Ranges that were not subject to previous surveys in support of the Record of Decision for the *Fallon Range Training Complex Modernization Final Environmental Impact Statement* dated March 12, 2020, and previous withdrawals comprising the FRTC that includes pedestrian field surveys and the inventory and identification of specific sites containing cultural, religious, and archaeological resources of importance to affected Indian Tribes, as well as coordinate with and provide for the participation of, each applicable affected Indian tribe and provide the results of the surveys conducted to affected Indian Tribes for review and comment prior to concluding survey activities; and

WHEREAS, in accordance with Section 2987(e) of the Military Land Withdrawals Act of 2013, as amended by Section 2901 of the 2023 NDAA, the SECNAV shall, with the Secretary of the Interior and affected Indian Tribes, enter into an agreement consistent with the NHPA that identifies actions to avoid, minimize or mitigate adverse effects to specific sites containing cultural, religious, and archaeological resources of importance to affected Indian Tribes identified pursuant to cultural resource surveys conducted in accordance with Section 2987(c) of the Military Land Withdrawals Act of 2013, as amended by Section 2901 of the 2023 NDAA; and

WHEREAS, in accordance with Sections 2982(a)(2)(B)(ii) and 2987(c) and (e) of the Military Land Withdrawals Act of 2013, as amended by Section 2901 of the 2023 NDAA, the SECNAV shall, using the results of the surveys conducted in accordance with 2987(c), and in coordination with affected Indian Tribes and to the maximum extent practicable, avoid placing targets or other range infrastructure in culturally sensitive areas, to include avoiding target placement and training within areas that have cultural, religious, and archaeological resources of importance to affected Indian Tribes; and

WHEREAS, in accordance with Sections 2982(a)(2)(D) and 2987(e) of the Military Land Withdrawals Act of 2013, as amended by Section 2901 of the 2023 NDAA, the SECNAV shall avoid placement of targets in known sensitive habitat, cultural, or historic areas within the Monte Cristo Mountains, and shall, within the B-17 Range, prohibit the placement of air to ground ordnance targets throughout the areas identified as the 'Monte Cristo Range Protection Area' on the map entitled 'Churchill County Proposed Fallon Range Training Complex Modernization and Lands Bill' and dated November 30, 2022; and

WHEREAS, in accordance with Section 2987(g) of the Military Land Withdrawals Act of 2013, as amended by Section 2901 of the 2023 NDAA, the SECNAV shall treat information concerning the nature and specific location of a cultural resource as exempt from disclosure under 5 U.S.C. § 552 and any other law, unless the SECNAV, in consultation with affected Indian Tribes, determines that disclosure would further the purposes of Section 2987 of the 2023 NDAA, not create risk of harm to or theft or destruction of the cultural resource or the site containing the cultural resource, and be in accordance with other applicable laws; and

WHEREAS, the SECNAV has established, and will maintain, a dedicated Tribal Liaison position at NAS Fallon and provide additional resources to assist with range access coordination; and

WHEREAS, the SECNAV, represented by the NAS Fallon Installation Commanding Officer (ICO), has identified the area of potential effects (APE) with respect to Department of the Navy-authorized undertakings covered by this PA, as the entirety of the NAS Fallon area of responsibility (AOR), including the SUA, as illustrated in Appendix A; and

WHEREAS, the NAS Fallon AOR specifically excludes tribal lands (Appendix B); and

WHEREAS, NAS Fallon has determined that the undertakings associated with training, testing and other mission supporting activities are subject to review under Section 106 of the NHPA, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800; and

WHEREAS, NAS Fallon has determined that these undertakings have the potential to cause effects on historic properties as defined by 36 CFR § 800.16(l)(1); and

WHEREAS, NAS Fallon has consulted with the Advisory Council on Historic Preservation (ACHP) and the Nevada State Historic Preservation Officer (SHPO), who are signatories to this PA; pursuant to 36 CFR Part 800; and

WHEREAS, NAS Fallon has consulted with the United States Bureau of Land Management, Nevada and the United States Bureau of Reclamation, California-Great Basin Region 10 and invited them to sign as concurring parties; and

WHEREAS, NAS Fallon has consulted with the counties of Churchill, Pershing, Mineral, and Nye, the City of Fallon, and the Lincoln Highway Association; and

WHEREAS, NAS Fallon has invited the Battle Mountain, Elko, South Fork and Wells Bands of the Te-Moak Tribe of Western Shoshone Indians of Nevada; Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada; Fort McDermitt Paiute and Shoshone Tribes of the Fort

McDermitt Indian Reservation, Nevada and Oregon; Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada; Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada; Reno-Sparks Indian Colony, Nevada; Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada; Walker River Paiute Tribe of the Walker River Reservation, Nevada; Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches); Winnemucca Indian Colony of Nevada; Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada; and Yomba Shoshone Tribe of the Yomba Reservation, Nevada, hereinafter Tribes, to participate in the development of this PA, and to sign as concurring parties; and

WHEREAS, NAS Fallon acknowledges that Indian Tribes possess special expertise in assessing the eligibility of sites that may possess cultural and religious significance to them; and

WHEREAS, the consultation procedures between NAS Fallon, SHPO and the ACHP outlined herein, have no bearing on the establishment of Government-to-Government relationships with Tribes, for which independent agreements or understandings, such as Tribe-specific consultation protocols, may be or may have been developed, and any such independent agreements or understanding therefore are not part of or superseded by this PA; and

WHEREAS, NAS Fallon has invited the Churchill County Museum to participate in the development of this PA; and

WHEREAS, signature as a concurring party to this PA does not imply support for the NAS Fallon mission; and

WHEREAS, NAS Fallon has notified the public of the opportunity to participate in the development of this PA by placing a draft copy of this PA on its public-facing webpage, at public libraries in Churchill County and a notice regarding the opportunity to participate in the associated Section 106 consultation in local newspapers with information for submitting comments within thirty (30) calendar days thereafter; and

WHEREAS, NAS Fallon must comply with Executive Order 13556 Controlled Unclassified Information (CUI), 32 CFR Part 2002, and Department of Defense (DoD) Instruction 5200.48 "Controlled Unclassified Information," and this PA incorporates procedures to balance information security with the documentation requirements of 36 CFR § 800.11; and

WHEREAS, previously executed agreement documents, such as the *Programmatic Memorandum of Agreement Among the United States Department of Defense, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers regarding Demolition of World War II Temporary Buildings* (1986 and 1991 amendment); 2004 *Program Comment for Capehart and Wherry Era Housing and Associated Structures and Landscape Features* (1949–1962); 2006 *Program Comment for Cold War Era Unaccompanied Personnel Housing* (1946–1974); 2009 *Program Comment To Avoid Duplicative Reviews for the Wireless Communications Facilities Construction and Modification* (2020 amendment); and 2022 *Exemption From Historic Preservation Review for Electric Vehicle Supply Equipment* shall continue to apply for the circumstances for which they were developed until they should either expire or be terminated; and

WHEREAS, the 2020 *Programmatic Agreement Among the Bureau of Reclamation, Nevada State Historic Preservation Officer Regarding the Operation and Maintenance of the Newlands Project and the Truckee Canal Extraordinary Maintenance Project, Churchill, Lyon, Storey and Washoe Counties* shall continue to apply for the circumstances for which it was developed until it should either expire or be terminated; and

NOW, THEREFORE, NAS Fallon, the ACHP and the SHPO agree that NAS Fallon shall take into account the effect of undertakings on historic properties by implementing the following stipulations to avoid, minimize or mitigate adverse effects.

STIPULATIONS

The NAS Fallon ICO, hereinafter ICO, shall ensure that the following measures are carried out:

I. APPLICABILITY, ROLES, RESPONSIBILITIES, AND PROFESSIONAL STANDARDS

A. Applicability

This PA applies to all undertakings associated with routine operation, maintenance, and repair (OM&R), training, testing, and construction (including military construction within the NAS Fallon AOR (Appendix A).

B. Roles

1. The ICO is responsible for overseeing and ensuring the effective and efficient operation of NAS Fallon, its environmental readiness program, and coordinating the actions of all tenant and visiting commands and individuals concerning the safeguarding or preservation of Navy owned or controlled property.

2. In implementing the requirements and provisions of this PA, the Navy Cultural Resources (CR) program is responsible for fully supporting NHPA compliance to ensure all projects are implemented appropriately. The Navy CR program comprises:

a. The Deputy Assistant Secretary for the Navy (Environment & Mission Readiness) and Department of the Navy Federal Preservation Officer (FPO) and Deputy FPO; and

b. Chief of Naval Operations, Installations and Logistics Division (OPNAV N4I), Infrastructure, Posture, and Environmental Planning Branch (OPNAV N4I1); and

c. Navy CR subject matter experts (Navy CR personnel) serving at Commander, Navy Installations Command, Naval Facilities Engineering Systems Command (NAVFAC) Headquarters, NAVFAC Pacific, NAVFAC Southwest and/or Commander, Navy Region Southwest.

3. Concurrence by Others: pursuant to 36 CFR § 800.6(c)(3), the agency official may invite consulting parties to concur with an agreement document and signatories may agree to invite others to concur. The refusal of any party invited to concur in the agreement does not invalidate the agreement or prevent it from being executed. A concurring party, upon signing, may assume the specific roles and responsibilities specified herein. The individual signing on behalf of a concurring party should be someone with approval authority for any responsibilities or duties assumed under this PA, and/or authority to represent the broad interests of the concurring party in question.

4. Consulting Parties: pursuant to 36 CFR § 800.2(c)(5), certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

a. Consulting parties are parties that have participated in the development of this PA, to include concurring parties, but who have no other roles, rights or responsibilities.

b. In accordance with 36 CFR § 800.3(f), in consultation with the SHPO, NAS Fallon shall identify any other parties entitled to be consulting parties and invite them to participate as such in the Section 106 process. NAS Fallon may invite others to participate as consulting parties as the Section 106 process moves forward.

c. NAS Fallon shall consider all written requests of individuals and organizations to participate as consulting parties and, in consultation with the SHPO, to determine which should be consulting parties.

C. Responsibilities

1. The NAS Fallon Public Works Officer, hereinafter PWO, as a representative of the ICO, shall ensure:

a. The NAS Fallon Cultural Resource Program Manager, hereinafter CRPM, meets the professional qualifications standards cited in Stipulation I.D.2, and is responsible for managing all aspects of installation cultural resources requirements, including tracking and briefing the ICO annually on the progress of mitigation within the NAS Fallon AOR.

b. The CRPM participates in installation-level planning activities to first and foremost support the avoidance of, and where not possible, the minimization of, effects to historic properties before proposing mitigation of adverse effects.

c. Project proponents carry out specified project terms and conditions.

d. Project proponents fund measures to avoid, minimize or mitigate adverse

effects to historic properties that may result from a proposed action, in accordance with the most current version of Office of the Chief of Naval Operations *Environmental Readiness Program Manual* Cultural Resources Compliance and Management chapter, as well as its 26 Jun 2023 NHPA *Section 106 Mitigation Commitment Policy* memorandum.

D. Professional Standards

1. All work to meet the stipulations of this PA related to the identification of historic properties, effects assessment, and mitigation shall follow the Secretary of the Interior's (SOI) Standards and Guidelines for Archeology and Historic Preservation finalized and adopted in 1983 (Federal Register (FR) Vol. 48, No. 190, pp. 44716-44738).
2. Pursuant to 36 CFR § 800.2(a)(1) and Section 112(a)(1)(A) of the NHPA, and except as provided under Stipulation I.D.3 below, all work related to the identification of historic properties, effects assessment, and mitigation to meet the stipulations of this PA shall be carried out by, reviewed by, or conducted under the oversight or supervision of a staff member of the Navy CR program with training and qualifications appropriate for the resource(s) involved, who:
 - a. Meets the SOI Professional Qualifications Standards (FR Vol. 48, No. 190, pp. 44738-44740); and
 - b. Possesses documented experience or expertise in Great Basin cultures and evaluating eligibility for listing in the National Register of Historic Places (NRHP).
3. The SOI Professional Qualifications Standards do not apply to Indian tribes.
4. The Navy will use appropriate contract performance requirements, and/or appropriate source selection criteria for cultural resources contractors which shall include, but not necessarily be limited to, minimum qualifications for historic preservation experience and satisfactory prior performance, as appropriate to the nature of the work and the type of procurement, developed with the participation of Navy CR professionals meeting Stipulation I.D.2.

II. SURVEYS, REPORT REVIEW, AND NRHP ELIGIBILITY DETERMINATIONS

A. Survey and Identification Efforts

1. The CRPM shall determine the scope of identification efforts in consultation with the SHPO, except when NAS Fallon conducts an intensive level Section 110 survey or surveys the entire area of potential effects (APE) associated with a proposed project.
2. The CRPM shall also consult with the Tribes to identify properties of traditional religious and cultural significance and respectfully maintain confidentiality to the extent permissible under applicable law, including but not limited to Section 2987(g) of the

Military Land Withdrawals Act of 2013, as amended by Section 2901 of the 2003 NDAA. If a Tribe identifies properties of traditional religious and cultural significance, the CRPM shall follow Stipulation III.E.

3. If the SHPO, does not respond to NAS Fallon's request for comment concerning identification of properties of traditional religious and cultural significance within fifteen (15) calendar days, NAS Fallon may assume concurrence and proceed with the identification effort.

4. Surveys which identify areas with no cultural resources shall be defined as negative resource surveys.

a. When an inventory survey indicates that no cultural resources are located within a project APE, the CRPM will document this finding on the NAS Fallon Negative Reports Form and can proceed with the undertaking without consulting the SHPO.

b. When there are severe time constraints and urgency for project completion, the CRPM may complete the NAS Fallon Negative Reports Form for the portion(s) of the project APE where no cultural resources have been identified, to allow construction to proceed in those areas while technical reports and SHPO or Tribe review are still in progress for other areas. Any cultural resources identified during construction will be addressed under Stipulation VII.

5. Recognizing that buildings, structures, objects, sites and districts often hold traditional cultural significance for people from all cultures and ethnic backgrounds, the CRPM shall involve the community at large in the identification of potential Traditional Cultural Places (TCPs), in accordance with the most current version of National Park Service (NPS) Bulletin 38. Due to their unique nature, TCP determinations shall be handled on a case-by-case basis, seeking to respect the desires of those affected while supporting the mission of NAS Fallon.

B. Survey Report Review

1. The SHPO shall review and comment on NAS Fallon NHPA Section 110 survey reports within thirty (30) calendar days of receipt of the report. If no comments are received from the SHPO within that time, then NAS Fallon may assume that the SHPO has no comment and finalize the report.

2. The Tribes are under no obligation to provide comments on survey reports; however, if they wish NAS Fallon to consider their comments, Tribes should submit comments in writing within forty-five (45) calendar days of receipt of all pertinent documentation.

3. Upon completion of an effort to identify historic properties utilizing one or more of the methods described in 36 CFR § 800.4(b)(1), and providing the SHPO or Tribes an opportunity to review and comment on an associated report, the identification effort shall be considered sufficient for future NAS Fallon findings of effect unless:

- a. NAS Fallon subsequently receives credible new information, such as may be shared at any time by a Tribe, indicating the presence of cultural resources in a specified area and/or
- b. A staff member of the Navy CR program meeting the professional qualifications standards in Stipulation I.D.2. validates the need for a supplemental identification effort.

C. NRHP Eligibility Determinations

1. Cultural resources that cannot be avoided by an undertaking shall be evaluated consistent with 36 CFR § 60.4 following 36 CFR Part 63, published bulletins, guidance, and other documents produced by the NPS to determine if they are historic properties as defined in 36 CFR § 800.16(l).
2. Pursuant to 54 U.S.C. §302706(b), the CRPM shall consult with the Tribes when evaluating the eligibility of historic properties that may be of religious and cultural significance to all or some of such Tribes. The CRPM shall provide the Tribes with NAS Fallon's initial evaluation of NRHP eligibility. The Tribes will have thirty (30) calendar days to provide the CRPM with written comments or to request further consultation. The initial eligibility determination may be revised based on consultation with the Tribes.
3. The CRPM shall be responsible for making the NRHP determination or, in the case of a contractor-provided recommendation, reviewing and approving or disapproving the recommendation on behalf of the DON. The DON shall be responsible for the final NRHP eligibility determination.
4. The SHPO shall provide a response to the eligibility determinations within thirty (30) calendar days of receipt of all pertinent documentation. If no comments are received from the SHPO within that time, the DON may assume SHPO concurrence.
 - a. If the DON and the SHPO cannot agree on NRHP eligibility within thirty (30) calendar days, the DON may, depending on mission requirements, continue to consult with the SHPO on the issue, or, at the conclusion of the thirty (30) calendar day period, forward the dispute to the Keeper of the NRHP for resolution.

III. PROJECT REVIEW PROCESS

A. Coordinate with Public Works

All projects will be subject to approval via the NAS Fallon Public Works environmental review process.

B. Establish Undertaking

1. Pursuant to 36 CFR § 800.3(a), the CRPM shall determine if a proposed action is an

undertaking as defined in 36 CFR § 800.16(y) and if so, whether it is a type of activity that has the potential to cause effects on historic properties as defined in 36 CFR §800.16(i).

2. Pursuant to 36 CFR § 800.3(a)(1), if the undertaking is the type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the CRPM shall document this determination via the NEPA review process and NAS Fallon shall have no further obligations under this Stipulation.

3. Pursuant to 36 CFR § 800.3(a)(2), if the CRPM determines that the proposed action has the potential to cause effects on historic properties, the review shall proceed as follows:

a. If the CRPM determines that the proposed action is an undertaking requiring no further review by the SHPO (under Appendix C), the CRPM shall document this determination for inclusion in the annual report (Stipulation VIII) and NAS Fallon shall have no further obligations under this Stipulation.

b. If the CRPM determines that the proposed action is an undertaking that is not listed in Appendix C, the CRPM shall proceed to Stipulation III.C.

C. Determine the APE

1. Pursuant to 36 CFR § 800.4(a)(1), early in the project planning process and in consultation with the SHPO, the CRPM shall determine and document the APE, as defined in 36 CFR § 800.16(d) for each specific undertaking, appropriate to the scope and scale of the undertaking, and consider direct and indirect effects.

2. The SHPO shall provide a response to the APE determination within fifteen (15) calendar days of receipt of all pertinent documentation. If no comments are received from the SHPO or TGR within that time, NAS Fallon may assume concurrence and proceed to Stipulation III.D.

D. Identify Historic Properties

1. Pursuant to 36 CFR § 800.4(a)(2), the CRPM shall review existing information on historic properties within the APE, including any data concerning possible historic properties not yet identified.

a. In accordance with 36 CFR § 800.2(c)(5), the CRPM shall seek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties. Consulting parties and other individuals and organizations shall have thirty (30) calendar days to respond to the CRPM.

b. The CRPM shall gather information from any Indian tribe identified pursuant

to 36 CFR § 800.3(f) to assist in identifying properties, including any located off tribal lands, which may be of religious and cultural significance to them and may be eligible for the NRHP, recognizing that an Indian tribe may be reluctant to divulge specific information regarding the location, nature, and activities associated with such sites. Concerns raised about confidentiality should be addressed pursuant to 36 CFR § 800.11(c). Tribes shall have thirty (30) calendar days to respond to the CRPM.

2. All historic property identification, evaluation and treatment efforts shall be guided by Appendix D.

E. Evaluate Effects

1. The CRPM shall assess the effects of the proposed project on historic properties, using the criteria of adverse effects (36 CFR § 800.5(a)(1)) and shall make one of the following findings:

a. *No Historic Properties Affected*: If the CRPM finds that there are no historic properties present or that historic properties present in the APE will not be affected by the project, this finding shall be documented for inclusion in the annual report (Stipulation VIII) and NAS Fallon shall have no further obligations under this Stipulation.

b. *No Adverse Effect to Historic Properties*: If the CRPM finds that historic properties present in the APE will not be adversely affected by the project, they shall proceed to Stipulation III.F.

c. *Adverse Effect to Historic Properties*: If the CRPM finds that historic properties present in the APE will be adversely affected by the project, they shall proceed to Stipulation III.G.

F. Findings of No Adverse Effect to Historic Properties

1. For those undertakings with a finding of *No Adverse Effect to Historic Properties*, the CRPM shall provide the SHPO and Tribes, in accordance with current agency and/or organizational submittal requirements, with a packet of information including, but not necessarily limited to, the following:

a. Project description, to include the amount and depth of ground disturbance anticipated;

b. APE map showing the location of the project and of any identified historic properties;

c. Description of the historic properties affected;

d. Any photos, design plans, and other supporting materials as necessary; and

e. Finding of effect and request for concurrence on *No Adverse Effect to Historic Properties* finding from the SHPO.

2. The SHPO shall provide a response to the NAS Fallon finding of effect within thirty (30) calendar days of receipt of all pertinent documentation.

a. If the SHPO does not respond to the finding of *No Adverse Effect to Historic Properties*, the CRPM shall document this non-response for inclusion in the annual report (Stipulation VIII), and NAS Fallon shall have no further obligations under this Stipulation.

b. Pursuant to 36 CFR § 800.5(c)(1), unless the finding of effect has been submitted to the ACHP in accordance with 36 CFR § 800.5(c)(3), if at the close of the thirty (30) calendar days the SHPO has agreed with the finding of *No Adverse Effect to Historic Properties* or has not provided a response and no consulting party has objected, NAS Fallon shall carry out the undertaking.

c. Pursuant to 36 CFR § 800.5(d)(1), NAS Fallon shall maintain a record of the finding and provide information on the finding to the public on request, consistent with the confidentiality provisions of 36 CFR § 800.11(c). Implementation of the undertaking in accordance with the finding as documented fulfills the agency official's responsibilities under Section 106 of the NHPA. If the undertaking is not conducted as proposed in the finding, NAS Fallon shall reopen consultation consistent with 36 CFR § 800.5(a).

d. If the SHPO does not concur with the finding of *No Adverse Effect to Historic Properties*, upon receipt of SHPO notification of non-concurrence, the CRPM shall consult with the SHPO for no more than a total of thirty (30) calendar days, or other time period as agreed to between the SHPO and the CRPM, to attempt to resolve concerns as identified by the SHPO.

e. If at the end of the thirty (30) calendar days or other time period as agreed to between the SHPO and the CRPM, the SHPO does not concur with the finding of *No Adverse Effect to Historic Properties*, the CRPM shall notify the ACHP in accordance with Stipulation IX.

3. The Tribes are under no obligation to provide comments on the finding of effect; however, if they wish NAS Fallon to consider their comments regarding the finding of effect, Tribes should submit comments in writing within thirty (30) calendar days of receipt.

a. The CRPM will follow up with the Tribes after fifteen (15) calendar days to ensure the request for comment was received and address any questions.

b. The CRPM shall take any tribal comments received into consideration before concluding the consultation and shall notify the SHPO of any tribal concerns and the NAS Fallon response to those concerns.

G. Findings of Adverse Effect to Historic Properties

1. For those undertakings with a finding of *Adverse Effect to Historic Properties*, the CRPM shall provide the SHPO and Tribes, in accordance with current agency and/or organizational submittal requirements, with a packet of information including, but not necessarily limited to, the following:

- a. Project description, to include the amount and depth of ground disturbance anticipated;
- b. APE map showing the location of the project and of any identified historic properties;
- c. Description of the historic properties affected;
- d. Any photos, design plans, and other supporting materials as necessary;
- e. Finding of effect and request for concurrence on *Adverse Effect to Historic Properties* finding from the SHPO; and
- f. Proposed measures to resolve adverse effects.

2. The SHPO shall provide a response to the NAS Fallon finding of adverse effect within thirty (30) calendar days of receipt of all pertinent documentation.

- a. If no comments are received from the SHPO within thirty (30) calendar days, NAS Fallon may assume that the SHPO has no comment or, at its discretion, may choose to continue consultation with the SHPO on the finding of adverse effect.
- b. If the SHPO concurs with the finding of adverse effect, the CRPM shall proceed to Stipulation III.H.
- c. If the SHPO does not concur with the finding of adverse effect, upon receipt of SHPO notification of non-concurrence, the CRPM shall consult with the SHPO for no more than a total of thirty (30) calendar days, or other time period as agreed to between the SHPO and the CRPM, to attempt to resolve concerns as identified by the SHPO.
 - (1) If at the end of the thirty (30) calendar days, or other time period as agreed to between the SHPO and the CRPM, the SHPO concurs with the finding of adverse effect, the CRPM shall proceed to Stipulation III.H.
 - (2) If at the end of the thirty (30) calendar days, or other time period as agreed to between the SHPO and the CRPM, the SHPO does not concur with the finding of adverse effect, the CRPM shall notify the ACHP in accordance with Stipulation IX.

3. The Tribes are under no obligation to provide comments on the finding of adverse effect; however, if they wish NAS Fallon to consider their comments regarding the finding of effect, Tribes should submit comments in writing within thirty (30) calendar days of receipt.

a. If no comments are received from the Tribes within thirty (30) calendar days, the CRPM shall follow up with the Tribes to ensure they have no comments, or upon request of the Tribe and pending mission requirements, extend the comment period for up to an additional thirty (30) calendar days.

b. NAS Fallon shall take any tribal comments received into consideration before concluding the consultation and shall notify the SHPO of any tribal concerns and any NAS Fallon response(s) to those concerns.

H. Resolution of Adverse Effects

1. When treatment options for historic properties are limited due to land status or statutory authority, NAS Fallon will inform the SHPO of potential limitations as early as possible.

2. Within ten (10) calendar days of receiving SHPO concurrence on a finding of *Adverse Effect to Historic Properties* for an undertaking, the CRPM shall, in consultation with the SHPO identify appropriate consulting parties, and notify the public, using the following processes:

a. The CRPM shall prepare and send a notification package to the consulting parties which includes:

(1) A description of the undertaking;

(2) An illustration of the APE;

(3) A list of identified historic properties within the APE;

(4) The explanation for the finding of *Adverse Effect to Historic Properties*;

(5) The steps taken or considered by NAS Fallon to avoid or minimize the adverse effects;

(6) Any comments from the SHPO received by NAS Fallon regarding the undertaking;

(7) An invitation to participate in a consultation to resolve adverse effects; and

(8) The proposed date for a consulting parties meeting, if such a meeting

is determined necessary by the CRPM or requested by the SHPO and/or a Tribe.

b. NAS Fallon shall inform the public of the opportunity to comment on the proposed resolution of adverse effects by posting a notice of the *Adverse Effect to Historic Properties* finding on the official NAS Fallon website, which includes:

(1) A description of the undertaking;

(2) A list of identified historic properties;

(3) The explanation for the finding of *Adverse Effect to Historic Properties*;

(4) The steps taken or considered by NAS Fallon to avoid or minimize the adverse effects;

(5) Any comments from the SHPO received by NAS Fallon regarding the undertaking; and

(6) An invitation to provide written comment on the undertaking to the CRPM within thirty (30) calendar days of the posting on the website.

c. Consulting parties are under no obligation to provide comments on the resolution of adverse effects; however, if they wish NAS Fallon to consider their comments regarding the resolution of adverse effects, consulting parties should submit comments in writing within thirty (30) calendar days of receipt of the notification package.

d. NAS Fallon shall take any comments received into consideration before concluding the consultation and shall notify the SHPO of any comments from consulting parties received, and the NAS Fallon response to those comments.

3. If it is decided by the CRPM or requested by the SHPO and/or a Tribe to hold a consulting parties meeting, the CRPM shall do so no later than forty-five (45) calendar days after notifying consulting parties. The objective of the consulting parties meeting shall be to discuss alternatives to avoid, minimize, or mitigate the adverse effects. The CRPM shall schedule additional meetings if the CRPM determines it is necessary to do so, or at the request of the SHPO and/or a Tribe.

4. If through consultation with the SHPO and consulting parties the undertaking is redesigned to avoid adversely affecting historic properties, the CRPM will document the alternatives utilized to reduce the effects of the undertaking and revise the determination of effect to *No Adverse Effect to Historic Properties* in consultation and in concurrence with all participating consulting parties and include them in the annual report (Stipulation XIII), and NAS Fallon shall have no further obligations under this Stipulation.

5. If through consultation with the SHPO and consulting parties, a finding of *Adverse Effect to Historic Properties* is maintained, the CRPM shall continue to consult with the SHPO and consulting parties in order to identify appropriate mitigation, which shall be documented in a Memorandum of Agreement (MOA) in accordance with 36 CFR § 800.6(b)(1)(iv).

a. NAS Fallon shall make the draft MOA available for public comment by posting it on the official NAS Fallon website for thirty (30) calendar days.

b. Other consulting parties may be asked to sign the MOA as concurring parties; however, their signature is not required for the MOA to be executed.

c. NAS Fallon shall identify any MOA finalized during the reporting period, as well as the implementation status of any mitigation measures agreed to in the MOA, in the annual report (Stipulation VIII).

d. Pursuant to 36 CFR § 800.6(b)(1)(iv), prior to approving the undertaking, NAS Fallon shall submit a copy of the executed MOA, along with the documentation specified in 36 CFR § 800.11(f), to the ACHP.

e. NAS Fallon shall ensure copies of the executed MOA and any subsequent amendments are provided to the SHPO and any concurring party who has signed the MOA or any such amendment.

6. If NAS Fallon and the SHPO cannot agree on the measures to be taken to resolve adverse effects from the undertaking, Stipulation IX shall be followed.

7. The ACHP will only participate in the resolution of adverse effects for individual undertakings if a written request is received from NAS Fallon, the SHPO, or a Tribe.

I. Record of Tribal Consultation

1. The CRPM shall maintain a record of the consultation process, which shall include:

a. A summary of Tribal input received;

b. A general explanation of how Tribal input influenced or was incorporated into the proposed action;

c. If relevant, the general reasoning for why Tribal suggestions were not incorporated into the proposed action or why consensus could not be attained; and

d. Timely disclosure to the affected Tribe or Tribes of the outcome of the consultation and decisions made as a result of the consultation.

752 **IV. UNPLANNED RANGE EVENTS**

753
754 A. Unplanned range events occur when a weapon does not perform as expected.

755
756 1. The Naval Aviation Warfighting Development Center (NAWDC) and United States
757 Special Operations Command (SOCOM) shall inform the PWO of the occurrence of any
758 unplanned range events associated with training exercises.

759
760 a. A representative from NAWDC and/or SOCOM, as applicable, will notify the
761 NAS Fallon Installation Environmental Program Director, hereinafter IEPD, as
762 soon as possible of the event and location of any such unplanned range event.

763
764 b. The CRPM will conduct background research to determine if the area affected
765 by an unplanned range event has been previously inventoried and if known
766 historic properties are present.

767
768 c. If the area has not been previously inventoried, the CRPM will coordinate with
769 range or other agency/land administrating personnel, as applicable, to obtain
770 permission to visit the location as soon as possible, pending consideration of all
771 safety concerns.

772
773 d. If there are security or safety concerns associated with an unplanned event
774 involving a weapon, the weapon may first be removed or otherwise rendered safe.

775
776 e. Once any safety or security concerns have been addressed, if the unplanned
777 event has occurred within the established boundaries of either a historic property,
778 or a known but unevaluated cultural resource, the CRPM will notify the SHPO
779 and Tribes within two (2) business days and consult in accordance with
780 Stipulation III of this PA.
781

782 **V. AIRCRAFT CRASHES**

783
784 A. Aircrew rescue or recovery of human remains may be conducted without having to
785 undergo Section 106 review prior to taking action.

786
787 B. Aircraft recovery will follow Stipulation IV of this PA.
788

789 **VI. EMERGENCIES**

790
791 A. In the event that natural disasters, fires, sudden disruptions of utility services, spill
792 events, or other emergency events occur, NAS Fallon may take immediate actions to
793 preserve life and property without having to undergo Section 106 review prior to taking
794 action.

795
796 B. NAS Fallon shall notify the SHPO by telephone and email of the emergency as soon
797 as practicable and follow up with written documentation if any historic properties were
798 discovered or disturbed during the immediate response to emergency events.

C. In the event Unexploded Ordnance (UXO) is unexpectedly discovered, an Explosive Ordnance Disposal (EOD) detail may take immediate action to preserve life and property, including disposal of the UXO, as they deem appropriate, without having to undergo Section 106 review prior to taking action.

VII. POST-REVIEW DISCOVERIES

A. If during any project, cultural resources that may be eligible for listing on the NRHP are discovered, or unanticipated effects on historic properties are found, then:

1. Construction activities that could adversely affect the resource will be paused within the immediate area, and the appropriate Navy CR personnel meeting the professional qualifications standards as cited in Stipulation I.D.2. shall be notified.

2. Upon notification, Navy CR personnel shall assess the discovery or unanticipated effect.

a. If Navy CR personnel determine that the discovery does or may include human remains and/or cultural items subject to the Native American Graves Protection and Repatriation Act (NAGPRA) (25 U.S.C. § 3001 *et seq*; 88 FR 86518), work in the vicinity of the discovery shall halt and applicable provisions of NAGPRA and its implementing regulations (43 CFR Part 10) shall be followed.

3. Navy CR personnel shall make a determination of eligibility regarding the resource, and make recommendations to avoid or minimize adverse effects on historic properties.

a. If Navy CR personnel find the affected cultural resource does not meet NRHP Criteria as set forth at 36 CFR § 60.4, as amended, they shall document the finding for inclusion in the annual report (Stipulation VIII) and work will resume.

b. If Navy CR personnel find the affected cultural resource is eligible for the NRHP, they shall assess the situation to identify available options to avoid or minimize adverse effects on the historic property.

(1) If the project can be reasonably modified to avoid adverse effects on historic properties, and NAS Fallon can implement the modifications, the project will proceed. Determinations and project modifications made under this stipulation shall be documented for inclusion in the annual report (Stipulation VIII).

(2) If adverse effects on historic properties cannot be avoided, then NAS Fallon shall notify the SHPO and consulting parties to this PA who may attach religious or cultural significance to the historic

properties, via email, as soon as practicable. The CRPM shall prepare a treatment plan summary (i.e., recordation or data recovery) to resolve the adverse effects, and NAS Fallon shall include the summary with the notification.

i. NAS Fallon shall take into account any comments received from the SHPO within two (2) business days of NAS Fallon notification.

ii. If NAS Fallon does not receive disagreement from the SHPO regarding the proposed treatment within two (2) business days, NAS Fallon shall implement the proposed treatment.

iii. If NAS Fallon receives disagreement from the SHPO within the two (2) business days, NAS Fallon shall consult for up to two (2) additional business days to consider input and resolve the disagreement.

iv. If the disagreement cannot be resolved, NAS Fallon shall consider input received and notify the SHPO of NAS Fallon's decision regarding the discovery within two (2) business days, and work on the project will resume.

v. Notifications, treatment plans, comments received, and resolutions of disagreement shall be summarized for inclusion in the annual report (Stipulation VIII).

VIII. REPORTING REQUIREMENTS

A. NAS Fallon shall submit a report to the SHPO annually within thirty (30) calendar days of the anniversary of the execution of this PA.

B. The annual report shall list a summary of actions taken under Stipulations III and VII and will contain:

1. Project Name;
2. Project Location;
3. Results (Appendix C: No Further Review by the SHPO; Finding of Effect; Outcome/Other Issues);
4. Date of Review.

C. Upon request from the SHPO and/or a Tribe, NAS Fallon shall hold an annual meeting among signatories and consulting parties to review implementation of the terms

of this PA and/or to discuss the contents of the annual report.

1. When convened, the annual meeting shall contain briefings of:

- a. Findings contained in the Annual Report;
- b. Updates to the NAS Fallon Integrated Cultural Resources Management Plan and inventory of historic properties;
- c. Status of binding commitments in all MOAs executed under this PA.

D. NAS Fallon shall consider requests from signatories and consulting parties for additional meetings or updates to address specific issues that may arise during the implementation of this PA.

IX. DISPUTE RESOLUTION

A. Should a signatory to this PA object in writing regarding the implementation of this PA, NAS Fallon shall consult with the objecting party for no more than thirty (30) calendar days. NAS Fallon shall provide copies of the written objection to other signatories and consulting parties within five (5) calendar days of receipt of the written objection. NAS Fallon shall consider requests to extend the consultation period. Extensions shall be subject to mission requirements.

1. NAS Fallon shall take into account the reasons for the objection and evaluate the solutions suggested by the objecting party.

2. If, after the thirty (30) calendar day review period, NAS Fallon determines that the objection cannot be resolved, NAS Fallon shall forward all documentation relevant to the dispute, including NAS Fallon's proposed resolution, to the ACHP.

a. The ACHP shall provide NAS Fallon with its advice on the resolution of the objection within thirty (30) calendar days of receiving adequate documentation. Prior to reaching a final decision on the dispute, NAS Fallon shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP and other signatories. NAS Fallon shall provide signatories and consulting parties with a copy of this written response. NAS Fallon shall then proceed according to its final decision.

b. If the ACHP does not provide its advice regarding the dispute within the thirty (30) calendar day review period, NAS Fallon may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, NAS Fallon shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the signatories to this PA. NAS Fallon shall provide the signatories and consulting parties with a copy of this written response. NAS Fallon shall

then proceed according to its final decision.

B. NAS Fallon's responsibility to carry out all other actions subject to the terms of this PA that are not the subject of the dispute will remain unchanged.

X. AMENDMENT

A. Any signatory may propose that this PA be amended, whereupon the signatories shall consult to consider such amendment. The amendment process starts when a signatory notifies the other signatories via written notice, to include the proposed amendment(s) and the reasons for the proposal. The signatory proposing the amendment shall provide copies to the other signatories and consulting parties.

B. No amendment shall take effect until it has been agreed upon by all signatories. The amendment will be effective on the date that all signatories have signed. NAS Fallon shall ensure that the signed amendment is filed with the ACHP and copies provided to all signatories and consulting parties.

XI. TERMINATION

A. If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation X. If within 30 calendar days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may notify the other signatories of its intent to terminate the PA.

B. The termination process starts when a signatory notifies the other signatories of this PA that it wishes to terminate this agreement. A written notice must be sent to all signatories at least thirty (30) calendar days prior to the proposed termination. The written notice must explain in detail the reasons for the proposed termination. If the signatory proposing the termination does not withdraw the proposal by the end of the thirty (30) calendar day period, and a longer period of consultation has not been agreed to by the signatories involved, the PA will be deemed to have been terminated as of the end of the thirty (30) calendar day period.

C. Once the PA is terminated, NAS Fallon shall consult to develop a replacement Agreement with the signatories.

D. In the event of termination, if a project review has been completed in accordance with Stipulation III of this PA, the project may proceed and any applicable binding commitments shall remain in effect, even if this agreement is terminated.

XII. ANTI-DEFICIENCY ACT

A. The Anti-Deficiency Act, 31 U.S.C. § 1341, prohibits federal agencies from incurring any obligation of funds in advance of or in excess of available appropriations.

Accordingly, the parties agree that any requirement for obligation of funds arising from the terms of this agreement shall be subject to the availability of appropriated funds for that purpose, and that this PA shall not be interpreted to require the obligation or expenditure of funds in violation of the Anti-Deficiency Act.

B. NAS Fallon shall 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 NAS Fallon's ability to implement the stipulations of this PA, NAS Fallon shall consult with the signatories in accordance with the amendment and termination procedures outlined in Stipulations X and XI respectively.

III. DURATION

A. This PA will remain in effect for a period of twenty-five (25) years from the date of last Signatory signature. If all signatories agree in writing, the PA may be amended, per Stipulation X.

EXECUTION of this PA by NAS Fallon, the ACHP, and the SHPO, and implementation of its terms, evidences that NAS Fallon has taken the effects of the Undertaking on historic properties into account, and has satisfied its responsibilities under Section 106 with respect to the Undertaking (and any associated individual undertakings), and afforded the ACHP an opportunity to comment under Section 106 of the NHPA and its implementing regulations.

This PA may be executed in counterparts, each of which shall constitute an original, and all of which shall constitute one and the same agreement.

1012 **PROGRAMMATIC AGREEMENT AMONG**
1013 **NAVAL AIR STATION FALLON, NEVADA,**
1014 **THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,**
1015 **AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER**
1016 **REGARDING THE IDENTIFICATION, EVALUATION AND**
1017 **TREATMENT OF HISTORIC PROPERTIES WITHIN THE**
1018 **NAVAL AIR STATION FALLON AREA OF RESPONSIBILITY**
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1022 **SIGNATORY: NAS FALLON**
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1029 **Add Title Block, Signature and Date Line**
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1035 PROGRAMMATIC AGREEMENT AMONG
1036 NAVAL AIR STATION FALLON, NEVADA,
1037 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
1038 AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER
1039 REGARDING THE IDENTIFICATION, EVALUATION AND
1040 TREATMENT OF HISTORIC PROPERTIES WITHIN THE
1041 NAVAL AIR STATION FALLON AREA OF RESPONSIBILITY
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1045 SIGNATORY: ADVISORY COUNCIL ON HISTORIC PRESERVATION
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1058 PROGRAMMATIC AGREEMENT AMONG
1059 NAVAL AIR STATION FALLON, NEVADA,
1060 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
1061 AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER
1062 REGARDING THE IDENTIFICATION, EVALUATION AND
1063 TREATMENT OF HISTORIC PROPERTIES WITHIN THE
1064 NAVAL AIR STATION FALLON AREA OF RESPONSIBILITY
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1068 **SIGNATORY: NEVADA STATE HISTORIC PRESERVATION OFFICER**
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1081 PROGRAMMATIC AGREEMENT AMONG
1082 NAVAL AIR STATION FALLON, NEVADA,
1083 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
1084 AND THE NEVADA STATE HISTORIC PRESERVATION OFFICER
1085 REGARDING THE IDENTIFICATION, EVALUATION AND
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1091 **CONCURRING PARTY:**
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






APPENDIX A:
NAS FALLON AREA OF RESPONSIBILITY
AND
AREA OF POTENTIAL EFFECTS

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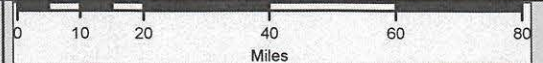
Legend

-  Area of Responsibility
-  B16
-  B17
-  B20
-  Dixie_Valley_Training_Area
-  ShoalSite
-  Monte Cristo Mountains Protected Area
-  Numunaa_Nobe_National_Conservation_Area

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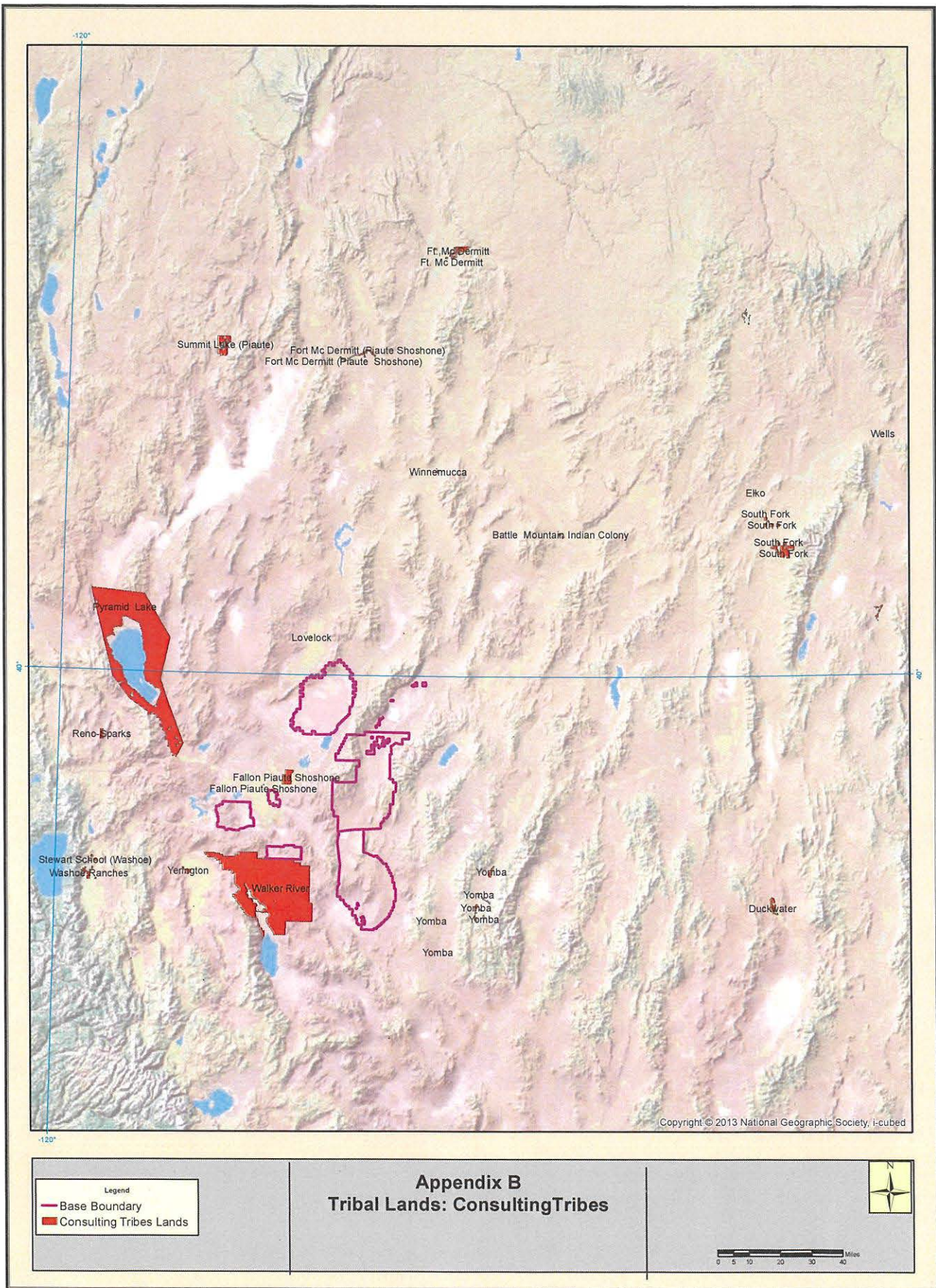


NAS Fallon Area of Responsibility



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APPENDIX B:
TRIBAL LANDS IN VICINITY OF NAS FALLON



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APPENDIX C:
ACTIVITIES EXEMPT FROM SHPO REVIEW

Upon review by Navy CR personnel meeting the qualifications described in Stipulation I.D.2., (Professional Standards), the following activities do not require SHPO review and comment.

I. Archaeology

- a. Except those which have the potential to cause effects on the setting of a historic property and/or a traditional cultural place, projects covering less than 5 square yards (4 square meters) in areas surfaced with asphalt, concrete, or gravel where pedestrian surveys are unlikely to identify cultural resources due to repeated previous ground altering disturbance or where a literature search by the NAS Fallon CRPM has shown that the probability of finding such resources is low.
- b. Landscaping, grounds maintenance, ongoing maintenance of existing landscaping, removal of dead or dying trees or other vegetation which does not require subsurface disturbance, the felling of trees, root grubbing or root removal.
- c. Repair and maintenance of existing equipment within the existing footprint of the equipment.
- d. Maintenance, repair or removal of existing utilities, such as sewer, water, storm, electrical, gas and fuel lines or tanks, provided that no ground altering disturbance occurs outside of an existing utility trench or service/infrastructure footprint.
- e. Re-grading and/or resurfacing of existing roads and parking areas providing that equipment storage areas, spoil piles, and borrow pits are confined to an existing footprint and no new ground altering disturbance is required.
- f. Maintenance of Newlands Project or other water control and water delivery systems, including canals and ditches, that does not alter the original design and/or where no new ground altering disturbance is required.
- g. Installation of footers for approved memorials and monuments.
- h. Maintenance or stabilization of existing target areas, associated trails, firebreaks, drainages, ditches and vegetation management, whether executed mechanically or through a prescribed burn event. Approved methods for stabilization include the placement of silt fencing, geo-textile fabric, gravel, clean fill dirt or topsoil and/or seed and straw.
- i. Ground Training in existing target areas for light land maneuvers, bivouac use, sling loading, staging of equipment, warrior task and battle drills.
- j. Transiting NAS Fallon Ranges on foot for training purposes that does not modify the surface by leaving trails or involve the construction of temporary fighting positions.
- k. Excavations for repair or replacement of existing footings or foundation work within two (2) feet of those footings and foundations, if there are no above-ground visual effects to a historic property.

- l. Installation or relocation of pre-fabricated storage sheds, provided that grubbing and/or grading of the ground for a foundation pad or utility service is not required.
- m. Maintenance, repair or resurfacing of existing roads, trails or paths and structural repairs (such as for sinkholes) or replacement of existing paved or concrete streets, parking areas/lots, driveways, sidewalks, curbs, steps and gutters and/or storm drains if work matches existing design, size, configuration and materials and/or that equipment storage areas, spoil piles, and borrow pits are confined to ground surfaces already disturbed.
- n. Installation, removal or replacement of existing bollards, footings, foundations, gates, fences, fence posts, cattleguards, signs, sign posts or other similar infrastructure, provided that no ground altering disturbance occurs outside of the existing footprint of the item being removed or replaced or on or adjacent to existing roads in previously disturbed areas.
- o. Installation of building identification, directional, traffic, speed and safety signage.
- p. Topographical studies requiring the placement of wooden or metal stakes, benchmarks or other necessary land boundary markers.
- q. Geophysical borings or other cylindrical hand or mechanical auger powered soil analysis required for design, remediation or soil management plans.
- r. Re-grading and resurfacing existing roads and parking areas providing that equipment storage areas, spoil piles, and borrow pits are confined to ground surfaces already disturbed

II. Buildings, Objects and Structures

- a. Maintenance of or modification to existing buildings, objects and/or structures less than 50 years in age or those of any age, which in consultation with the SHPO, have been determined not eligible for the NRHP, and/or where the existing activity was subject to prior Section 106 consultation.
- b. *Excepting new construction and/or additions*, ground disturbance around but without interior or exterior modification to a building, object or structure which is located outside of the setting of a historic property.
- c. Repair or replacement of existing, non-historic siding, gutters, downspouts, interior or exterior doors, hinges, trim and hardware such as knobs (including keys and cores) which match the material and architectural finish being repaired or replaced.
- d. Repair without replacement of original window frames or sashes by patching, splicing, consolidating or otherwise reinforcing existing materials, provided the work is done in accordance with the guidance found in NPS Preservation Brief 9: *The Repair of Historic Wooden Windows*.

- e. Maintenance and repair without replacement of original windows and doors or their frames, transom windows, sashes, jambs and moldings. Appropriate maintenance actions include surface treatments and preparation to apply finishes, such as cleaning, rust removal, limited paint removal, application of epoxy consolidates and fillers and reapplication of protective coating systems.
- f. Repair of original window glass and original glazing hardware.
- g. Maintenance, repair or replacement of existing window screens with the same or similar materials.
- h. Removal, repair or replacement of existing, non-historic interior or exterior surface applied elements such as light fixtures, conduit, ducting, pipes, wiring, and junction boxes.
- i. Maintenance, repair, rewiring or replacement of existing exterior lighting, provided ground disturbance outside of the existing infrastructure footprint is not required.
- j. Replacement, removal or upgrading of interior electrical wiring if historic architectural finishes, moldings and/or mill work will not be affected.
- k. Maintenance or repair to existing interior equipment, plumbing, electrical, ventilation or air conditioning systems, including replacement in concealed areas, provided such work is not visible from the exterior of the building, object or structure, and historic architectural finishes, moldings and/or mill work will not be affected.
- l. Interior surface treatments, repaired or replaced in-kind, including but not limited to floors, walls, ceilings or woodwork, provided the work is restricted to repainting, refinishing, laying of carpet, linoleum or other recognized floor systems.
- m. Installation, repair or replacement of energy conservation materials not readily visible, such as concealed thermal insulation, vapor barrier or roof ventilation.
- n. Repair of existing porches, stairs, decks, loading docks and ramps if work matches current design, size, configuration and materials.
- o. Painting of exterior surfaces if the new paint matches the existing or original color. Damaged or deteriorated paint may be removed to the next solid layer using the most gentle methods possible, such as hand scraping or hand sanding. Abrasive methods, such as sand and pressure washing or water blasting, are not allowed.
- p. In-place repair/filling of spalling concrete or asphalt and cracks.
- q. Replacement or installation of caulking and weather-stripping around windows, doors, walls and roofs.

- r. Maintenance and repair of roofs or parts of a roof which are deteriorated, when repair materials match existing material and design and maintenance procedures which do not alter the integrity of any remaining original material.
- s. Maintenance, repair or replacement of existing life, health and safety equipment such as fire alarms, sprinklers and mass notification systems, provided ground disturbance is not required.
- u. Maintenance, repair or resurfacing of existing roads, trails, paths and related drainage features provided the work does not require new ground altering disturbance and the work does not widen the subject road, trail, path or drainage feature.
- v. Maintenance, repair or resurfacing of bridges or culverts provided there is no associated ground disturbance.

III. High Impact Areas

- a. Continued use of high explosives at designated target areas within the Training Ranges which have been used historically for this purpose and are now disturbed, including Bravo 16, 17, 19 and 20.

IV. Real Estate

- a. Renewal of agricultural out leases where agricultural practices, such as but not limited to farming and grazing, remain the same and no new ground altering disturbance and/or improvements are required.
- b. Renewal of existing easements for utility corridors.

V. Recreation

- a. Recreational activities on Navy fee or withdrawn lands which have been subject to prior Section 106 consultation and permitted by the Bureau of Land Management.
- b. Dispersed non-permitted recreation activities on Navy fee or withdrawn lands that do not involve new ground altering disturbance.
- c. Maintenance, repair or resurfacing of existing swimming pools, outdoor playground and athletic equipment or formally constructed and regularly maintained exercise and recreation areas such as physical fitness routes, golf courses, sports fields, running tracks, fixed obstacle courses, established hunting areas, golf driving ranges, or other previously established recreational areas.

VII. Safety

- a. Installation and/or replacement of devices to protect human or secure animal life, such as lightning strike or raptor electrocution prevention, and fencing repairs which do not require new ground altering disturbance.

VIII. Transportation

- a. Vehicle route designations for existing routes and trails.
- b. Installation of signs, markers or cattle guards on or adjacent to existing roads in previously disturbed areas.

IX. Wildlife Habitat Improvement

- a. Reintroduction of endemic or native species into their historic habitat in ways that do not involve new ground altering disturbance.

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APPENDIX D:
NAS FALLON
HISTORIC PROPERTY IDENTIFICATION, EVALUATION AND
TREATMENT GUIDELINES

1.0 INTRODUCTION

This appendix, in combination with Stipulation III (Project Review Process) of the 2024 *Programmatic Agreement Among Naval Air Station Fallon, Nevada, The Advisory Council on Historic Preservation and The Nevada State Historic Preservation Officer Regarding the Identification, Evaluation and Treatment of Historic Properties within The Naval Air Station Area of Responsibility* (2024 PA) seeks to integrate NAS Fallon's environmental review process with the streamlined procedures in the PA to ensure compliance with the National Historic Preservation Act (NHPA; 54 United States Code (U.S.C.) 100101), particularly Section 106 (54 U.S.C. 306108 and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800) and Section 110 (54 U.S.C. 306101) of the Act. Accordingly, this appendix identifies the technical operating procedures under which all cultural resources management (CRM) professionals, regardless of organizational affiliation, working within the NAS Fallon area of responsibility (AOR), will follow.

Duplication of some content from the 2024 PA is intentional, as this appendix is designed to serve as a stand-alone document that can be distributed to both federal and non-federal CRM professionals providing support to NAS Fallon.

2.0 KEY DEFINITIONS

An understanding of the following terms is integral to ensuring compliance with the NHPA.

2.1 Undertaking

The NHPA defines an *undertaking* as “a project, activity, or program that is funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval” (36 CFR § 800.16 (y)).

Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register of Historic Places (NRHP). In accordance with 36 CFR § 800.1, the Advisory Council on Historic Preservation (ACHP) must be afforded a reasonable opportunity to comment on undertakings which have the potential to cause effects on historic properties. Federal agencies also have a responsibility to avoid or minimize adverse effects to historic properties ahead of mitigating them.

2.2 Historic Property

36 CFR § 800.16 (l)(1) defines a *historic property* as “any prehistoric or historic district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.” 36 CFR § 800.16 (l)(2) further clarifies that “the term eligible for inclusion in the National Register includes both

properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.”

2.3 Effect

36 CFR § 800.16(i) defines *effect* as “alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.” Effects are typically divided into the two major categories of direct and indirect but may not always be adverse.

It is important to note that while neither the NHPA nor the implementing regulations for Section 106 of the Act define direct and indirect effects, as a result of a March 2019 D.C. circuit court decision¹ regarding the United States Army Corps of Engineers interpretation of the meaning of direct effect applied to a proposed project in the vicinity of a Virginia National Historic Landmark, the ACHP subsequently provided the following clarification:

- 2.3.1 *Direct Effects* are those which result from the undertaking at the same time and place with no intervening cause, regardless of whether it is visual, physical, auditory, atmospheric, socio-economic, etc.
- 2.3.2 *Indirect Effects* are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.
- 2.3.3 *Adverse Effects* occur when an undertaking alters, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative (36 CFR § 800.5(a)(1)).

Examples of adverse effects include, but are not limited to:

- Physical destruction of, or damage to, all or part of a historic property (36 CFR § 800.5(a)(2)(i));
- Alteration of a historic property in a way that is not consistent with the Secretary of the Interior’s (SOI) Standards for the Treatment of Historic Properties (36 CFR Part 68) and applicable guidelines (36 CFR § 800.5(a)(2)(ii));
- Removal of the property from its historic location (36 CFR § 800.5(a)(2)(iii));
- Change of the character of the property’s use or of physical features

¹ <https://www.achp.gov/sites/default/files/2019-06/NPCA%20v%20Semonite.pdf>

within the property's setting that contribute to its historic significance (36 CFR § 800.5(a)(2)(iv);

- Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features (36 CFR § 800.5(a)(2)(v);
- Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization (36 CFR § 800.5(a)(2)(vi); and
- Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance (36 CFR § 800.5(a)(2)(vii).

2.4 Area of Potential Effects

36 CFR § 800.16(d) defines the *area of potential effects* (APE) as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.”

Project APEs are determined by the federal agency and consulted on with the respective State Historic Preservation Officer (SHPO). APEs for projects within the NAS Fallon AOR shall initially be determined by the NAS Fallon Cultural Resources Program Manager (CRPM) or where applicable, another staff member of the Navy cultural resources program who meets the qualifications standards as cited in Stipulation I.D. of the PA.

The APE of a project must include the area within which all direct and indirect effects associated with the proposed project, such as construction staging areas, the locations from where material will either be borrowed or disposed, utility connections and project area ingress and egress, will occur. The APE must also account for all possible secondary and cumulative effects that a project may have on historic properties. Examples of secondary effects include soil erosion caused by project elements, visual or auditory intrusions, or effects on culturally significant natural resources. Thus, a single project may have multiple APEs which account for different types of effects, such as a visual effect on a traditional cultural place (TCP) which is either listed or has been determined eligible for listing in the NRHP, even though the TCP is located well outside of the project's physical footprint and/or the area subject to ground disturbance.

To efficiently identify possible project constraints related to historic properties or American Indian concerns, and to effectively develop a field strategy, APEs should be defined as early as possible in the project planning process. At a minimum, for APEs which have not already been established through existing NHPA documentation, the CRPM will review all known historic properties recorded within one mile of the proposed undertaking to assist in determining the size of the APE.

For range target areas, a standard minimum 200-meter (m)/657-foot(ft) circumference around the proposed target area shall be utilized as the minimum APE.

For undertakings occurring within a historic property, the established boundaries of the historic property shall be utilized as the minimum APE.

3.0 IDENTIFICATION OF HISTORIC PROPERTIES

36 CFR § 800.4(b) states that federal agencies seeking to comply with Section 106 “shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey.” The identification and evaluation of historic properties, is also central to Section 110 of NHPA (54 U.S.C. 306101), which sets out the broad historic preservation responsibilities of federal agencies and is intended to ensure that historic preservation is fully integrated into the ongoing programs of all federal agencies.

The identification of historic properties within the NAS Fallon AOR shall be in accordance with the process outlined in 36 CFR § 800.4, which starts with determining the scope of the identification effort in consultation with the Nevada State Historic Preservation Officer (NVSHPO) or where applicable, the Tribal Historic Preservation Officer (THPO). Regardless of whether it is conducted in support of Section 106 of Section 110 of the NHPA, the following methods and procedures shall be utilized.

Identification of the five types of historic properties (district, site, building, structure, or object) all involve a combination of research and field survey. The inventory process can be broadly divided into three steps: pre-field research, resource identification in the field, and inventory report preparation.

3.1 Pre-Field Research

Generally, the intensity of research conducted is determined on a project-by-project basis, but prior to initiating fieldwork, it is necessary to obtain all pertinent information on any previously conducted cultural resources assessments and on any previously identified cultural resources located near the project’s APE. While the primary basis of such research is a records and literature review, it must be understood that *an absence of records and/or literature for a given area does not equate to an absence of potential historic properties*, partially because it can’t be assumed that a referenced database and/or archive is all-inclusive or up to date in terms of cataloguing and most especially, because some of the most important information about an area may only be known to specific individuals, such as members of Indian tribes with a cultural and/or ancestral affiliation to the area in question.

This effort shall involve the review of site records, survey reports, data sheets, and base maps within a one mile circumference around the proposed project. At NAS Fallon, cultural resources records are maintained by the Environmental Management Division (EMD). These records are maintained on a GIS system, and kept within a standard filing system at the EMD Offices. When appropriate, pre-field research may include gathering data through additional archival and library reviews, interviews, and online research. A thorough understanding of previous work in the study area is necessary to develop time- and cost-effective plans for cultural resources inventories.

Furthermore, data generated during pre-field research will assist in predicting the nature, extent and density of each of the various kinds of cultural resources that may be encountered during the inventory, and will enable field survey crews to relocate and, when warranted and included in a project scope, re-evaluate previously recorded resources. At a minimum, the following data sets should be queried:

- Cultural Inventory and Site Location Maps: Digitized maps depicting where all previous archaeological NAS Fallon surveys have been conducted and the locations for previously recorded sites.
- Built Environment Maps: Digitized maps which show buildings, objects and structures by decade of construction and if evaluated for the NRHP, associated determinations of eligibility.
- Survey Reports: Reports which correspond to previously conducted archaeological surveys depicted on the Cultural Inventory and Site Location Maps.
- Site Records: Individual forms which correspond to previously conducted archaeological sites depicted on the Cultural Inventory and Site Location Maps.

The results should be incorporated in the background/context section of all cultural resources reports as evidence to support the definition of the APE.

The CRPM shall determine the scope of identification efforts in consultation with the NVSHPO or THPO, except when NAS Fallon conducts an intensive level Section 110 survey or of the entire area of potential effects (APE) associated with a proposed project.

3.2 Resource Identification

This section details the appropriate methods for conducting archaeological and architectural (built environment) surveys and recording data generated in the field. All inventory surveys shall meet the Secretary of the Interior's (SOI) *Standards and Guidelines for Archeology and Historic Preservation* finalized and adopted in 1983 (Federal Register Vol. 48, No. 190, pp. 44716-44738) and National Register Bulletin 24: *Guidelines for Local Surveys: A Basis for Preservation Planning* (Derry, et al. 1977). The intent of an inventory survey, regardless of whether it is archaeological or architectural in nature, is to document any previously recorded and unrecorded resources encountered within a given study area.

NOTE: With exception of testing to determine eligibility for listing in the NRHP or mitigation in the form of data recovery, NAS Fallon has a “no collection” policy for artifacts. **Artifacts shall not be collected during inventory surveys.**

The following definitions are adapted from OPNAVINST M-5090.1 (M-5090.1), Chapter 13, *Cultural Resources Compliance and Management* (25 Jun 2021) and Department of Defense Instruction (DoDI) 4715.16, *Cultural Resources Management* (September 18, 2008, Incorporating Change 2, Effective August 31, 2018).

Archaeological Resource: Any material remains of past human life or activities which are of archaeological interest. These can include, but are not limited to: pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, graves, human skeletal materials, or any portion or piece of such [Reference: 16 USC §470bb(1)]. Further, the *Archaeological Resources Protection Act of 1979* and its DoD equivalent, 32 CFR 229.3, *Protection of Archaeological Resources*, define an archaeological resource as “any physical evidence of human life or activities that is at least 100 years of age and is capable of providing scientific or humanistic understanding of past human behavior and/or cultural adaptations.”

For record-keeping purposes, a building, structure or object which no longer has the appearance of its original form (ruins or rubble), must be documented as an archaeological site. Additionally, if a subsurface component is present or likely to be present at a building, structure or object, then that resource should be considered a historic archaeological site. The criteria for differentiating historic archaeological sites and historic isolates largely mirror those applied to prehistoric resources.

Archaeological and Architectural Survey: A systematic analysis by a qualified professional designed to identify archaeological and/or architectural resources. Surveys can employ numerous methods to develop information necessary to allow a Federal land manager to make decisions about property use, consistent with the legislated intent of protecting important resources. Methods vary depending on resource type, but may include archival research, pedestrian surveys, reconnaissance surveys, intensive surveys, predictive modeling, sampling methodologies, and special survey techniques such as remote sensing or deep testing.

Except as provided under Stipulation I.D.3 of the 2024 PA, all work related to the identification of historic properties, effects assessment, and mitigation shall be carried out by, conducted by or under the supervision of someone who meets the formally adopted SOI Professional Qualifications Standards (Federal Register Vol. 48, No. 190, pp. 44738-44740) for the appropriate discipline, evaluating eligibility for listing in the NRHP and for archaeological resources, possesses documented experience or expertise in Great Basin cultures.

3.2.1 *Reconnaissance Surveys* examine all or part of an area conducted by a qualified professional in sufficient detail to make generalizations about type and distribution of cultural resources that may be present. A reconnaissance survey will usually include archival research and may include predictive modeling, remote sensing, surface inspection, and subsurface testing to determine presence or absence of archaeological properties.

3.2.2 *Intensive Surveys* are comprised of a systematic detailed examination of an area which is designed to gather information about cultural resources sufficient to evaluate them against predetermined criteria of significance within specific historic contexts to determine eligibility for listing in the NRHP. Appropriate survey methods vary widely for different environments and cultural resource types.

Cultural Resource: Although not defined in any federal law, a cultural resource is generally comprised of non-renewable remnants of past human activities that have cultural or historical

value and meaning to a group of people or a society, whether comprised of an Indian tribe, a local ethnic group, or the people of the nation as a whole. The DoD, however, via DoDI 4715.16, defines cultural resources as “historic properties ...included in, or eligible for inclusion in, the NRHP, whether or not such eligibility has been formally determined” and includes cultural items, American Indian, Eskimo, Aleut, or Native Hawaiian sacred sites, archaeological artifact collections and associated records and archaeological resources. Similarly, the definition of cultural resource provided in M-5090.1, Chapter 13 is: “a range of resources, such as historic buildings and structures, historic and prehistoric districts, cultural landscapes, archaeological sites and collections, traditional cultural properties, Native American sacred sites, and objects, as defined 36 CFR Part 800, DoDI 4715.16, 43 CFR Part 10 and 32 CFR Part 229.

Heritage Assets: Heritage assets are property, plant, and equipment of historical, natural, cultural, educational, or artistic significance (e.g., aesthetic); or with significant architectural characteristics (DoD Financial Management Regulation 7000.14).

Historic Resource: aspects of the built environment typically classified into one of the following five basic historic themes: Homestead/Ranch, Military, Mining, Transportation Route/Road and Water Development

National Historic Landmark: a historic property that is designated by the Secretary of the Interior as having exceptional national significance and that is subject to additional consultation requirements under Section 106 of the NHPA. NHL eligibility criteria and requirements are published under 36 CFR Parts 60 and 65.

Paleontological Resource: any fossilized remains, traces, or imprints of organisms preserved in or on the earth’s crust of paleontological interest that provide information about the history of life on earth. On Federal lands, fossils may constitute important stewardship resources of inherent scientific, educational, and recreational value. Management of these resources includes preservation and protection of fossils and possibly provisions for collection, as applicable and appropriate. Such collection and permitting processes may be modeled after other Federal agency guidelines. While identification and analysis of fossils require paleontological expertise, managing paleontological resources on Navy lands will often involve a multidisciplinary effort in which the CRM should be involved.

3.3 Classifying and Recording Resources

Any physical evidence of human activity that is more than 45 years in age should be recorded during a survey. Under NRHP Criteria Consideration G, some resources that do not meet the minimum age may also merit recording, which is discussed in more detail below.

With the exception of isolated artifacts, resources at NAS Fallon are classified and evaluated for significance in accordance with *How to Apply the National Register Criteria for Evaluation*, National Park Service (NPS) Bulletin 15 and *Guidelines for Evaluating and Registering Archeological Properties*, National Register Bulletin 36.

Resources should be identified as Prehistoric, Protohistoric, Historic, or Multi-Component.

- Prehistoric: exclusively associated with American Indians prior to direct contact with non-indigenous peoples.
- Protohistoric: exclusively associated with the transition between prehistory and the earliest recorded history.
- Historic: exclusively associated the period of time after direct contact with non-indigenous peoples and the existence of written records.
- Multi-Component: a mixture of resources associated with more than one of the above time periods.

All identified resources shall be photographed and mapped. Archaeological site maps shall show:

- site boundaries;
- archaeological features;
- extent of artifact distributions;
- specific location of diagnostic artifacts;
- identifying nearby landmarks such as fence lines, power poles, rock outcrops, roads and buildings

Whenever practical, the integrity of individual road segments will be delineated and noted on maps.

With exception of multiple buildings which are identical, substantially similar or within the same historic district, for which representative examples are adequate to convey the diversity of the historic resources, each site must be recorded on its own set of forms.

- Surveys which identify areas with no resources shall be defined as negative resource surveys using the NAS Fallon Cultural Resources Inventory Negative Report Form (Appendix D1).
- All newly identified architectural resources shall be recorded using the standard Nevada State Historic Preservation Office Architectural Resource Assessment (ARA) form² (Appendix D2).
- All newly identified complex archaeological sites shall be recorded using the NAS Fallon Long Site Form (Appendix D3), which is based on the Bureau of Land Management's (BLM) Nevada Intermountain Antiquities Computer System (IMACS)

² Form instructions: [NVSHPO - ARA Form Instructions - RLP FINAL.pdf](#)

Site Form.

- All newly identified non-complex sites (listed below), except isolated finds, shall be recorded using the NAS Fallon Short Form (Appendix D4), which is also based on the BLM Nevada IMACS Site Form . This form may not be used if diagnostic artifacts, living surfaces and/or rock art are associated with the site.
 - Segregated reduction location (SRL)
 - Mining features without associated diagnostic artifacts
 - Isolated concrete foundations with diagnostic artifacts
 - Prehistoric sites limited to a few milling slicks and lithic debitage
- Isolated finds shall be documented in a table within the main body of the associated report vice using the NAS Fallon Short Form. The information in the table shall include a description of the isolate and its universal transverse mercator (UTM) location.
- The respective site form will be updated for any previously recorded resource if the results of the survey substantially changes the previously recorded site information, or if information contained on the site form is incorrect (i.e., location).
- Prior to submittal of the draft inventory report to the CRPM, it must contain trinomial or "S" (structure) numbers, as applicable, obtained from the Nevada Cultural Resource Information System (NVCRIS).

3.4 Distinguishing Terminology

A comprehensive understanding of cultural resources and contexts within the NAS Fallon AOR is imperative to proper site recordation. Regardless of associated time period, the following definitions are to be applied within the NAS Fallon AOR.

Artifact: object made by a human being, typically an item of cultural or historical interest

Associated Records: original records (or copies thereof) that are prepared, assembled and document efforts to locate, evaluate, record, study, preserve or recover a prehistoric or historic resource. Some records such as field notes, artifact inventories and oral histories may be originals that are prepared as a result of the field work, analysis and report preparation [Reference: 36 CFR §79.4(2)].

Bedrock Milling Station: non-moveable milling features located on large boulders or bedrock outcrops. They contain one or more milling elements, such as mortars, basins, or slicks. A bedrock milling station is a special purpose site; however, a surface and/or subsurface deposit of artifacts may be present. If a complex archaeological assemblage is associated with a bedrock milling station, or the site consists of many bedrock milling stations, it is considered a habitation site.

Building: a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn [Reference: 36 CFR §60.3(a)].

Burial: a location with intentionally placed prehistoric human or other animal remains.

Collection: material remains that are excavated or removed during a survey, excavation or other study of a prehistoric or historic resource, and associated records that are prepared or assembled in connection with the survey, excavation or other study. Material remains means artifacts, objects, specimens and other physical evidence that are excavated or removed in connection with efforts to locate, evaluate, document, study, preserve or recover a prehistoric or historic resource [Reference: 36 CFR §79.4(a)].

District: a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history [Reference: 36 CFR §60.3(d)].

Ecofact: organic and environmental elements, such as animal bones and plant remains, which although not made by humans, are important in understanding the archaeological record.

Feature: non-portable archaeological remains. Examples include bedrock milling stations, hearths, post holes, trails, burials, geoglyphs, rock rings, and/or rock art. With the exception of a milling slick or bedrock mortar, any individual primary and secondary feature can be considered a site. Features may constitute a site if they meet the criteria for NRHP eligibility.

Isolate: an isolated find may be comprised of one or more transportable surface artifacts from any time period which represent a single activity. Isolated finds are not recorded on individual forms; instead, they are listed in a table within the body of the inventory report. The table shall contain a description of the isolate, its assigned number, and any locational information. As a general rule, isolates do not constitute a site, are programmatically considered non-significant resources, and will not receive further management consideration. Examples of historic period isolates include refuse scatters, can dumps, and isolated mines/foundations found without context. Isolates do not require avoidance or mitigation because they have limited data potential and lack contextual integrity, and therefore are unlikely to meet the criteria for inclusion in the NRHP.

While historic resources can also be classified sites, at NAS Fallon there are several types that are typically classified as isolates, such as refuse scatters, can dumps, and simple mining features without context scattered across the landscape. These also include shallow adits, broken piles of rock, cairns, prospect pits, and prospect trenches. Due to the large amount of such features, and in light of the well-documented mining history of the area, once they are identified and plotted they are unlikely to yield any additional significant information.

Locus: *Excluding secondary deposits resulting from natural events and clearly not associated with human activity*, an area having a greater density of 10 or more objects of any artifact class,

including assemblages consisting entirely of debitage, within at least a 10 x 10 m area, unless there is a special and explicit justification for a low-density designation (e.g., assemblages with fluted points).

Midden: a domestic waste dump which may contain animal bone, botanical material, shells, ceramic potsherds, lithics (especially debitage), and other artifacts and ecofacts associated with past human occupation.

Object: a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment [Reference: 36 CFR §60.3(j)].

Quarry: a locality where the principal activity consisted of procuring rock for tool production. Quarry sites may be intensive and involve actual mining of lithic material, or they may be areas wherein scattered cobbles were tested for suitability. Quarry sites are typically dominated by flakes, cores, and hammerstones. They do not normally contain artifacts associated with habitation, such as pottery, bedrock milling tools/features, or faunal material.

Rock Art: petroglyphs, pictographs, and geoglyphs.

Geoglyph: areas produced by removing or adding stones, gravel or dirt from the ground surface to create a negative image.

Petroglyph: engraved images created by scratching, pecking, or abrading into a rock surface.

Pictograph: images created by adding pigment to a rock surface.

Sacred Site: are any specific, discrete, narrowly delineated location on federal property that has been identified by an Indian tribe or Indian individual determined to be an appropriately authoritative representative of an Indian religion as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the Tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site [Reference: E.O. 13007].

Scatter: a surface scatter of artifacts with one or more types of artifacts, such as ceramics, lithics, glass and/or metal. In general, these site types are associated with specific use areas, lack complexity and suggest temporary rather than permanent habitation.

Site: the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the value of any existing structure [Reference: 36 CFR §60.3(l)]. Throughout the NAS Fallon AOR:

An assemblage of archaeological material is defined as a site if it meets one or more of the following definitions:

Dense Artifact Assemblage: 10 objects of any artifact class (e.g., cans, glass fragments, milled wood, mining equipment, etc.), including assemblages consisting entirely of one artifact class, per 10 × 10-m area. This definition does not apply to those situations where it can be clearly shown that the artifacts are directly related to a single object (i.e., broken bottles, closure and bottle pairings, and can and closure pairings).

Multiple Artifact Classes: at least two classes of historic artifacts within a 10 x 10 m area.

Constructed feature sites are rock groupings or clearings that were created during the prehistoric period for a specific purpose. This site type encompasses a variety of feature types, including rock alignments (i.e., low-lying walls or hunting blinds), rock cairns, rock rings (also called house rings, house circles, or rock circles), and cleared circles (also called sleeping circles). If a site contains multiple rock rings or cleared circles suggesting habitation, it is classified as a temporary camp or habitation site.

Multiple feature sites are comprised of more than one secondary feature type, such as complex sites without visible artifacts (e.g., temporary camps), ceremonial sites (e.g., petroglyphs with affiliated bedrock art), or coincidental juxtapositions of features.

Structure: a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale [Reference: 36 CFR §60.3(p)].

Traditional Cultural Property: a location important to the cultural practices or beliefs of a living community that (a) is rooted in that community's history, and (b) is important in maintaining the continuing cultural identity of the community.

Trail: a linear surface feature distinguished from adjacent soils by greater soil compaction, lack of vegetation, and absence of larger rocks in a gravelly surface. These represent heavily used or intentionally formalized routes for foot transportation.

Rock Shelter: A rock shelter is a naturally occurring small cave or overhang. Rock shelters often contain artifacts, and may include bedrock milling or rock art. A rock shelter that contains three or more artifact/ecofact classes or multiple rock features is classified as a temporary camp. If a rock shelter contains a developed midden or a fire hearth it is classified as a habitation site.

3.5 Evaluation for Listing in the NRHP

Sites within the NAS Fallon AOR are evaluated using eligibility criteria set forth in 36 CFR § 60.4, *NRHP Criteria for Evaluation*, with more detailed information and guidance provided in the following NPS publications:

How to Apply the National Register Criteria for Evaluation. National Register Bulletin 15 (NPS 1990, Rev, 1991, 1995, 1997).

Guidelines for Evaluating and Registering Archeological Properties. National Register Bulletin 36 (Little, et al. 2000).

*Guidelines for Identifying, Evaluating, and Registering Historic Mining Properties*³. National Register Bulletin 42 (Noble and Spude 1992, Rev. 1997).

The NRHP is the United States federal government's official list of districts, sites, buildings, structures, and objects deemed worthy of preservation for their historical significance or "great artistic value" which was established by the NHPA as "an authoritative guide to be used by federal, state, and local governments, private groups, and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment" (36 CFR § 60.2).

Under the NHPA, eligible for inclusion in the NRHP means properties formally determined as such in accordance with regulations of the Secretary of the Interior, which meet one or more evaluation criteria [Reference: 36 CFR 60.4] and possess one or more aspects of integrity [Reference: National Register Bulletin 34].

To be eligible for the NRHP, must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must also possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it is significant under one or more of the following criteria:

Evaluation Criteria:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

Aspects of Integrity:

Location – the place where the historic property was constructed or the place where the historic event took place. Integrity of location refers to whether the property has been moved or relocated since its construction. A property is considered to have integrity of location if it was moved before or during its period of significance.

³ When developing a historic archaeological evaluation plan for mining within the NAS Fallon AOR, references consulted should include Hardesty (1985, 1988, 1990a, 1990b, and 1991).

Design – the composition of elements that constitute the form, plan, space, structure, and style of a property.

Setting – the physical environment of a historic property that illustrates the character of the place.

Materials – the physical elements combined in a particular pattern or configuration during a period in the past.

Workmanship – the physical evidence of the crafts of a particular culture or people during any given period of history.

Feeling – the quality that a historic property has in evoking the aesthetic or historic sense of a past period of time.

Association – the direct link between a property and the event or person for which the property is significant.

While possession of all seven aspects of integrity are not required to retain historic integrity, a property will usually possess several or most of them.

Historic properties are generally not less than 50 years in age; however, there are exceptions to the rule. With regard to the management of cultural resources under custody and control of the federal government, all cultural resources are to be treated as if they are eligible until an eligibility determination has been made by a qualified cultural resource professional, with concurrence from both the federal agency with ownership and subsequently, the SHPO.

Lastly, it is important to note that while the definitions and criteria used to evaluate eligibility for listing in the NRHP are largely biased toward the built environment, the exact same criteria are used to evaluate archaeological resources.

National Register Criteria Considerations:

In accordance with NRHP guidelines, “cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not ordinarily be considered eligible for the National Register unless they are integral parts of districts that do meet the criteria or if they fall within the following categories. Criteria Considerations are generally applied only to individual properties. Components of eligible historic districts do not have to meet the special requirements unless they make up the majority of the district or are the focal point of the district” and should only be applied after it has been determined that the property meets one or more of the standard evaluation criteria and possesses integrity.

a. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

- b. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- c. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his or her productive life; or
- d. A cemetery which derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- e. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- g. A property achieving significance within the past 50 years if it is of exceptional importance.

3.6 Evaluative Field Work

Evaluative fieldwork for any resource type should occur after the historic context of a site has been established and any site-specific research has been completed. Before beginning field work, an on-site inspection by an SOI qualified professional in the appropriate discipline to undertake an assessment of the resource, ensuring that any previous documentation in terms of location, description, size, characteristics and composition is correct.

3.6.1 *Archaeological Site Testing*

Site testing is important part of determining site eligibility, as it not only allows for an assessment of the potential and integrity of subsurface deposits, but assists in defining site boundaries, is where information relative to answering potential significant research questions is located, and assists in refining the questions the site may answer. The testing and evaluation of prehistoric sites generally involves both surface and subsurface investigations.

Specific methods involved in the testing effort are determined on a site by sites basis, but include shovel test pits (STPs), surface scrapes, controlled test units (TUs), mechanical trenching, ground penetrating radar and/or magnetometer testing, or a combination of such methods. **Site testing is not mitigation, and once a site's boundaries and information potential has been established, all testing will be terminated regardless of whether the recommended number of STPs or TUs shown in Table 1 below have been completed.** Additionally, site testing will not be conducted within a site so small that the testing itself would result in the destruction of the site. Lastly, testing should be limited to where impacts from an existing or future undertaking are likely.

Test excavations should use two techniques: 50 x 50-centimeter STPs and 1 x 1 m TUs. Materials excavated from both unit types are sifted through 1/4" hardware cloth (screens) to maximize the amount of deposit processed. Although it is recognized that 1/4" screens can miss small fragments of material (e.g., bone, plant remains, beads), the potential loss of these items is outweighed by the ability to excavate quickly and expose important structural aspects of a site (e.g., hearth features), and to obtain a developed artifact assemblage. The required numbers of STPs and TUs (Table 1) are based on site/locus size, following guidelines developed by Cleland (1987) and Jackson et al. (1988). STPs should be distributed evenly across the site/locus. Upon completing the requisite number of STPs, at least one TU should be excavated in each site or locus unless doing so would eliminate the information potential associated with that locus. The location of TUs should be determined by the distribution of archaeological materials across the site, meaning that they should be located in areas with the highest density of cultural materials or that show evidence of intact features. At relatively large sites or loci (i.e., >5000 square m) at least two TUs should be excavated. The combination of data obtained from surface collections, STPs, and TUs should provide adequate information to evaluate the NRHP eligibility of the site in question.

Table 1. Minimum Number of STPs and TUs per Site or Locus

Site or Locus Size (square meters)	STP (50 cm x 50 cm)	TU (1 m x 1 m)
< 500	2	1
500 to 2,000	4	1
2,000 to 5,000	6	1
5,000 to 10,000	8	2

3.6.2 Prehistoric Period Archaeological Site Evaluation

Prehistoric period archaeological sites are usually evaluated with respect to Criterion D. Under this criterion, any consideration of a property's eligibility must address (1) whether the property has information to contribute to our understanding of history or prehistory and (2) whether that information is important.

Whether or not the information contained in a site is considered important is determined by the capability of that information to address issues pertinent to local and regional prehistoric research. It is necessary, therefore, to develop local and regional research contexts so that important research issues and the range of archaeological data or information capable of addressing those issues can be identified. Once issues, questions, and data requirements have been identified, eligibility determinations can be made based on whether a site possesses or has the potential to possess data capable of addressing those issues.

The first step in evaluating the significance of an archaeological site under Criterion D is to assess its depositional integrity. If a deposit has been severely disturbed and has lost most of its research potential (e.g., temporal components are hopelessly mixed), then the site should be considered *ineligible* for the NRHP.

If the site includes intact deposits, it must be determined whether it contains datable materials. Datable material includes obsidian suitable for hydration dating, organic remains conducive for radiocarbon assay, and temporally diagnostic artifacts such as projectile points, and shell beads. If a site does not yield datable material during the testing phase and there is little reason to suspect such materials exist, then it should be recommended *ineligible* for the NRHP.

3.6.3 *Historic Period Archaeological Site Evaluation*

Historic period archaeological sites may be determined significant under any of the four different NRHP eligibility criterion.

The evaluation of historic period resources is dependent on thorough research. The resource first needs to be placed in its historic context. Once completed, the historic context should be expanded to include a discussion of previous historic archaeological studies in the region. The purpose of developing a historic archaeological overview is to establish archaeological and historic research issues of interest, consider the degree to which these questions remain unresolved, and identify the data needed from an evaluation to provide proof of eligibility or ineligibility.

In developing a historic archaeological overview, the evaluator should identify the types of resources important in increasing the understanding of the particular historical context under which the resource in question is being evaluated, and what characteristics are necessary to establish the significance of the resource within that historic context.

3.6.4 *Archaeological Laboratory Analysis*

Artifacts identified during inventory surveys shall not be collected, but recorded *in situ* with either a high-accuracy GPS receiver or a Total Station.

Only portable artifacts collected during evaluative testing or archaeological data recovery shall be collected for laboratory analysis; non-portable artifacts and features shall be analyzed *in situ*. Laboratory efforts typically consist of identifying and analyzing one or more of the following: flaked- and ground-stone tools, shells, beads, floral and faunal remains and historic period artifacts such as ceramics, glass and metal.

Chronological data are often gathered through radiocarbon analysis of organic materials, obsidian hydration analysis, and/or luminescence dating of ceramics and fire-affected rock. In addition, special laboratory studies (such as obsidian or ceramic paste source determination, protein residue analysis, or Fourier transform infrared spectroscopy) may be conducted if applicable.

3.6.5 *Built Environment Site Evaluation*

As with an archaeological resource, evaluative field work should occur after the historic context for the building, object or structure has been established and any site-specific research has been completed. Before beginning field work, an on-site inspection by an SOI qualified architectural historian or historian to undertake an assessment of the resource,

ensuring that any previous documentation in terms of location, description, size, character-defining features and composition is correct. The evaluator should assay the significance of the resource regarding the historical context identified during evaluative research, and make a recommendation for NRHP eligibility. Documentation to support statements made about the resource should be supplied along with the forms and included as an appendix to the Historic Resources Evaluation Report.

3.7 Reports

Upon completion of fieldwork, a report must be produced. At a minimum, the report shall include the following:

Title Page: The title page shall include the name/type/location of the project (e.g., *Archaeological Survey of a Missile Target on B-17, NAS Fallon*); the name and affiliation of the author(s); the date of report completion; and the name of the department/agency (e.g., the Environmental Management Division, NAS Fallon) for which the report was prepared.

Management Summary: type, size and location of the work (e.g. identification survey, site evaluation, data recovery, etc.); the number and kind of sites discovered, evaluated or mitigated; and if an evaluative survey, site eligibility recommendations for listing in the NRHP.

Introduction: a description of the purpose of the work (Section 106 or Section 110 survey or mitigation); a clear delineation of the subject location on a properly scaled United States Geological Survey topographic map on which all major geological features/landmarks are clearly visible; and the survey area acreage.

Background: a summary of the survey area's environmental setting and existing conditions; the cultural history of the region; and a discussion of the nature and extent of previous research near the survey area. While background sections and research topics should be developed on a project-specific basis, they should build on extant NAS Fallon site evaluation studies. Ideally this section will also describe a set of expectations developed by the project director as a result of pre-field research regarding the overall sensitivity of the survey area and the range of site types expected to be found, as the development of a focused prediction of findings facilitates the interpretation of field data and improves the quality of results.

Research Domains: identification and elaboration on specific themes contained in the background section which are related to ongoing regional research. Additionally, this section shall identify specific questions associated with regional research, and set up integrity requirements for all resources found during survey, which will be used to justify NRHP eligibility and serve as the basis of future mitigation.

Methodology: an outline of the procedural aspects of the study, including methods and materials used during the pre-field records search (e.g., references consulted), the field phase of the project (e.g., site/isolate definition), and any other methodological concerns.

Results: a description of each site and a summary table of isolated finds encountered during the survey. Site descriptions shall include a summary of information provided on the site record (site size, location, assemblage composition, etc.), with particular attention given to temporally diagnostic artifacts (e.g., all projectile points should be illustrated). Where included in project scope, the results should include discussions and justifications for recommendations of eligibility for listing in the NRHP.

Management Recommendations: This section should consider and discuss implications of the inventory's results in the context of Section 106 and/or Section 110, as applicable. Appropriate Navy CR personnel shall be responsible for findings of effect, identification and proposal of potential mitigation, evaluation of any changes in project parameters, and identification of any follow-up actions necessary to maintain compliance with applicable federal requirements.

References: a formal listing of all reports/publications consulted and/or cited as part of the study.

Appendices: all forms, maps, photographs, and artifact/isolated finds lists, etc.

4.0 AVOIDANCE, MINIMIZATION AND MITIGATION OF ADVERSE EFFECTS

While avoiding adverse effects to historic properties should always be a top consideration in project planning, in some cases it may not be possible to do so. When it is found that there will be an adverse effect, it is important to note that resolution of such effects is not a unilateral decision. Pursuant to 36 CFR § 800.6, the development and evaluation of alternatives or modifications that could avoid, minimize, or mitigate adverse effects requires consultation with the SHPO or THPO, as appropriate, other consulting parties and Indian tribes.

4.1 Avoidance

Avoidance is achieved by eliminating the adverse effect altogether. Examples of avoidance include but are not limited to not moving forward with or choosing an entirely different location for a proposed project. Avoidance also includes protecting various types of historic properties from accidental intrusion resulting from nearby construction via on-site monitoring and/or the installation of temporary perimeter fencing and signage.

4.2 Minimization

Minimization is achieved by reducing the adverse effect that the harm to a historic property has been lessened in some way. Examples of minimization include but are not limited to the consideration of design in terms of overall placement, scale, orientation, height, appearance, materials and/or context.

4.3 Mitigation

Mitigation is sometimes the only way to resolve adverse effects to historic properties resulting from an undertaking and within the confines of Section 106 process, refers to the specific

strategies outlined in an agreement document in order to offset or compensate for those effects on a historic property or properties. Mitigation can include repairing, rehabilitating, restoring, or documenting the affected resource; reducing or eliminating the effect over time by preservation and maintenance operations during the life of the action; and/or compensating for the effect by providing or preserving substitute resources or environments.

4.3.1 *Archaeological Historic Properties*

The most common form of mitigation undertaken for adverse effects to historic properties which are archaeological in nature is data recovery; however, data recovery is not the only form of mitigation for such properties. Additionally, resolving adverse effects can be especially difficult for prehistoric period archaeological sites determined to be eligible for listing in the NRHP under criteria A, B and/or C.

At NAS Fallon, archaeological data recovery is undertaken only in situations where a proposed project will affect a portion of an eligible archaeological site containing data contributing to the site's eligibility. For eligible archaeological sites, both prehistoric and historic, data recovery is intended to recover cultural material from which important information is realized through analyses in the context of a research design and/or historical context. For historic properties such as buildings and structures, mitigation is required when a proposed activity will adversely affect the property or diminish the qualities that gave it significance.

When it has been found that avoidance or minimization of adverse effects to one or more eligible prehistoric archaeological sites is not possible and data recovery is the agreed upon resolution, a Data Recovery Plan shall be prepared for the review and approval of the CRPM and where applicable, the NVSHPO, prior to execution. In accordance with the SOI's *Standards for the Treatment of Historic Properties, Standards and Guidelines for Archeology and Historic Preservation*, and the ACHP's *Treatment of Archeological Properties: A Handbook*, the plan shall specify:

- Results of previous research relevant to the project;
- Research problems or questions to be addressed with an explanation of their relevance and importance;
- The field and laboratory analysis methods to be used with a justification of their cost- effectiveness and how they apply to the particular property and its research needs;
- The methods to be used in artifact, data, and other records management;
- Explicit provisions for disseminating the research findings to professional peers in a timely manner;
- Arrangements for presenting what has been found and learned to the public, focusing particularly on the community or communities that may have interests in

the results;

- The curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR Part 79 (except in the case of unexpected discoveries that may need to be considered for repatriation pursuant to the Native American Graves Protection and Repatriation Act of 1990 (43 CFR Part 10); and
- Procedures for evaluating and treating discoveries of unexpected remains or newly identified historic properties during the course of the project, including necessary consultation with other parties.

4.3.2 Archaeological Data Recovery Field Work

The scope of data recovery for necessary for proper mitigation may vary and is dependent on the reasons an archaeological site has been determined eligible for listing in the NRHP. Data recovery efforts within the NAS Fallon AOR shall use modern techniques of archaeological excavation.

Previous investigations should give the field investigator an idea of the nature of the surface and subsurface structure of the deposit. Data from the site evaluation phase shall be utilized to determine placement of a series of 1 x 1 m exploratory units. The purpose of exploratory units is to augment the evaluation phase results in hopes of finding intact, single-component deposits or features that will be the focus of subsequent excavations. Sediment from these units should be screened with 1/4" to 1/8" mesh due to the exploratory nature of the work. The number of exploratory units increases according to site/locus size, and will vary based on site/locus classification, with habitation areas receiving more attention than non-habitation locations.

Once exploratory efforts have identified intact deposits and/or features, block exposures should be excavated in these areas. These units are screened using a combination of 1/4" and 1/8" mesh, with 1/8" used at feature locations and 1/4" at all other locations. Due to the potential for habitation areas to contain deposits with greater informational value, the recommended cubic m volume of deposits to be excavated as block exposures is larger for these areas than for non-habitation areas. Note that the recommended excavation volume does not account for the discovery of multiple features and additional work may be required as a result.

If organic-rich contexts are encountered (e.g., hearth features, charcoal-laden midden), soil samples should be collected so that plant macro-fossils can be extracted through flotation procedures. It is also necessary to draw sediment profiles at all significant exposures and representative profiles from elsewhere on site.

Table 2: Recommended Excavation Volume for Exploratory Testing

Site Area	Non-Habitation		Habitation	
	1 x 1 m Exploratory Units ¹	Block Exposure ²	1 x 1 m Exploratory Units ¹	Block Exposure ²
< 100 m ²	1 (1)	1 m ³	1 (1)	1 m ³
100 - 1,000 m ²	2-3 (2-5)	1-3 m ³	2-3 (2-5)	1-6 m ³
1,000 - 10,000 m ²	3-5 (5-10)	3-6 m ³	5-10 (5-15)	6-18 m ³
10,000 - 100,000 m ²	5-10 (10-20)	6-10 m ³	10-20 (15-30)	18-30 m ³
> 100,000 m ²	Consult	Consult	Consult	Consult

¹ Parentheses indicate number of exploratory units required at sites/loci evaluated using the "enhanced recordation" technique.

² Excavation levels should increase if features are encountered -- amounts can vary between 0.5-1.0 m³ per feature.

4.3.3 Processing, Analyses and Curation of Material Culture

Analytical methods are largely the same for NRHP evaluation and data recovery projects and archaeological collections from both must be curated in accordance with 36 CFR Part 79, *Curation of Federally-Owned and Administered Archaeological Collections*. The following three basic tasks are involved: cataloging, analysis, and curation. Similar to excavation technique, these tasks should be completed using up-to-date methods. A brief review of these methods appears below.

4.3.3.1 Field Collection Procedures

At prehistoric sites, collected materials consist of temporally diagnostic artifacts (i.e., projectile points) and sample of obsidian debitage (as possible) for obsidian hydration analysis. At historic sites, collected materials consist of historic artifacts perceived as desirable to potential collectors. The items are to be placed in an appropriate receptacle (e.g., plastic bag, brown paper sack) with the following information noted on the outside of the bag: site, unit, level, artifact number, date, collector's initials, unit coordinates and a brief description. Items are to be separated as to material types (i.e., debitage bagged separately from projectile points or faunal material) and placed together within a larger bag (paper or plastic) with the following information noted on the outside of the bag: project name, site, unit coordinates, date, collector's initials, and a brief description of contents. Caution must be taken to ensure that heavy or fragile items are treated separately so that artifacts are not damaged.

4.3.3.2 Analytical Methods

Each artifact class should be subjected to appropriate analyses related to the research questions outlined in the Data Recovery Plan. The following discussion regarding data analysis is organized by the following four broad classes of artifacts: flaked stone, ground and battered stone and organic remains. These classes are subdivided into more specific categories based on morphology, material type, and presumed function. Complete descriptions of artifact categories and appropriate analytical procedures, along with the processing and analytical methods for various organic remains likely to be recovered, can be found in Bouey and Mikkelsen (1989),

Clewlrow et al. (1995), and Gilreath and Hildebrandt (1995, 1997). After applying the basic artifact nomenclature and conforming to the analytical procedures outlined in the studies referenced above, further analysis be customized to address research issues that have emerged which are specific to the project at hand.

4.3.2.2.1 Flaked Stone

Flaked stone analysis has two main objectives: documenting the flaked stone assemblages at sites and documenting the lithic reduction strategies that occurred there. Toward these goals, all formed tools should be accurately described, measured, and weighed; modified edges should be recorded; and tool condition (whole, distal fragment, margin, etc.) should be noted. Other appropriate observations may include fracture type, margin configuration, and treatment. This class of artifact is generally further subdivided into projectile points, drills, bifaces, cores, formed flake tools, simple flaked tools, and debitage. Differentiation of raw lithic material, obsidian hydration and obsidian sourcing analyses is a final dimension that should exist in flaked stone assemblage analyses.

4.3.2.2.2 Ground and Battered Stone

An extensive array of ground and battered stone exists within the NAS Fallon AOR. Attributes routinely recorded for all ground and battered stone artifacts include dimensional measurements (length, width, thickness); weight; type of raw material; condition (complete, margin, interior fragment); and number of modified surfaces. More detailed observations relating to artifact formality (shaped, unshaped); grinding surface configuration (e.g., flat, convex, concave, irregular, etc.); type of use-wear (battering, grinding, polish); and evidence for the rejuvenation and/or secondary reuse of broken artifacts (e.g., pecked, burned, etc.) should also be noted when possible. This class of artifact is generally subdivided into stones, bedrock slicks, hand stones, mortars, pestles, and battered cobbles.

4.3.2.2.4 Organic Remains

Organic remains, primarily comprised of floral and faunal material, may also be encountered in habitation sites located within the NAS Fallon AOR. These materials provide information pertinent to a variety of research issues. Plant macrofossils in particular, shall be recovered using the standard water separation (flotation) technique. With this method, a measured volume sediment is poured into a bucket filled with water, and the light organic material floating to the surface is skimmed off. Charcoal and other organic debris left in suspension is then decanted through 0.38 millimeter (mm) mesh screen. This process is repeated until few organics remain, at which point the sample (light fraction) is left to slowly air dry, minimizing the breakage of delicate seeds and other charred macrofossils. The heavy fraction, consisting of residual sand, gravel, and other material, is subsequently washed through a series of graduated screens (6.0 mm, 3.0, and 1.5 mm) to recover additional plant remains. After drying, the light fraction is examined under a binocular microscope at magnifications of 10 to 20 times. All charred seeds, nut shells, and other economically important plant

remains are separated, counted, weighed, and stored in separate vials. Plant macrofossils should be identified by a paleobotanist with knowledge of the local flora.

4.3.3.3 Artifact Cataloguing

All final artifact catalogs shall be in a database vice paper only format. Accession numbers will be provided by the CRPM.

4.3.4 Built Environment Historic Properties

As with eligible archaeological sites, the preferred option for eligible buildings, objects and structures is avoidance of adverse effects and when it comes to the preservation, rehabilitation, restoration and/or reconstruction of historic buildings, use of the SOI's *Standards for the Treatment of Historic Properties* (36 CFR Part 68) and applicable guidelines. Historic buildings must sometimes be upgraded and retrofitted for continued use. Such work may involve major changes to the building, typically having to do with seismic stability, handicapped access, improved building envelopes and energy requirements, etc. In these situations, rehabilitation should conform to the SOI's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*. For projects involving demolition, mitigation options include heritage documentation, such as a Historic American Buildings Survey (HABS) or Historic American Engineering Record (HAER) or in other situations, a Historic American Landscapes Survey (HALS).

5.0 PROFESSIONAL QUALIFICATIONS

Pursuant to 36 CFR § 800.2(a)(1) and Section 112(a)(1)(A) of the NHPA, and except as provided under Stipulation I.D.3 of the 2024 PA, all work related to the identification of historic properties, effects assessment, and mitigation within the NAS Fallon AOR shall be carried out by an individual who meets the SOI Professional Qualifications Standards (Federal Register Vol. 48, No. 190, pp. 44738-44740) in the appropriate discipline and is experienced in evaluating eligibility for listing in the NRHP for the type of resource in question.

A principal investigator (PI), regardless of the discipline, must have a demonstrated ability to carry research to completion, including the timely submittal of quality technical reports, as well as an understanding of the NHPA and Section 106 process.

For archaeology related studies, the PI must possess documented experience or expertise in Great Basin cultures.

For built environment related studies, an architectural historian and/or historian must have demonstrated expertise in the history of construction and technology.

6.0 REFERENCES

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Appendix D1:
NAS Fallon Cultural Resources Inventory Negative Report Form

**NAS FALLON
CULTURAL RESOURCES INVENTORY NEGATIVE REPORT FORM**

NAS Fallon Number:

Organization/Field Crew:

Survey/Project Name:

Survey Date(s):

Survey Type/Description:

Survey Area/Project APE Acreage:

Geographic Unit:

Closest Water Source:

Vegetation:

Legal Description:

Table 1. Legal Description for the Survey Area/Project APE

Township and Range	Section	1/4 Section

Map References:

UTM Reference:

Records Check: ____ BLM Records ____ State Museum ____ NAS Fallon

Results of Previous Inventories:

Table 2. Previous inventories within 1-mile of the Survey Area

Year	Author(s)	Acreage

Previously Recorded Sites:

Table 3. Previously recorded sites within 1-mile of the Survey Area

Site Trinomial	Time Period*	NRHP Eligibility**

*Prehistoric, Protohistoric, Historic, or Multi-Component

** Eligible, Not Eligible or Unevaluated

References:

Appendix D2:

Nevada State Historic Preservation Office Architectural Resource Assessment (ARA) Form

SHPO Resource #:
Other Resource #:

Rev. 2017



NEVADA
STATE HISTORIC
PRESERVATION OFFICE

Architectural Resource Assessment (ARA) Form

For SHPO Use Only	SHPO Concurrence?: Y / N	Date:
Survey Date	Recorded By	Agency Report #

1. Property Type

Building <input type="checkbox"/>	Structure <input type="checkbox"/>	Object <input type="checkbox"/>	Landscape (non-archaeological site) <input type="checkbox"/>
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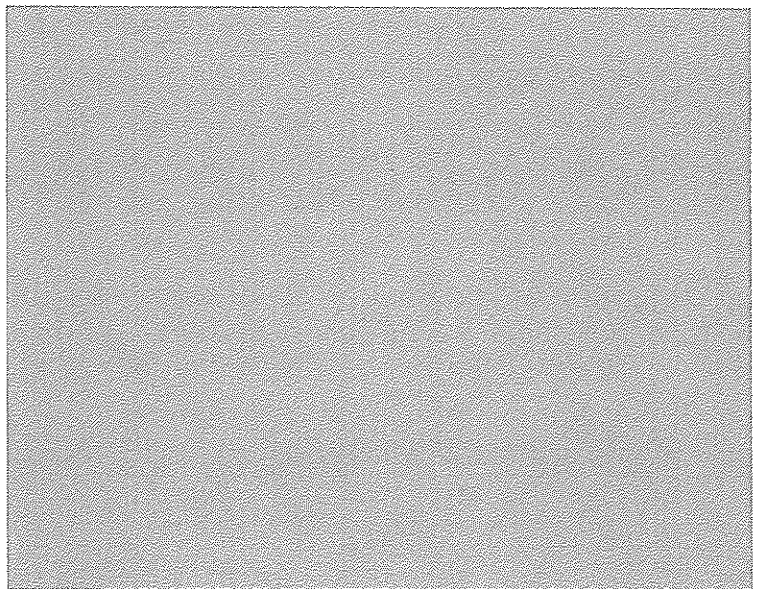
2. Property Overview and Location

Street Address	
City, Zip	
County	
Assessor's Parcel #	Subdivision Name
UTM Location (NAD 83, UTM Zone 11 North)	Easting: Northing:
USGS Info	Township: Range: Section: USGS 7.5' Quad & Date:
Ownership	Private <input type="checkbox"/> Public-Local <input type="checkbox"/> Public-State <input type="checkbox"/> Public-Federal <input type="checkbox"/> Multiple <input type="checkbox"/>
Should the property's location be kept confidential? Yes <input type="checkbox"/> No <input type="checkbox"/>	

3. Architectural Information

(Insert primary photograph below.)

Construction Date	
Architectural Style	
Architectural Type	
Roof Form	
Roof Materials	
Exterior Wall Materials	
Foundation Materials	
Window Materials	
Window Type	
Accessory Resources?	Yes <input type="checkbox"/> No <input type="checkbox"/>
	Number?:



Condition of Resource(s)?
Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor <input type="checkbox"/>
Explanation:

4. NRHP Eligibility - Existing Listings, Districts, & Potential Districts

Is the property listed in the National Register?	Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, provide:	Date Listed:
			NRIS #:
Contributing to a listed historic district?	Yes <input type="checkbox"/> No <input type="checkbox"/>	If yes, provide:	Name: NRIS #:
			Date listed:
If no, is there a potential district?	Yes <input type="checkbox"/> No <input type="checkbox"/>	If so, is the potential district eligible for the NRHP?	Yes <input type="checkbox"/> No <input type="checkbox"/>
		If so, is this resource contributing?	Yes <input type="checkbox"/> No <input type="checkbox"/>
District Name:	SHPO #:		

Note: A resource that is contributing to a National Register-eligible district is considered eligible for the National Register for the purposes of project review, even though the resource itself may not be individually eligible.

SHPO Resource #:
Other Resource #:

Rev. 2017

5. NRHP Eligibility - Individual

If not already listed, complete the information below:

Eligible Under:	Criterion A <input type="checkbox"/>	Criterion B <input type="checkbox"/>	Criterion C <input type="checkbox"/>	Criterion D <input type="checkbox"/>
	Not Eligible <input type="checkbox"/>	Unevaluated <input type="checkbox"/>		
Area(s) of Significance				
Period(s) of Significance				
Integrity – Does the resource possess integrity in all or some of the 7 aspects?				
Location <input type="checkbox"/>	Design <input type="checkbox"/>	Materials <input type="checkbox"/>	Workmanship <input type="checkbox"/>	Setting <input type="checkbox"/> Feeling <input type="checkbox"/> Association <input type="checkbox"/>
General Integrity:	Intact <input type="checkbox"/>	Altered <input type="checkbox"/>	Moved <input type="checkbox"/>	Date(s):
Threats to Resource:				
Historic Name				
Current/Common Name				
Historic/Original Owner				
Current Owner				
Current Owner Address				
Historic Building Use				
Current Building Use				
Architect/Engineer/Designer				
Builder/Contractor				

6. Narrative Eligibility Justification

Provide a detailed explanation of the resource's eligibility for the National Register, including supporting historic information, methods for evaluation under the four criteria, discussion of the seven aspects of integrity, and conclusions about eligibility.

SHPO Resource #:
Other Resource #:

Rev. 2017

7. Narrative Architectural Description

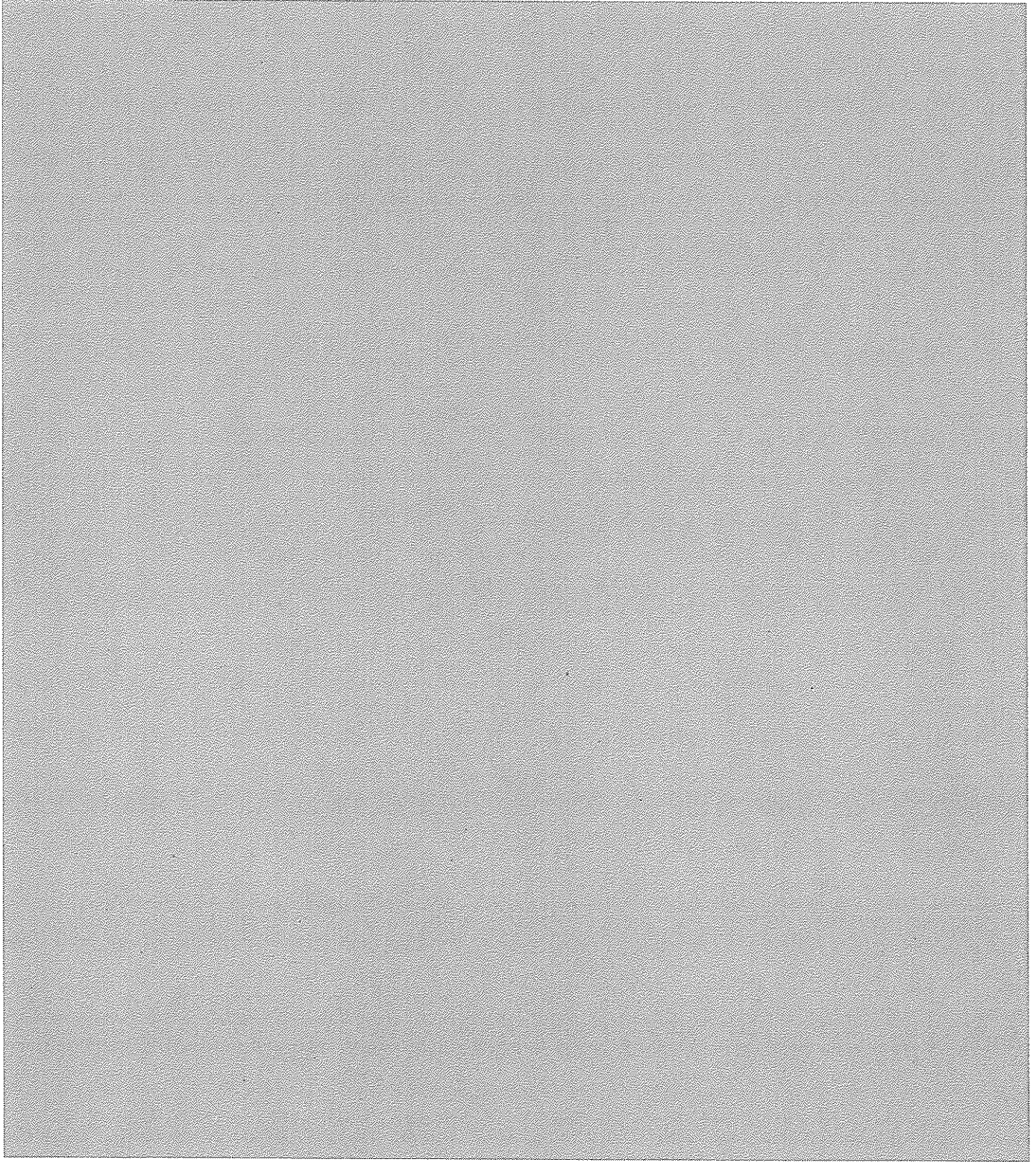
Provide a detailed description of the resource, including all character defining features, potential construction methods, potential alterations (both historic and non-historic), and any accessory resources.

8. References

List references used to research and evaluate the individual property.

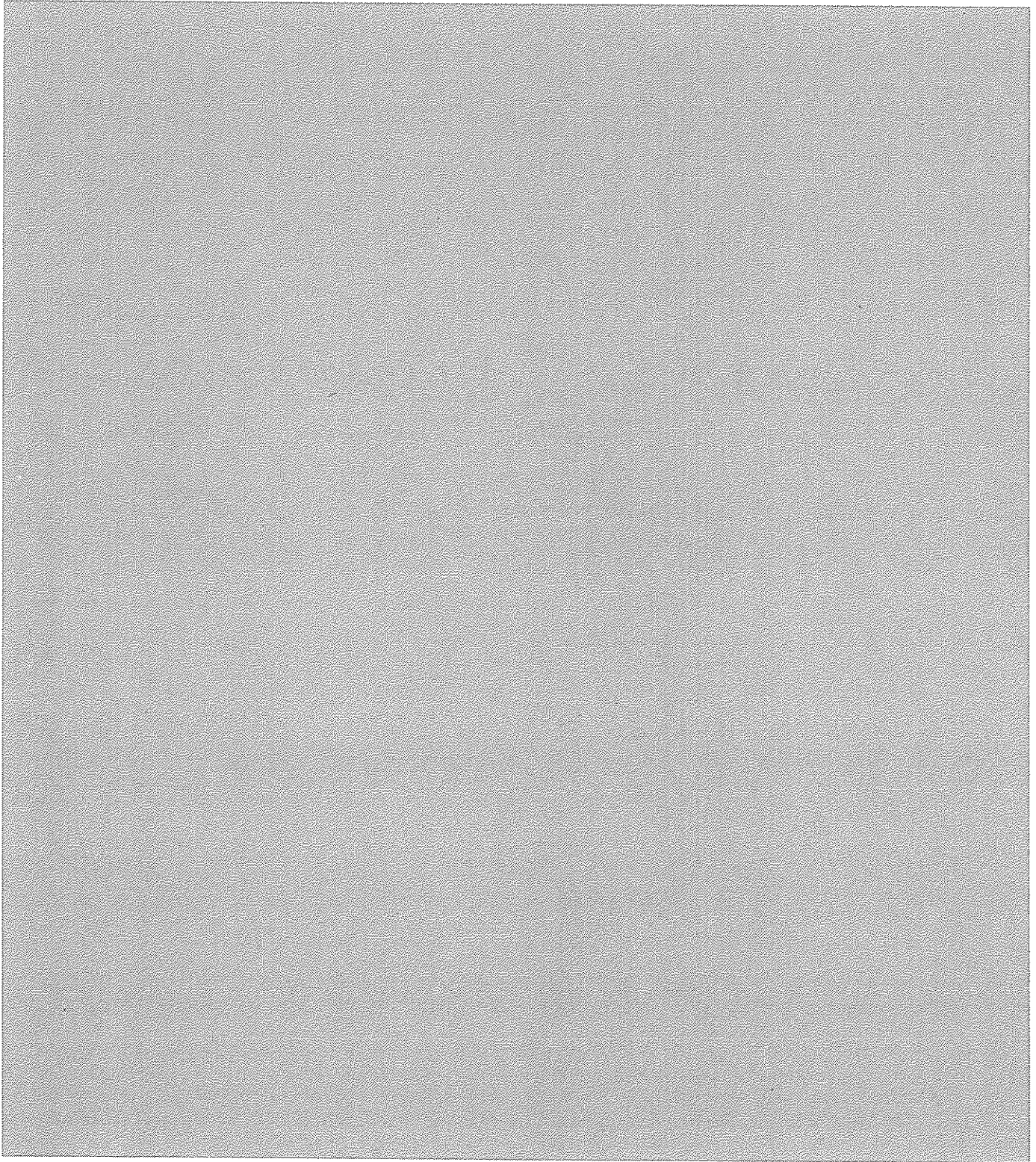
9. Area Location Map

Use a USGS quadrangle map at large extent to show general area of resource.



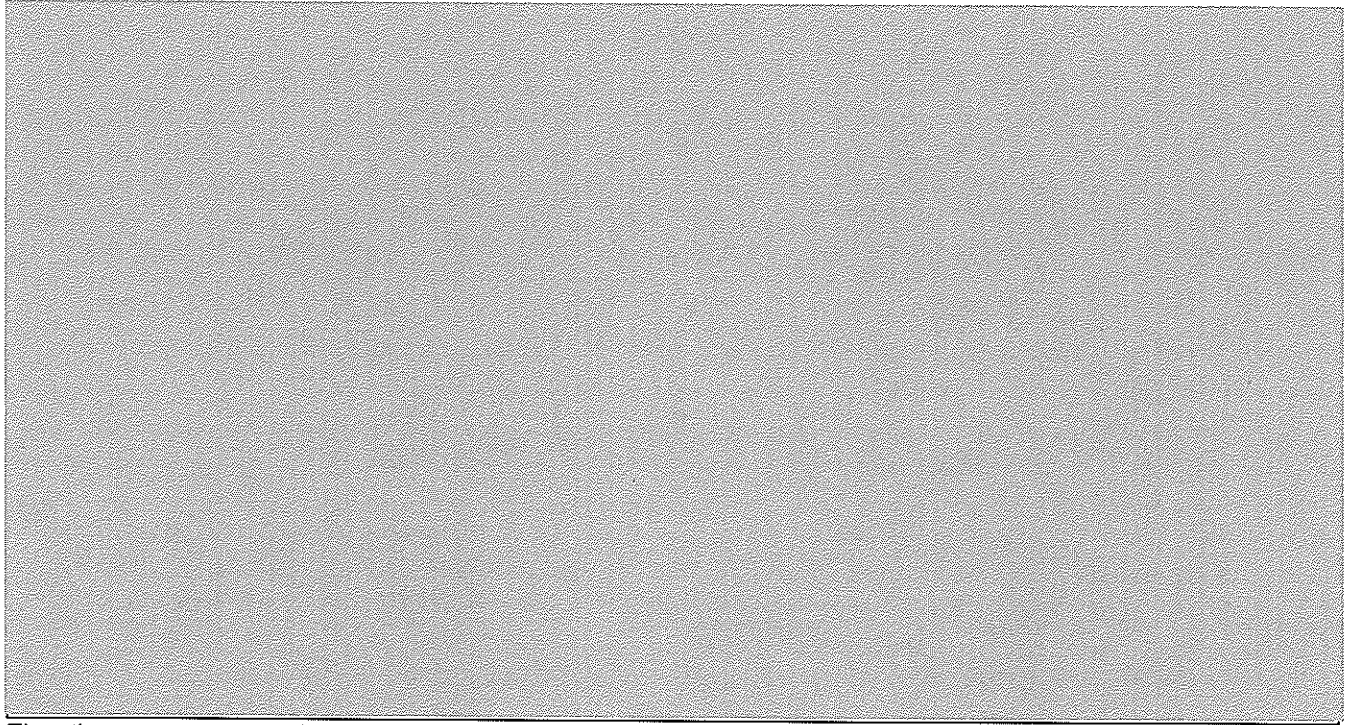
10. Site Plan Map

Use aerial imagery, drafting software, or a hand-drawn sketch (to scale) showing, at minimum, building/structure footprints and relationship to associated features. Attach extra maps if needed.



11. Photographs

Include as many photographs as needed to accurately depict the resource.

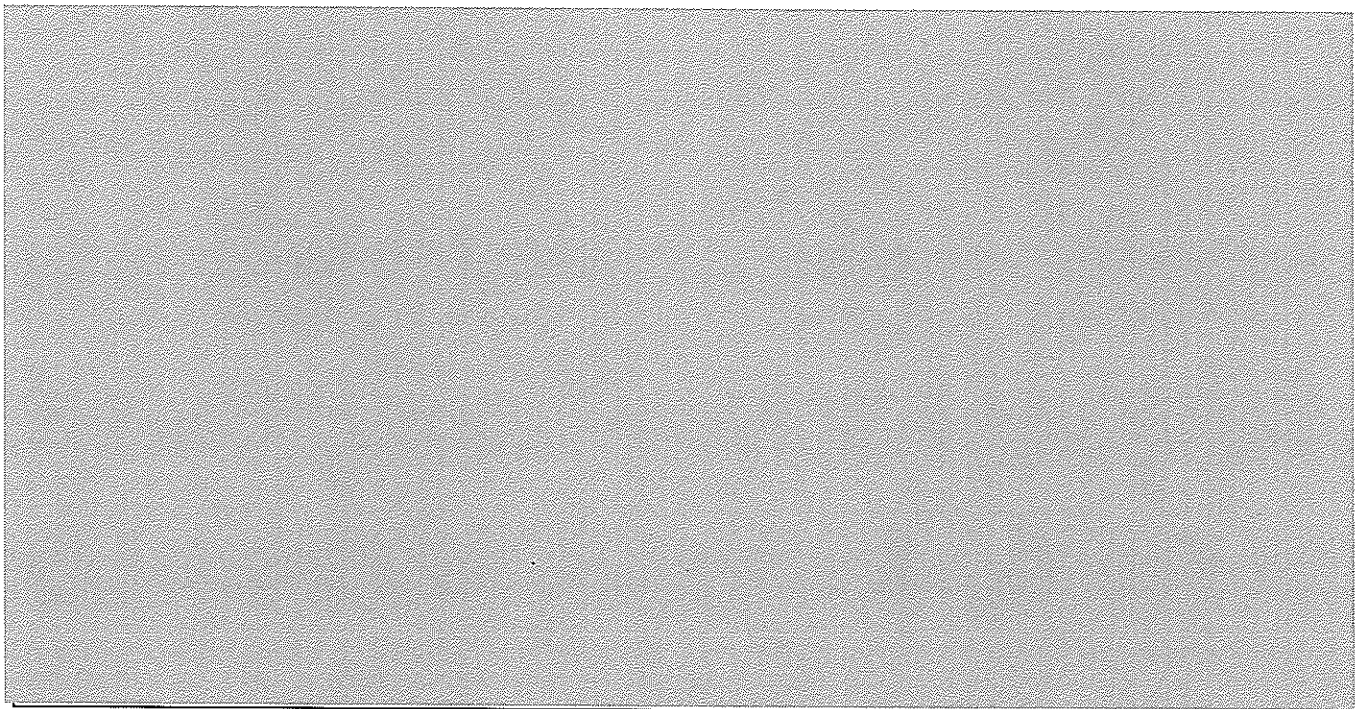


Elevation:

Direction facing:

Photographer:

Date:



Elevation:

Direction facing:

Photographer:

Date:

12. Accessory Resources

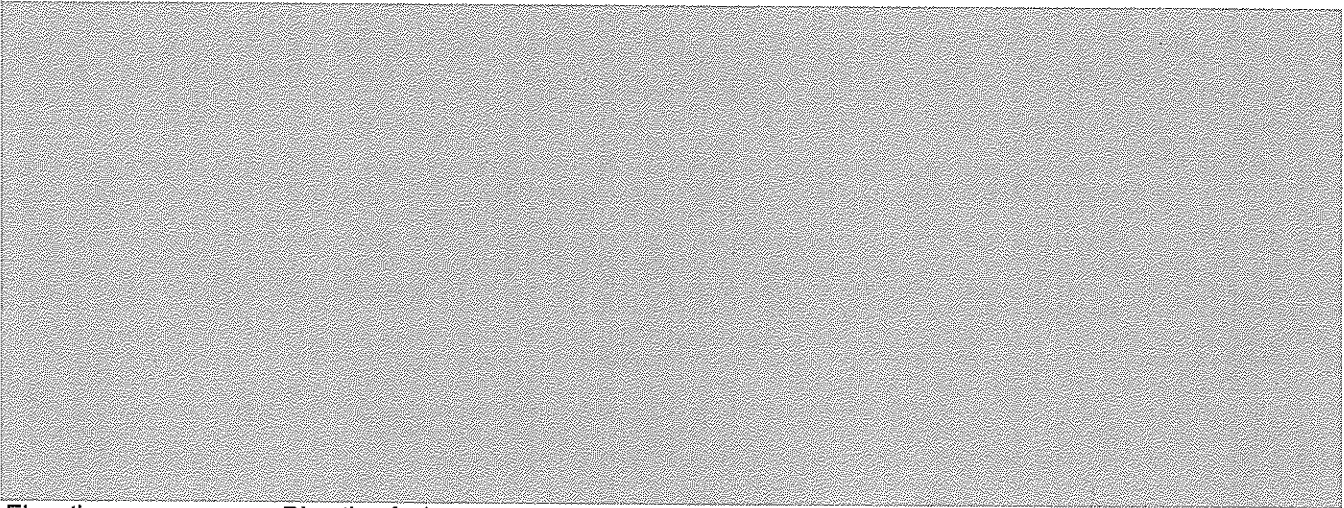
Complete only if Accessory Resources are present. Include as many extra entries as necessary.

Accessory Property Type

Building <input type="checkbox"/>	Structure <input type="checkbox"/>	Object <input type="checkbox"/>	Landscape (non-archaeological site) <input type="checkbox"/>
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Accessory Resource Overview

Accessory Resource Name			
Construction Date		Contributing?	Yes <input type="checkbox"/> No <input type="checkbox"/>
UTM (NAD 83, UTM Zone 11 North)	Easting:	Northing:	



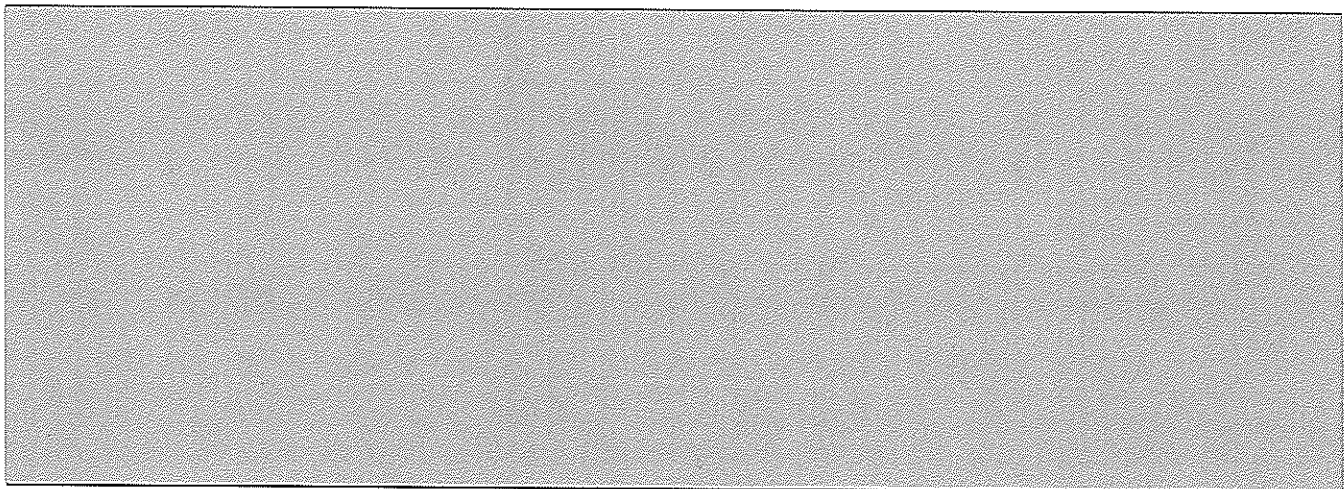
Elevation: Direction facing: Photographer: Date:

Accessory Property Type

Building <input type="checkbox"/>	Structure <input type="checkbox"/>	Object <input type="checkbox"/>	Landscape (non-archaeological site) <input type="checkbox"/>
-----------------------------------	------------------------------------	---------------------------------	--

Accessory Resource Overview

Accessory Resource Name			
Construction Date		Contributing?	Yes <input type="checkbox"/> No <input type="checkbox"/>
UTM (NAD 83, UTM Zone 11 North)	Easting:	Northing:	



Elevation: Direction facing: Photographer: Date:

Appendix D3:
NAS Fallon Long Form

NAS FALLON LONG FORM

Eligibility Recommendation:

Unevaluated _____ Not Eligible _____ Eligible _____ Criteria: A _____ B _____ C _____ D _____

National Register Eligibility Justification:

NAS Fallon CRPM Concurrence with NRHP Eligibility Recommendation: Yes _____ No _____

Reason for Non-Concurrence:

Administrative and Environmental Data

1. State Site No:
2. Temporary/Field Site No:
3. UTM Meridian: _____
4. UTM Zone: _____
5. UTM Coordinates: Northing: _____ Easting: _____
6. Elevation (feet above mean sea level):
7. Topography/Primary Landform:
8. Vegetation Community:
9. Distance to Continuous Water Source:
Type: Spring _____ Stream _____ Lake _____ Other _____
10. County:
11. Township/Range (to quarter section only):
12. Land Owner:
13. Project Name:
14. Report No./Title:

Site Information

15. Site Classification: Prehistoric _____ Protohistoric _____ Historic _____ Multi-Component _____

16. Theme/Affiliation:

17. Dating Method:

18. Site area (square meters/feet/hectares):

19. Site Description:

20. Depositional Context:

21. Depth of Cultural Layer:

Feature Information

22. Number of Identified Features: _____

Feature No: _____

Feature Type:

Feature Dimensions:

Feature Area:

Feature Description:

Artifacts associated with Feature:

Feature No: _____

Feature Type:

Feature Dimensions:

Feature Area:

Feature Description:

Artifacts associated with Feature:

Feature No: _____

Feature Type:

Feature Dimensions:

Feature Area:

Feature Description:

Artifacts associated with Feature:

Records Information

23. Photo Log:

24. Recorded By:

25. Date:

26. Affiliation:

Artifact Summary: Include all culturally modified materials and artifacts (including but not limited to: projectile points, bifaces, debitage, ground stone, beads, FCR, textiles, glass, cans, ceramics, etc.)

Count	Density m ²	Material	Artifact	Comments

Attachments: 7.5 minute USGS Location Map; Site Sketch Map; photographs

Appendix D4:
NAS Fallon Short Form

NAS FALLON SHORT SITE FORM

Eligibility Recommendation:

Unevaluated _____ Not Eligible _____ Eligible _____ Criteria: A _____ B _____ C _____ D _____

National Register Eligibility Justification:

NAS Fallon CRPM Concurrence with NRHP Eligibility Recommendation: Yes _____ No _____

Reason for Non-Concurrence:

Administrative and Environmental Data

1. State Site No:
2. Temporary/Field Site No:
3. UTM Meridian: _____
4. UTM Zone: _____
5. UTM Coordinates: Northing: _____ Easting: _____
6. Elevation (feet above mean sea level):
7. Topography/Primary Landform:
8. Vegetation Community:
9. Distance to Continuous Water Source:
Type: Spring _____ Stream _____ Lake _____ Other _____
10. County:
11. Township/Range (to quarter section only):
12. Land Owner:
13. Project Name:
14. Report No./Title:

Site Information

15. Site Classification: Prehistoric _____ Protohistoric _____ Historic _____ Multi-Component _____

16. Theme/Affiliation:

17. Dating Method:

18. Site area (square meters/feet/hectares):

19. Site Description:

20. Depositional Context:

Records Information

21. Photo Log:

22. Recorded By:

23. Date:

24. Affiliation:

Artifact Summary: Include all culturally modified materials and artifacts (including but not limited to: projectile points, bifaces, debitage, ground stone, beads, FCR, textiles, glass, cans, ceramics, etc.)

Count	Density m ²	Material	Artifact	Comments

Attachments: 7.5 minute USGS Location Map; Site Sketch Map; photographs