



**National Trust for
Historic Preservation**
Save the past. Enrich the future.

VIA electronic transmission

April 8, 2014

Mr. Don Neubacher, Superintendent
Yosemite National Park
P.O. Box 577
Yosemite, California 95389

Re: Merced River Plan NHPA Programmatic Agreement

Dear Mr. Neubacher:

Enclosed is a copy of the final Programmatic Agreement (PA) for Yosemite National Park's Merced River Plan, with the signature of the National Trust for Historic Preservation as a Concurring Party.

The purpose of this letter is to confirm that the PA executed by the National Trust is not the version of the document sent to us by your staff on March 19, but instead, the final version of the PA, as signed by the Advisory Council on Historic Preservation on March 28, which includes an important revision requested by the Advisory Council.

Specifically, Exhibit 5, on page 60 of the PA document now states that the Superintendent's House and Garage will be "removed from its current location, either by demolition *or relocation*" (emphasis added), rather than simply "demolished," as stated in the original PA sent on March 19.

The National Trust commends the National Park Service for making this important substantive revision to the PA. As a result of this revision, further Section 106 consultation must specifically address relocation alternatives, pursuant to Stipulation IV.C.II. of the PA. The National Trust hereby requests the opportunity to participate as a consulting party in the future Section 106 review regarding the "removal" and long-term disposition of the Superintendent's House and Garage.

Although Exhibit 5 to the PA has been reworded as to the Superintendent's House, we note that the final "Whereas" Clause in the PA, which was drafted back when the proposed fate of the Superintendent's House was limited to demolition, has not been revised. That Whereas Clause states as follows:

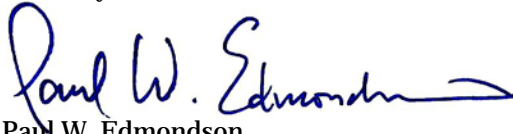
WHEREAS, not all consulting parties to this PA agree with the NPS's Selected Action with regard to the demolition of Superintendent's House (Residence 1) and its Garage; however, these parties have participated fully in the consultation process and, by signing this PA, will continue consulting to resolve the adverse effect associated with demolition to ensure that the mitigation measures developed are appropriate to the loss of this historic property. [PA, p.2]

This letter confirms our interpretation that the governing document is the Exhibit, rather than the Whereas Clause, and thus any inconsistency between these two portions of the PA must be resolved in favor of the Exhibit, which explicitly commits the National Park Service to considering relocation alternatives for the historic Superintendent's House. It is a well-accepted principle of contract law that "whereas" clauses are generally considered to have no legal effect, and are deemed by the courts to be merely "background" to the transaction. We also understand from the Advisory Council that the Park Service felt it was unnecessary to revise this Whereas Clause, in response to the Council's suggestion that it be changed, presumably because the Park Service understands that the language of the Whereas Clause does not override the new commitments in Exhibit 5.

While this Whereas Clause recites the opposition of consulting parties to the potential demolition of the Superintendent's House, it is also worth reiterating generally that the National Trust and other consulting parties object more broadly to the proposed demolition of many other historic structures in the Plan as well. Our decision to sign the PA as a Concurring Party does not indicate that we support or endorse the Merced River Plan generally. In fact, we remain extremely concerned about this Plan, developed by the agency responsible for our nation's historic preservation program, which will likely lead to adverse effects on more than 100 historic properties.

However, we look forward to continuing to consult with the Park as individual actions are further developed and in particular to playing a role in future decisions affecting the historic Sugar Pine Bridge and the possible relocation of the Superintendent's House and Garage.

Sincerely,

A handwritten signature in blue ink that reads "Paul W. Edmondson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Paul W. Edmondson
Chief Legal Officer & General Counsel

cc: John Fowler, Reid Nelson, Caroline Hall, and Katry Harris, ACHP
Stephanie Toothman, Jeff Durbin, and Elaine Jackson-Retondo, NPS
Carol Rowland-Nawi and Mark Beason, CA State Historic Preservation Office
Kitty Henderson, Historic Bridge Foundation
Stephanie Meeks and David Brown, National Trust for Historic Preservation

**PROGRAMMATIC AGREEMENT REGARDING
COMPLIANCE WITH SECTION 106 OF THE NATIONAL
HISTORIC PRESERVATION ACT FOR THE
MERCED WILD AND SCENIC RIVER
COMPREHENSIVE MANAGEMENT PLAN**

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**PROGRAMMATIC AGREEMENT AMONG
THE NATIONAL PARK SERVICE AT YOSEMITE NATIONAL PARK, THE
CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, AND THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION REGARDING
COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT FOR THE MERCED WILD AND SCENIC RIVER
COMPREHENSIVE MANAGEMENT PLAN (MERCED RIVER PLAN)**

WHEREAS, 81 miles of the Merced River and South Fork Merced River in Yosemite National Park were designated a National Wild and Scenic River in 1987 under the Wild and Scenic Rivers Act (Public Law 100-149) for possessing “outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values” (16 USA 1271); and

WHEREAS, the Wild and Scenic River Act (1968 as amended) requires the development of a Comprehensive Management Plan for Wild and Scenic Rivers, the National Park Service (NPS) has prepared a *Merced Wild and Scenic River Final Comprehensive Management Plan and Environmental Impact Statement* (Final Merced River Plan/EIS) pursuant to the Wild and Scenic Rivers Act and the National Environmental Policy Act (NEPA) (1969 as amended); and

WHEREAS, during the next approximately 20 years, NPS plans to carry out the program of management and improvement projects in the Final Merced River Plan/EIS pursuant to the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1271-1287) and the Organic Act (1916) (39 Stat. F35), thereby making the Final Merced River Plan/EIS subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, and its implementing regulations, 36 CFR § 800; and

WHEREAS, the NPS, in accordance with 36 CFR Part 800, has consulted with the State Historic Preservation Officer (SHPO), Advisory Council on Historic Preservation (ACHP), and traditionally-associated American Indian tribes and groups, and other consulting parties regarding this undertaking; and

WHEREAS, this Programmatic Agreement (PA) shall not invalidate previous existing agreements (Exhibit 1); and

WHEREAS, the Advisory Council on Historic Preservation has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, the NPS has consulted with the following traditionally-associated, federally-recognized American Indian tribes that attach religious and cultural significance to historic properties affected by the undertaking: the North Fork Rancheria of Mono Indians of California, the Picayune Rancheria of the Chukchansi Indians, the Bishop Paiute Tribe, the Bridgeport Indian Colony, and the Tuolumne Band of Me-Wuk Indians, and has invited them to sign this PA as concurring parties; and

WHEREAS, the NPS has consulted with the following traditionally-associated American Indian groups that attach religious and cultural significance to historic properties affected by the undertaking: the American Indian Council of Mariposa County, Inc. (also known as the Southern Sierra Miwuk Nation), and the Mono Lake Kudzadika^a, and has invited them to sign this PA as concurring parties; and

WHEREAS, pursuant to 36 CFR § 800.2 (c)(5), the National Trust for Historic Preservation and the Historic Bridge Foundation have requested consulting party status, have participated in the consultations,

and the NPS has invited them to sign this (PA) as concurring parties; and

WHEREAS, between 2007 (the start of the planning process) and 2013, Yosemite National Park conducted scoping efforts for the Merced River Plan undertaking and has notified the public through *Federal Register* Notices and an extensive public outreach efforts per 36 CFR § 800.8(c).1.iv; and

WHEREAS, NPS has determined in consultation with consulting parties, that the program of actions for the undertaking will have a range of effects on historic properties, including adverse effects.

WHEREAS, NPS has determined in consultation with traditionally-associated American Indian tribes and groups that certain known actions within the program of undertakings will affect historic properties of religious and cultural significance to tribes and groups, and the NPS will consider tribal views and concerns consistent with NPS management policies, through Government-to-Government consultation and careful review of tribal concerns when making decisions; and

WHEREAS, not all consulting parties to this PA agree with the NPS's Selected Action with regard to the demolition of Superintendent's House (Residence 1) and its Garage; however, these parties have participated fully in the consultation process and, by signing this PA, will continue consulting to resolve the adverse effect associated with demolition to ensure that the mitigation measures developed are appropriate to the loss of this historic property; and

NOW, THEREFORE, Yosemite National Park, the SHPO, and the ACHP agree that the undertaking shall be implemented in accordance with the following stipulations.

PURPOSE OF THIS AGREEMENT

This programmatic agreement (PA) supplements 36 CFR Part 800 and the 2008 *Programmatic Agreement Among the National Park Service (U.S. Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act* herein referred to as 2008 Nationwide PA and attached as (Exhibit 2). This PA recognizes the extensive consultation to date among the NPS, SHPO, ACHP, traditionally-associated American Indian tribes and groups, and other consulting parties in accordance with 36 CFR, § 800.1 – 5. The extent of adverse effects will require continued consultation to resolve those effects; there are a number of actions that will require future identification, evaluation and assessment of effects of the Merced River Plan undertaking and consultation will continue prior to implementation of those actions. Therefore, this agreement outlines a process for actions which signatory parties have agreed will result in No Historic Properties Affected, No Adverse Effect, or Adverse Effect.

APPLICABILITY

This PA only applies to the Merced River Plan undertaking as described in Section I.V. A. and is not intended to establish a process for all consultation, review, and compliance activities within the Merced River corridor.

The terms in 36 CFR § 800.16 "Definitions" are applicable throughout this PA.

I. Responsibilities, Qualifications, and Training

In addition to 36 CFR § 800.2 and Stipulation I.A of the 2008 Nationwide PA, the following responsibilities of the National Park Service apply to this programmatic agreement:

A. Park American Indian Liaison

The Yosemite National Park (YOSE) American Indian Liaison will serve as the Superintendent's designated representative in government-to-government consultations with tribal groups. The YOSE American Indian Liaison will provide day-to-day staff support for Section 106 consultation with traditionally-associated American Indian tribes and groups and serve as a liaison communicating tribal concerns, suggestions, and recommendations to park subject matter specialists, other NPS offices, and others involved in the implementation of the undertaking.

II. Consultation

In addition to 36 CFR § 800.1 – 6 and Stipulation II.A of the 2008 Nationwide PA, the following consultation provisions apply to this programmatic agreement:

A. Participation of traditionally-associated American Indian tribes and groups

The federal government has a unique legal relationship with American Indian tribes set forth in the Constitution of the United States, treaties, statutes, and court decisions. This relationship is further informed and guided by Executive Orders and NPS agency management policies, which underscore the important relationship that traditionally-associated American Indians have with park lands and resources. The NPS is aware that historic properties of religious and cultural significance to American Indian tribes and groups are located on ancestral lands now encompassed by Yosemite National Park.

Consultations with Indian tribes will be conducted in a sensitive manner, respectful of tribal sovereignty, and recognizing the Government-to-Government relationship between the NPS and tribes. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities.

The NPS has already determined that historic properties with religious and cultural significance to traditionally-associated American Indian tribes and groups within the APE may be adversely affected and the NPS will continue to consult with traditionally-associated American Indian tribes and groups on all project categories throughout the implementation of the MRP.

III. Streamlined Review Process

There are no additional provisions proposed beyond the Streamlined Review process set forth in the 2008 Nationwide PA.

IV. Standard Review Process

In addition to 36 CFR § 800.3 – 6 and Stipulation IV of the 2008 Nationwide PA, the following criteria provisions apply to this programmatic agreement regarding the use of the standard review process:

A. Defining the Merced River Plan undertaking and Identifying Consulting Parties

The Merced River Plan undertaking was presented as Alternative 5: Enhanced Visitor Experience and Essential River Bank Restoration (agency-preferred) in the Final Merced River Plan /EIS which addresses protection and enhancement of river values, visitor use and user capacity management, and land use and development within the river corridor. A substantial portion of these actions are directly related to river value protection and enhancement. Many actions in Merced River Plan undertaking affirm the retention of existing infrastructure (buildings, structures, and sites), visitor and commercial services, and administrative functions that were not evaluated in the Section 106 Report. However, a complete list of actions for Alternative 5 can be found in Appendix K of the Final Merced River Plan/EIS.

Planning for the Merced River Plan undertaking has been carried out in consultation with state, federal, and local agencies; and traditionally-associated American Indian tribes and groups. Consistent with 36 CFR § 800.3(b) and 36 CFR § 800.8, the review process for Section 106 of the National Historic Preservation Act was initially coordinated with the National Environmental Policy Act (NEPA) public participation process on the Draft Merced River Plan/EIS. However, the consulting parties have continued to engage in rigorous Section 106 compliance efforts independent of the NEPA process as described in Appendix J: National Historic Preservation Act Assessment of Effects for the Final Merced River Plan /EIS.

B. The Area of Potential Effect (APE)

The NPS has determined that the Area of Potential Effect (APE) for the Merced River Plan undertaking, in consultation with the consulting parties, as defined in 36 CFR § 800.16(d), as 1.5 miles on each side of the Merced River's ordinary high water mark and includes the entirety of the known archeological and historic districts (Exhibit 3).

Should revision of the APE become necessary to address actions in the Merced River Plan undertaking, NPS shall notify the consulting parties and seek comments on proposed revision(s).

C. Assessment of Effects on Historic Properties

The NPS has determined in consultation with SHPO, ACHP, traditionally-associated American Indian tribes and groups, and other consulting parties that two categories of actions regarding assessment of effects will be guided by this PA for Section 106 compliance during implementation of the Merced River Plan undertaking:

I. Category 1 – No Historic Properties Affected or No Adverse Effect

To evaluate the Merced River Plan undertaking, the NPS used the information on known historic properties to make determinations of effect where possible. As such, numerous actions have adequate information so that the extent of effects is clear and the historic properties affected are known.

Exhibit 4 presents a table of actions in the Merced River Plan undertaking that have been determined, based on known historic properties and clear action descriptions – in consultation with SHPO, ACHP, traditionally-associated American Indian tribes and groups, and other consulting parties – to result in either “No Historic Properties Affected” or “No Adverse Effect” and shall be implemented without further review or consultation with ACHP and SHPO. The NPS and American Indian tribes and groups will continue to collaborate on resources management and

historic preservation activities.

II. Category 2 – Adverse Effect

Exhibit 5 presents a table of actions in the Merced River Plan undertaking that have been determined, based on known historic properties and clear action descriptions – in consultation with SHPO, ACHP, traditionally-associated American Indian tribes and groups, and other consulting parties – to result in an “Adverse Effect” that cannot be avoided.

Therefore, the NPS would continue consultation with the SHPO, ACHP, traditionally-associated American Indian tribes and groups and other consulting parties (including the public), consistent with 36 CFR § 800.5 to minimize or mitigate adverse effects and shall seek ways to resolve adverse effects through project-specific agreements per 36 CFR § 800.6(b) and(c).

- a. The NPS will initiate consultation for Category 2 project-specific agreements via correspondence from the Park Superintendent to the signatory and concurring parties of this agreement in advance of project implementation.
- b. A description of the adverse effects to historic properties that are associated with the project and a general schedule for project completion will be provided with this initial communication.
- c. The goal of continued consultation on Category 2 actions will be agreement among the consulting parties on the minimization and mitigation measures to be included in the Memorandum of Agreement for each project.

III. Category 3 Actions–Identification, Evaluation and Assessment of Effects to be Determined

Exhibit 6 presents a table of actions in the Merced River Plan undertaking that have been determined, based on known historic properties and clear action descriptions – in consultation with SHPO, ACHP, traditionally-associated American Indian tribes and groups, and other consulting parties – to necessitate future identification, evaluation and/or assessment of effects determinations will be guided by 36 CFR Part 800 and the 2008 Nationwide PA.

D. Annual Report and Meeting

The NPS will report annually-regarding the Merced River Plan undertaking to the SHPO, ACHP, traditionally-associated American Indian tribes and groups. The annual report will provide an update on identification, evaluation, assessment of effects determinations, and implementation of actions. If requested by a signatory party, an annual meeting will be scheduled with all consulting parties to discuss the annual report and any other issues of interest regarding the undertaking.

V. National Historic Landmarks

There are no additional provisions proposed for National Historic Landmarks set forth in 36 CFR § 800.10 and the 2008 Nationwide PA.

VI. Inadvertent Discoveries

The provisions set forth in the 2008 Nationwide PA and 36 CFR 10 (Native American Graves and Repatriation Act) shall be followed, with the following exceptions:

- a. Notification and response will occur within two (2) working days rather than 48 hours
- b. NPS notification to SHPO and traditionally-associated American Indian tribes and groups will include a proposed schedule for assessing eligibility and development of treatment recommendations.

A. American Indian Human Remains

NPS shall ensure that any American Indian burials or American Indian human remains, funerary objects, sacred objects and objects of cultural patrimony discovered during implementation of an undertaking, archeological fieldwork, or other actions, are treated with appropriate respect and according to federal law, including, but not limited to, the Native American Graves Protection and Repatriation Act, Public Law 101-601 (NAGPRA) and its implementing regulations (36 CFR § 10, Native American Graves and Repatriation Act Regulations). Actions described herein do not constitute compliance with provisions of NAGPRA.

If objections are raised by any Indian Tribe regarding treatment of human remains or cultural items as defined under NAGPRA, the objection shall be resolved in accordance with NAGPRA. NPS shall notify the SHPO and the ACHP of any such dispute if so requested by involved tribes.

VII. Emergency Actions

There are no additional provisions proposed for Emergency Actions as set forth 36 CFR § 800.12 or the 2008 Nationwide PA.

VIII. Review and Monitoring of PA Implementation

There are no additional provisions proposed for Review and Monitoring of PA Implementation as set forth in the 2008 Nationwide PA.

IX. Subsequent Agreements

There are no additional provisions proposed for Subsequent Agreements as set forth in the 2008 Nationwide PA.

X. Dispute Resolution

There are no additional provisions proposed for Dispute Resolution as set forth in the 2008 Nationwide PA or 36 CFR §800.6.

XI. Termination

In addition to Stipulation XI of the 2008 Nationwide PA, the following provisions for monitoring and

termination apply to this programmatic agreement:

Any Signatory may terminate this PA by providing thirty (30) day notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event the PA is terminated, the NPS will comply with 36 CFR Part 800 with regard to individual undertakings otherwise covered by this PA.

XII. Severability

There are no additional provisions proposed for Severability as set forth in the 2008 Nationwide PA.

XIII. Anti-Deficiency Act Statement

There are no additional provisions proposed for Anti-Deficiency Act Statement set forth in the 2008 Nationwide PA.

XIV. Additional Provisions Unique to this PA

The following additional provisions apply to this PA.

A. Duration of this PA

The duration of this PA is twenty (20) years from the date of its execution or until the Merced River Plan undertaking is complete, whichever is shorter. Five (5) years after the date of executing this PA, and every five (5) years thereafter for the duration of the PA, NPS shall consult with SHPO, ACHP, and traditionally-associated American Indian tribes, and groups who are consulting parties to review the sufficiency of the PA and consider potential amendments of its terms, as appropriate.

If implementation of the undertaking is not completed by the expiration date of this PA, the NPS shall consult with the Signatories (SHPO and ACHP), to determine if the PA should be allowed to expire or should be extended through amendment. Unless NPS, SHPO, and ACHP agree on an extension, the PA shall automatically terminate 20 years from the date of execution and have no further force or effect.

B. Amendments

Any Signatory may request that this PA be amended, whereupon the Signatories will consult in accordance with 36 CFR § 800.14(b). Where the Signatories cannot agree on executing an amendment, the matter shall be addressed pursuant to Stipulation X, Dispute Resolution. Any amendment agreed upon will be executed in the same manner as the original agreement.

C. Hydrological Study for Sugar Pine Bridge

The Merced River Plan undertaking retains all historic bridges for the immediate future. To address the localized impacts that have been attributed to Sugar Pine Bridge, the NPS will initiate a study to assess the merits of various long-term bridge management strategies. The NPS will consult with the signatory and concurring parties to this agreement with regard to the content and structure of the study, including the development of the criteria for success in mitigating hydrologic impacts and the array of alternative

mitigation techniques to be tested.

EXECUTION

Execution of this PA and implementation of its terms evidences that NPS has afforded the ACHP and SHPO a reasonable opportunity to comment on the undertaking and its effects on historic properties, that NPS has taken into account the effects of the undertaking on historic properties, and has satisfied its responsibilities under Section 106 of the NHPA and applicable implementing regulations for the undertaking.

EXHIBITS

Exhibit 1: Existing Programmatic and Cooperative Agreements among the National Park Service and Consulting Parties

Exhibit 2: Programmatic Agreement among the National Park Service (U.S. Department of the Interior) the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act

Exhibit 3: Map of Area of Potential Effect

Exhibit 4: Category 1 – No Historic Properties Affected or No Adverse Effects

Exhibit 5: Category 2 – Adverse Effects

Exhibit 6: Category 3 – Identification, Evaluation, and Assessment of Effects to be Determined

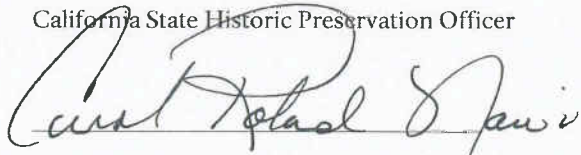
SIGNATORIES

National Park Service, Yosemite National Park


Don L. Neubacher, Superintendent

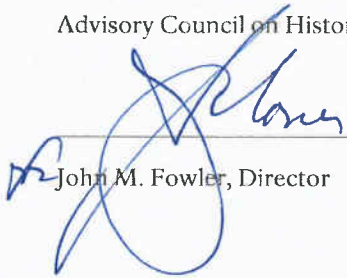
Date: 3/20/14

California State Historic Preservation Officer


Carol Rowland-Nawi, Ph.D., State Historic Preservation Officer

Date: 3-21-14

Advisory Council on Historic Preservation


John M. Fowler, Director

Date: 3/28/2014

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CONCURRING PARTIES

American Indian Council of Mariposa County, Inc. (aka Southern Sierra Miwuk Nation)

Lois Martin, Chairperson

Date: _____

Bishop Paiute Tribe

Dale Delgado Jr., Chair

Date: _____

Bridgeport Paiute Indian Colony

John Glazier, Chair

Date: _____

Mono Lake Kutzadika^a

Charlotte Lange, Chair

Date: _____

North Fork Rancheria of Mono Indians of California

Elaine Bethel-Frink, Chair

Date: _____

Picayune Rancheria of the Chukchansi Indians

Reggie Lewis, Chair

Date: _____

Tuolumne Band of Me-Wuk Indians

Kevin Day, Chair

Date: _____

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Concurring Parties Continued:

National Trust for Historic Preservation

Barbara H. Pahl

Barbara H. Pahl, Western Vice President

Date: April 8, 2014

Historic Bridge Foundation

Kitty Henderson, Executive Director

Date: _____

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EXHIBIT 1 – EXISTING PROGRAMMATIC AND COOPERATIVE AGREEMENTS AMONG THE NATIONAL PARK SERVICE AND CONSULTING PARTIES

This PA shall not be construed to supersede or contravene the provisions of the following:

1. Programmatic Agreement Between the National Park Service, Yosemite National Park and the California State Historic Preservation Officer Regarding the Ahwahnee Hotel National Historic Landmark Comprehensive Rehabilitation Program (2011)
2. Memorandum of Agreement Between the National Park Service and the California State Historic Preservation Officer Regarding the Curry Village Rock Fall Hazard Zone Mitigation (2011)
3. Programmatic Agreement Among the National Park Service (Department of the Interior), the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers for Compliance with Section 106 of the National Historic Preservation Act (2008)
4. Programmatic Agreement Among the National Park Service at Yosemite, the California State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Planning, Design, Construction, Operations, and Maintenance, Yosemite National Park (1999) Cooperative agreements to collaborate on resources management and historic preservation activities, including but not limited to the following currently in effect:
 1. Cooperative Agreement Between the National Park Service, Yosemite National Park and the American Indian Council of Mariposa County (also known as the Southern Sierra Miwuk Nation) (2004)
 2. Cooperative Agreement Between the National Park Service, Yosemite National Park and the North Fork Rancheria of Mono Indians (2010)
 3. Cooperative Agreement Between the National Park Service, Yosemite National Park and the Tuolumne Band of Me-Wuk Indians (2006)

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**EXHIBIT 2 – PROGRAMMATIC AGREEMENT AMONG THE NATIONAL
PARK SERVICE (U.S. DEPARTMENT OF THE INTERIOR) THE ADVISORY
COUNCIL ON HISTORIC PRESERVATION AND THE NATIONAL
CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS FOR
COMPLIANCE WITH SECTION 106 OF THE NATIONAL HISTORIC
PRESERVATION ACT**

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**PROGRAMMATIC AGREEMENT AMONG THE
NATIONAL PARK SERVICE
(U.S. DEPARTMENT OF THE INTERIOR),
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE NATIONAL CONFERENCE OF STATE HISTORIC
PRESERVATION OFFICERS FOR COMPLIANCE WITH SECTION 106
OF THE NATIONAL HISTORIC PRESERVATION ACT**

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**PROGRAMMATIC AGREEMENT AMONG THE
NATIONAL PARK SERVICE
(U.S. DEPARTMENT OF THE INTERIOR),
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE NATIONAL CONFERENCE OF STATE HISTORIC
PRESERVATION OFFICERS FOR COMPLIANCE WITH SECTION 106
OF THE NATIONAL HISTORIC PRESERVATION ACT**

WHEREAS, the National Park Service (NPS) plans for, operates, manages, and administers the National Park System (System) and is responsible for identifying, preserving, maintaining, and interpreting the historic properties of the System unimpaired for the enjoyment of future generations in accordance with the 1916 National Park Service Organic Act, the NPS Management Policies (2006), and applicable NPS Directors Orders; and

WHEREAS, the operation, management, and administration of the System entail undertakings that may affect historic properties (as defined in 36 CFR Part 800), which are therefore subject to review under Sections 106, 110(f) and 111(a) of the National Historic Preservation Act as amended (NHPA) (16 USC 470 *et seq.*) and the regulations of the Advisory Council on Historic Preservation (ACHP) (36 CFR Part 800); and

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

WHEREAS, the NPS has a qualified staff of cultural resource specialists to carry out programs for historic properties; and

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

WHEREAS, signature and implementation of this PA does not invalidate park-, Region-, or project-specific memoranda of agreement (MOA) or programmatic agreements negotiated for Section 106 purposes prior to the effective date of this PA; and

WHEREAS, Federally recognized Indian Tribes are recognized by the U.S. government as sovereign nations in treaties and as unique political entities in a government-to-government relationship with the United States; and

WHEREAS, the NPS has conducted a series of "listening" meetings with Indian Tribes, has requested the input of a number of Native Advisors in the process of preparing this PA, and has held consultation meetings with Federally recognized Indian Tribes, Native Hawaiian organizations, and other parties on the content of the PA; and

WHEREAS, 36 CFR 800.2 (c)(2)(i)(A) and (B) provide for consultation with Indian Tribes on the same basis as the State Historic Preservation Officer (SHPO) when an undertaking will occur on or affect historic properties on tribal lands; and

WHEREAS, in accordance with 36 CFR 800.14(b)(2)(iii), a PA shall take effect on tribal lands only when the designated representative of the tribe is a signatory to the agreement; and

WHEREAS, for those parks located partly or wholly within tribal lands, the NPS has invited the applicable Tribal Historic Preservation Officer (THPO) or Indian Tribe to sign this PA as an Invited Signatory; and

WHEREAS, the NPS has consulted with the NCSHPO and the ACHP regarding ways to ensure that NPS operation, management, and administration of the Parks provide for management of the Parks' historic properties in accordance with the intent of NPS policies, director's orders and Sections 106, 110, 111, and 112 of the NHPA.

NOW, THEREFORE, the NPS, the NCSHPO, the ACHP, and the signatory tribes mutually agree that the NPS will carry out its Section 106 responsibilities with respect to operation, management, and administration of the Parks in accordance with the following stipulations.

PURPOSE AND NEED

NPS park operations, management, and administration require a large number of low-impact or repetitive activities on a daily basis that have the potential to affect properties listed in or determined eligible for the National Register of Historic Places and require consultation under Section 106. This PA provides an efficient process for compliance with Section 106 for daily NPS park operations, management, and administration activities. It establishes two processes for Section 106 review: a "streamlined" review process for designated undertakings that meet established criteria and a "standard" review process for all other undertakings. This PA also provides programmatic procedures and guidance for other activities related to the Section 106 compliance process, including identification of resources, consultation, and planning.

The NPS shall ensure the following measures are implemented.

I. RESPONSIBILITIES, QUALIFICATIONS, AND TRAINING

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

A. Responsibilities

1. Director, National Park Service

The Director has policy oversight responsibility for the agency's historic preservation program. The Director, through the Deputy Director for Operations, executes this PA for the NPS and provides policy level oversight within the NPS to ensure that stipulations of the PA are met.

2. Associate Director for Cultural Resources

The Associate Director for Cultural Resources (ADCR) provides national leadership for policy implementation through establishing standards and guidance for managing cultural resources within the Parks. The ADCR works with the NPS regions and parks to ensure and support compliance with the stipulations of this PA and provides accountability to the signatories of this PA with regard to its implementation. The ADCR is responsible for working with Regions and Parks to develop and fund training needs related to Section 106 and the implementation of the PA. The ADCR in cooperation with the regions and parks, is responsible for issuing a guidance document for this agreement within 12 months of its execution. At the time of execution of this PA, the ADCR also holds the title of Federal Preservation Officer (FPO).

3. Regional Directors

The Regional Director is the line manager for all Superintendents within his/her region. The Regional Director is responsible for policy oversight, strategic planning, and direction for parks and programs within the region and reports to the Director through the NPS Deputy Director for Operations. Review and support of Park and Superintendent implementation of this PA and training to achieve Section 106 compliance is the responsibility of the Regional Director.

4. Regional Section 106 Coordinators

The Regional Section 106 Coordinators work with parks and other NPS offices to provide support for Section 106 compliance and implementation of this PA. The Regional Section 106 Coordinators provide guidance materials and technical assistance for implementing the PA and assist the parks to meet the training, reporting, and consultation requirements of the PA.

5. Superintendents

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

Each Superintendent shall do the following within his/her park:

- a. Designate a Park Section 106 Coordinator and a Cultural Resource Management (CRM) Team meeting the necessary qualifications;
- b. Develop and maintain relationships with Federally recognized Indian Tribal governments and Native Hawaiian organizations (if applicable);
- c. Develop and maintain relationships with SHPOs/THPOs;
- d. Ensure early coordination among the Section 106 Coordinator, the CRM Team, and other park and regional staff, concessioners, park partners, neighboring communities, groups affiliated with park resources, and others in the planning of projects and activities that may affect historic properties;
- e. Ensure that Section 106 consultation with the SHPO/THPO and other consulting parties is initiated early in the planning stages of any given undertaking, when the widest feasible range of alternatives is available for consideration;
- f. Ensure that the Park Section 106 Coordinator, CRM Team Members and the park cultural resources staff receives the NHPA training needed to carry out their responsibilities. Provide opportunities for other involved staff to receive NHPA training as funding and opportunities permit.

6. Park Section 106 Coordinator

The Park Section 106 coordinator provides day-to-day staff support for Section 106 activities and serves as liaison among park personnel, the NPS Regional Office, NPS Centers, and others involved in undertakings. The coordinator makes recommendations to the Superintendent regarding the appropriate course of action under this PA, including whether a project constitutes a Section 106 undertaking.

7. Cultural Resource Management (CRM) Team

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

B. Qualifications

1. Park Section 106 Coordinator

The Superintendent shall designate at least one (1) person to act as the park's Section 106 Coordinator, whose Section 106 responsibilities are specified, as appropriate. The designee may be chosen from the park staff, other NPS parks, NPS archeological and preservation centers, and the NPS Regional Office. The Park Section 106 Coordinator shall have an appropriate combination of professional training and/or experience to effectively carry out the responsibilities of the position.

2. Cultural Resource Management (CRM) Team

The Superintendent shall designate a CRM Team with expertise to fulfill and implement the requirements of this PA, whose Section 106 responsibilities are specified, as appropriate.

- a. Subject matter experts chosen must be appropriate to the resource types found in the park. Therefore, the number of individuals who comprise the CRM Team is not static and will be appropriate to include all necessary disciplines. Multi-disciplinary reviews of proposed undertakings are recommended.
- b. CRM Team members may be on the park staff or in other parks, or from NPS Regional Offices, NPS Centers, Federally recognized Indian Tribes, Native Hawaiian organizations, or elsewhere in the public or private sector.
- c. CRM Team members who are federal employees shall meet the qualifications for the applicable discipline as defined in Appendix E to NPS-28: Cultural Resource Management Guideline. CRM Team members who are representing Federally recognized Indian Tribes may be traditional cultural authorities, elders, and others experienced in the preservation of tribal culture. All other CRM team members, who are not federal employees or representing a Federally recognized Indian Tribe, must meet the Professional Qualification Standards in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.

C. Training

Periodic training on Section 106 compliance issues and the provisions of this PA is needed to maintain an understanding of the requirements of each. Such training may be accessed through the NPS, the ACHP, SHPOs/THPOs, Indian Tribes, Native Hawaiian organizations, other Federal or state agencies or private industry. Training may be in a classroom setting, electronic media, meetings, or other formats that allow for the conveyance of information. The NPS Washington Office, in consultation with the NPS parks, regions, and training centers, will work with the ACHP and NCSHPO to establish options for training in accordance with this PA, within 12 months from the time of execution of this PA.

1. All Superintendents and Section 106 coordinators will be notified of the opportunity to receive training on the provisions of this programmatic agreement once it has been made available by the NPS Washington Office. The NPS ADCR will work with the Regional 106 coordinators to accomplish this training throughout the Regions and parks within 12 months of its availability.
2. Superintendents will report on Section 106 training received by Superintendents and park staff as part of the biennial report (Section VIII.B of this agreement).

II. CONSULTATION

A. Consultation with Federally Recognized Indian Tribes and, THPOs, and Native Hawaiian Organizations

Government-to-government consultation with Federally recognized Indian Tribes and consultation with Native Hawaiian organizations shall occur at the Superintendent level and be initiated during planning and prior to undertaking an activity, program or project that may affect historic properties of significance to Federally recognized Indian tribes or Native Hawaiian organizations. Maintaining an on-going consultative relationship with THPOs and/or staff of Federally recognized Indian Tribes and Native Hawaiian organizations is essential.

1. Consultation on Undertakings off Tribal Lands

Superintendents shall identify, compile a list of, and consult with Federally recognized Indian Tribes, THPOs and Native Hawaiians that are known to have aboriginal lands within the park boundaries, assert an interest in historic properties within the park boundaries, or have lands or interest in lands adjacent to the park.

- a. Such consultation will be in accordance with 36 CFR 800.2(c)(2)(ii), NPS Director's Order 75A: Public Engagement and Public Involvement, and with Sections III and IV of this PA.
- b. Each Superintendent, with the assistance of park and Regional Office ethnographers, will be responsible for identifying aboriginal lands within the park boundary, working cooperatively with the appropriate Federally recognized Indian Tribes and Native Hawaiian organizations.
- c. Superintendents, in consultation with the Park Section 106 Coordinator and the CRM Team, shall establish a process and develop consultation agreements, where appropriate, that provide for early coordination between the park and Federally recognized Indian tribes, THPOs, and/or Native Hawaiian organizations in identification and evaluation of historic properties and the planning of projects and activities that may affect historic properties.
- d. Identification and evaluation of historic properties on aboriginal lands must be based upon consultation with the appropriate traditionally associated communities.

2. Consultation on Undertakings on Tribal Lands

For those undertakings that either occur on tribal lands or will otherwise have the potential to affect historic properties on tribal lands, including cumulative impacts from collectively significant actions taking place over a period of time, the Superintendent shall consult with that tribe on the same basis as he or she consults with the SHPO.

- a. Where the Tribe has assumed the SHPO's responsibility for Section 106 pursuant to Section 101(d)(2) of the NHPA, the Superintendent shall consult with the THPO in lieu of the SHPO, except as provided for in Section 101(d)(2)(D)(iii).
- b. Where the Tribe has not assumed the SHPO's responsibility for Section 106, the Superintendent shall consult with the Tribe's designated representatives in addition to and on the same basis as the SHPO. The Tribe shall have the same rights of consultation and concurrence as the SHPO.

3. Applicability of this PA on Tribal Lands

When a park is located partly or wholly within the boundaries of tribal lands, and the tribe has not signed this PA as an Invited Signatory, any undertaking that may occur on those tribal lands shall require consultation with the Tribe and/or THPO in accordance with 36 CFR Part 800, and the provisions of this PA are not applicable.

A tribe may sign this PA by written notification to the Director of such intent, signed by the THPO, Indian tribe, or a designated representative of the tribe. Once such a written and signed notification is received by the Director, the provisions of this PA will be applicable to undertakings occurring on those lands where a park is located partly or wholly within the boundaries of that particular tribe's tribal lands.

4. Development of Agreements to Facilitate Government-to-Government Consultation with Federally recognized Indian Tribes and Consultation with Native Hawaiian Organizations

Development of consultation protocols, memoranda of agreement and programmatic agreements is encouraged. Such agreements may be negotiated between Superintendents and Federally recognized Indian Tribes, THPOs, or Native Hawaiian organizations and may be independent of or supplement this PA. For example, such agreements may be specific to a project, plan, or park activity, or may set forth specific consultation protocols between the park and a specific tribe or group of Native peoples. Superintendents will provide an informational copy of all agreements to the Regional Section 106 Coordinator and to the ACHP and appropriate SHPO/THPO in accordance with 36 CFR 800.2(c)(2)(ii)(E).

B. Consultation with SHPOs

Consultation with SHPOs on projects reviewed in accordance with the Standard Review Process will occur in accordance with the procedures set forth in Section IV of this PA. Consultation with SHPOs on implementation of this PA will occur biennially in accordance with Section VIII of this PA.

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

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

D. Consultation with the Public

Superintendents will consult with interested members of the public.

E. General Consultation Provisions

1. Section 110 Inventory of Historic Properties

The parks implement a program to identify, evaluate, and, when appropriate, nominate historic properties to the National Register of Historic Places in accordance with Section 110(a)(2)(d) of the NHPA. Research and testing of all types of historic properties for purposes of identification and evaluation must be limited to the minimum necessary to obtain the required inventory and evaluative information. Early coordination on the identification and evaluation of historic properties should be undertaken with Federally recognized Indian Tribes or Native Hawaiian organizations, as appropriate, utilizing tribal knowledge and expertise wherever applicable. Knowledge and data from appropriate sources of expertise should be utilized, including SHPOs, local governments, Indian Tribes, Pacific Islanders, and national and local professional and scientific organizations. Inventory records should be periodically reviewed and updated, as necessary, to ensure data on historic properties, including condition information, is current, and any previous evaluations of significance remain accurate.

2. Information Sharing: Historic Property Inventories

Parks, NPS Regional Offices, NPS Centers, and SHPOs will share information with each other regarding inventories of historic properties and historic contexts developed, as well as other reports and research results related to historic properties in the parks, whenever such studies become available. In addition, parks, NPS Regional Offices, and NPS Centers will make such information available to interested Federally recognized Indian Tribes, THPOs, and Native Hawaiian organizations. Federally recognized Indian Tribes who are signatories to this PA will, likewise, make such information available to NPS parks and Regional Offices, as appropriate. Information will be shared with the understanding that sensitive information will be withheld by the recipient of the information from public disclosure pursuant to Section 304 of NHPA and other applicable laws. Procedures for information sharing and format for information (i.e. electronic, hard copy, etc.) should be agreed upon between the parties.

3. Notification of Park Section 106 Coordinator

The National Park Service will provide contact information on Section 106 coordinators to Indian Tribes, SHPOs/THPOs, and Native Hawaiian organizations for each park through the Regional Office from the Regional 106 Coordinator within six months of this PA and updated biennially.

4. Review and comment on guidance and training documents

The ADCR will consult with the ACHP and NCSHPO in the development of training materials and guidance for this PA.

F. Development of Agreements to Facilitate Consultation

Development of consultation protocols, memoranda of agreement, and programmatic agreements is encouraged. Such agreements may be negotiated between Superintendents and organizations or governments and may be independent of or supplement this PA. For example, such agreements may be specific to a project, plan, or park activity, or may set forth specific consultation protocols between the park and a specific group, state, or local government. Superintendents will provide an informational copy of all agreements to the Regional Section 106 Coordinator and to the ACHP and appropriate SHPO/THPO in accordance with 36 CFR 800.2(c)(2)(ii)(E).

III. STREAMLINED REVIEW PROCESS

Where the Park Section 106 Coordinator determines the following criteria are met for a proposed undertaking, no further consultation is required unless otherwise specifically requested by the SHPO/THPO, Federally recognized Indian Tribe(s) or Native Hawaiian organization(s), or the ACHP.

A. Criteria for Using the Streamlined Review Process

All of the following criteria must be met in order to use the Streamlined Review Process:

1. The proposed undertaking must be an activity eligible for streamlined review, listed in Section III.C of this PA. These undertakings shall be known as "streamlined activities" for purposes of reference and replace the term "nationwide programmatic exclusions" set forth in the 1995 Programmatic Agreement between the NPS, the ACHP, and the NCSHPO; and
2. Identification and evaluation of all types of historic properties within the project area of potential effect (APE) must have been previously undertaken, sufficient to assess effects on those resources (with the exception of V.C (16)). Identification and evaluation of historic properties of religious and cultural significance to Indian tribes and Native Hawaiian organizations must be based upon consultation

with those entities. All properties within the APE must have previously been evaluated for eligibility to the National Register of Historic Places and the SHPO/THPO must have concurred with the eligibility determination. Inventory records should be periodically reviewed and updated, as necessary, to ensure data on historic properties, including condition information, is current, and any previous evaluations of significance remain accurate; and

3. The Section 106 Coordinator, in consultation with appropriate members of the CRM Team must have reviewed the project and certified that the effects of the proposed undertaking on historic properties on or eligible for the National Register will *not be adverse* based on criteria in 36 CFR 800.5, including consideration of direct, indirect, and cumulative effects. The Effect Finding must be “No Historic Properties Affected” or “No Adverse Effect”.

B. Streamlined Review Process

1. *Evaluate Whether the Proposed Undertaking is Eligible for Streamlined Review:* The Park Section 106 Coordinator, in consultation with appropriate members of the CRM Team, determines whether the proposed undertaking is an activity listed as an undertaking eligible for streamlined review in Section III.C of this PA. If not, compliance for the undertaking must be accomplished through the Standard Review Process, outlined in Section IV of this PA.
2. *Identify the Undertaking's Area of Potential Effect (APE):* The Park Section 106 Coordinator, in consultation with members of the CRM Team with expertise in the appropriate discipline(s), determines the project's APE, taking into account direct, indirect, and cumulative effects.
3. *Identify Historic Properties within APE:* The Park Section 106 Coordinator, in consultation with members of the CRM Team with expertise in the appropriate discipline(s), identifies the location, number, and significance of historic properties within the APE. If properties are located within the APE that have not yet been documented or evaluated for eligibility for the National Register of Historic Places, or if the SHPO/THPO has not yet concurred with the eligibility determination, compliance for the undertaking must be accomplished through the Standard Review Process, outlined in Section IV of this PA.
4. *Evaluate Effect of Undertaking on Historic Properties in APE:* The Park Section 106 Coordinator, in consultation with members of the CRM Team with expertise in the appropriate discipline(s), evaluates the effect of the proposed undertaking and cumulative effects on historic properties, applying the Criteria of Adverse Effect set forth in 36 CFR 800.5(a)(1)
5. *Document Streamlined Review Process:* If, after following steps one through four (1-4) listed above, the Park Section 106 Coordinator determines no historic properties are within the APE, or the proposed undertaking would result in a

determination of “no historic properties affected” or “no adverse effect”, no further consultation is required. The Park Section 106 Coordinator shall document the determination as follows:

- a. The Streamlined Review process will be documented using the NPS “Assessment of Actions Having an Effect on Cultural Resources” form, or another appropriate format. Parks are encouraged to use Servicewide automated project planning and tracking systems, such as the NPS Planning, Environment and Public Comment (PEPC) system, to track and document Section 106 compliance activities.
- b. Documentation will include the comments of each member of the CRM Team involved in the review process and the signature of the Superintendent. Electronic signatures are acceptable.
- c. Documentation will be permanently retained by the Park Section 106 Coordinator for review by consulting parties and to facilitate the preparation of the Annual Report.
- d. Annual Report: An annual report of all undertakings reviewed using the Streamlined Review process will be prepared by the Park Section 106 Coordinator, using existing and readily available data sources and reporting systems such as the NPS Planning, Environment and Public Comment (PEPC) system, for transmittal to the SHPO/THPO.

C. Undertakings Eligible for Streamlined Review

1. Preservation Maintenance and Repair of Historic Properties: The Streamlined Review Process is intended to be used for:
 - Mitigation of wear and deterioration of a historic property to protect its condition without altering its historic character;
 - Repairing when its condition warrants with the least degree of intervention including limited replacement in-kind;
 - Replacing an entire feature in-kind when the level of deterioration or damage of materials precludes repair; and
 - Stabilization to protect damaged materials or features from additional damage.

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

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

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

If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

The Streamlined Review Process may be used for routine repairs necessary to continue use of a historic property, but it is not intended to apply to situations where there is a change in use or where a series of individual projects cumulatively results in the complete rehabilitation or restoration of a historic property. If an approved treatment plan exists for a given historic property (such as a historic structure report, cultural landscape report, or preservation maintenance plan), the proposed undertaking needs to be in accordance with that plan. This streamlined activity includes the following undertakings, as well as others that are comparable in scope, scale, and impact:

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

2. Rehabilitation and/or Minor Relocation of Existing Trails, Walks, Paths, and Sidewalks: The Streamlined Review Process may be used for undertakings proposed on existing non-historic trails, walks, paths, and/or sidewalks that are

located within previously disturbed areas and do not exceed the depth of the previous disturbance. The Streamlined Review Process may also be used for undertakings proposed on existing historic trails, walks, paths, and/or sidewalks, provided that the proposed undertaking is conducted in accordance with an approved treatment plan (such as a historic structure report, cultural landscape report, or preservation maintenance plan).

If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

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

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

3. Repair/Resurfacing/Removal of Existing Roads, Trails, and Parking Areas:

The Streamlined Review Process may be used as follows:

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

an addition to, or continuation of, existing surfaces that are listed in or eligible for the National Register and all project activities, including staging areas, must be located in non-historic areas to be eligible for streamlined review.

- d. Existing surfaced areas may be removed if the surfaced area is not a historic property, it is not located within a historic property and all project activities, including staging areas, will occur on land that has been disturbed by prior excavation or construction and has been shown not to contain buried historic properties.
4. Health and Safety Activities: The Streamlined Review Process may be used for health and safety activities that do not require the removal of original historic elements or alteration of the visual character of the property or area.

If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

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

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

5. Routine Grounds Maintenance: The Streamlined Review Process may be used for routine grounds maintenance activities. If an approved treatment plan exists for a given historic property (such as a historic structure report, cultural landscape report, or preservation maintenance plan), the proposed undertaking needs to be in accordance with that plan.

If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

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

- a. Grass replanting in same locations with approved species.
- b. Woodland and woodlot management (including tree trimming, hazard tree removal, thinning, routine removal of exotic species that are not a significant component of a cultural landscape, stump grinding).
- c. Maintaining existing vegetation on earthworks, trimming trees adjacent to roadways and other historic roads and trails.
- d. Routine maintenance of gardens and vegetation within cultural landscapes with no changes in layout or design.
- e. Routine grass maintenance of cemeteries and tombstones with no tools that will damage the surfaces of stones (i.e. weed whips).
- f. Trimming of major specimen trees needed for tree health or to address critical health/safety conditions.
- g. Routine roadside and trail maintenance and cleanup with no ground disturbance.
- h. Planting of non-invasive plant species in non-historic areas.
- i. Removal of dead and downed vegetation using equipment and methods that do not introduce ground disturbance.
- j. Replacement of dead, downed, overgrown, or hazard trees, shrubs, or other vegetation with specimens of the same species.
- k. Replacement of invasive or exotic landscape plantings with similar non-invasive plants.
- l. Routine lawn mowing, leaf removal, watering, and fertilizing.
- m. Routine orchard maintenance and pruning.

6. Battlefield Preservation and Management: The Streamlined Review Process *may be used only if* the park has approved planning documents (General Management Plan, cultural landscape report, treatment plan) that specify preservation and management protocols for the subject battlefield.

If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

Consistent with that plan(s), activities include:

- a. Maintenance and preservation work limited to retaining, protecting, repairing, and replacing in-kind materials and features that contribute to the National Register significance of the battlefield landscape.
- b. Earthworks maintenance to prevent erosion and ensure preservation of existing profile, based on current and accepted practices identified in "Sustainable Military Earthworks Management" found on the NPS Cultural Landscape Currents website.
- c. Removal of hazard trees with no ground disturbance and with use of stump grinding provided the grinding is limited to the diameter of the stump and a depth of no greater than 6 inches.
- d. Repairing eroded or damaged sections of earthworks in-kind following archeological documentation and recordation in appropriate NPS inventory and management databases resulting in complete, accurate, and reliable records for those properties.
- e. Maintaining a healthy and sustainable vegetative cover.

7. Hazardous Fuel and Fire Management: The Streamlined Review Process *may be used only if* the park has an approved fire management plan or forest management plan.

If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

Following completion of activities under this section, post-burn inspection and monitoring should be conducted by a qualified archeologist to ensure no archeological sites were impacted or previously unknown sites revealed.

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

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

- b. Removal of dead and downed vegetation, as well as trees and brush located within historic properties, if the vegetation does not contribute to the significance of the historic property and equipment and methods are used that do not introduce ground disturbance beyond documented natural or historic disturbance.
 - c. Forest management practices, including thinning of tree stands, outside of historic districts, cultural landscapes, and archeological sites, using equipment and methods that do not introduce ground disturbance beyond documented natural or historic disturbance.
 - d. Restoration of existing fire line disturbances, such as hand lines, bulldozer lines, safety areas, helispots, and other operational areas.
 - e. Slope stabilization, to include reseeded with native seeds, replanting with native plants and/or grasses, placement of straw bales, wattles, and felling of dead trees when the root ball is left intact and in situ.
8. Installation of Environmental Monitoring Units: The Streamlined Review Process may be used for the placement of small-scale, temporary or permanent monitoring units, such as weather stations, termite bait stations, water quality, air quality, or wildlife stations, in previously disturbed areas, as determined by a qualified archeologist, or areas inventoried and found not to contain historic properties. Borings must be limited to pipes less than 2 inches in diameter and surface samples to less than 12 inches in size and minimal in number.
9. Maintenance or Replacement of Non-Historic Utility Lines, Transmission Lines, and Fences: If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

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

- a. Maintenance or replacement of buried linear infrastructure in previously disturbed areas. The area of previous disturbance must be documented by a qualified archeologist and must coincide with the route of the infrastructure in its entirety.
- b. Replacement of non-historic materials, provided the undertaking will not impact adjacent or nearby historic properties and is not located in a historic property, or visible from an above-ground historic property.
- c. Maintenance or replacement of infrastructure, such as old water distribution systems, that has been determined to be not eligible for the National Register, in consultation with the SHPO/THPO.
- d. Maintenance of above-ground infrastructure.

- e. Replacement of above-ground infrastructure provided the undertaking is not located in a historic property or visible from an above-ground historic property.
 - f. Enhancement of a wireless telecommunications facility, including the updating of mechanical equipment, provided the activities do not involve excavation nor any increase to the size of the existing facility.
10. Erection of Signs, Wayside Exhibits, and Memorial Plaques: If an approved treatment plan exists for a given historic property (such as a historic structure report, cultural landscape report, or preservation maintenance plan), the proposed undertaking needs to be in accordance with that plan. If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.

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

- a. Replacement of existing signage in the same location with similar style, scale and materials.
 - b. New signs that meet NPS standards, e.g. at entrance to the park or related to the park's interpretive mission, provided the sign is not physically attached to a historic building, structure, or object (including trees) and the sign is to be located in previously disturbed areas or areas inventoried and found not to contain historic properties.
 - c. Replacement of interpretive messages on existing signs, wayside exhibits, or memorial plaques.
 - d. Small developments such as paved pads, benches, and other features for universal access to signs, wayside exhibits, and memorial plaques in previously disturbed areas or areas inventoried and found not to contain historic properties.
 - e. Temporary signage for closures, repairs, detours, safety, hazards, etc. in previously disturbed areas or areas inventoried and found not to contain historic properties.
 - f. Memorial plaques placed within established zones that allow for such placement.
11. Culvert Replacement: The Streamlined Review Process may be used when culvert replacement will occur within existing cut and fill profiles, and:
- a. The existing culvert and/or associated road, rail bed, or cultural landscape has been determined not eligible for the National Register, either individually or as a contributing element to a historic district or cultural landscape, in consultation with the SHPO/THPO; or

- b. The existing culvert is less than 50 years old.
12. Reburial of Human Remains and Other Cultural Items Subject to the Native American Graves Protection and Repatriation Act (NAGPRA): The Streamlined Review Process may be used for the reburial of human remains and other cultural items subject to NAGPRA. The Streamlined Review Process may only be used when:
- a. The reburial is in previously disturbed areas and does not introduce ground disturbance beyond documented disturbance; or
 - b. The reburial is in previously inventoried areas found to not contain historic properties.

Any reburial in NPS-administered areas must be in conformance with NPS policies on cemeteries and burials including cultural resource policies.

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

- c. If the project activities include ground disturbance, archeological monitoring may be appropriate throughout the ground disturbing activities, in accordance with any recommendation of the CRM Team. When monitoring is recommended, members of any appropriate Federally recognized Indian Tribes or Native Hawaiian organizations may be invited to participate in monitoring.
15. Acquisition of Lands for Park Purposes: The Streamlined Review Process may be used for the acquisition of land for park purposes, including additions to existing parks. The second criterion for use of the Streamlined Review Process (identification and evaluation of all types of historic properties within the project APE; see Section III.A.2) does not apply to this activity, provided the acquisition does not include any further treatment or alteration of properties, since access to land for inventory and evaluation prior to NPS acquisition may be limited. Any known or potential historic properties on the land acquired should be protected from demolition by neglect. Pursuant to 36 CFR 800.5(a)(2)(vi), demolition by neglect constitutes an adverse effect. If any undertakings are proposed in conjunction with the acquisition that have the potential to affect historic properties, the Streamlined Review Process may not be used.
 16. Leasing of Historic Properties: The Streamlined Review Process may be used provided all treatment of historic properties proposed in relation to the leasing action is consistent with undertakings eligible for Streamlined Review, set forth in Section III.C of this PA. The Streamlined Review Process may not be used where there is a change of use or where a series of individual projects cumulatively results in the complete rehabilitation or restoration of a historic property.

D. Adding to List of Undertakings Eligible for Streamlined Review

Any proposed additions or revisions to the list of undertakings eligible for streamlined review must be developed through a region-, state- or park-specific Programmatic Agreement and pursuant to 36 CFR 800.14(b). The Regional Director or Superintendent, as appropriate, will develop such agreements with SHPOs/THPOs, in consultation with Federally recognized Indian Tribes and the ACHP or others, as appropriate. If such an agreement is developed by the Superintendent, s/he will notify the Regional Director. Regional Directors will report the development of supplemental, region-, state-, or park-specific programmatic agreements to the Director on an annual basis. The NPS FPO will maintain records on supplemental agreements and provide annual notification of any such agreements to all signatories to this agreement.

IV. STANDARD REVIEW PROCESS

All undertakings that do not qualify for streamlined review as described in Section III above, will be reviewed in accordance with 36 CFR Part 800. Superintendents are responsible for compliance with these regulations. Compliance may also be accomplished through park- and/or project-specific programmatic agreements. Specific activities required will be undertaken by the

Park Section 106 Coordinator, in consultation with appropriate members of the CRM Team. Parks are encouraged to use Servicewide automated project planning and tracking systems, such as the NPS Planning, Environment and Public Comment (PEPC) system, to track and document Section 106 compliance activities and to make such automated systems accessible to compliance partners, including SHPOs/THPOs, Federally recognized Indian Tribes, Native Hawaiian organizations, and/or the ACHP. If a park executes a MOA or PA with consulting parties to resolve adverse effects, the Superintendent will provide an informational copy of the agreement to the Regional Section 106 Coordinator.

V. NATIONAL HISTORIC LANDMARKS

The NHPA provides heightened protection for designated National Historic Landmarks (NHLs) through Section 110(f) and the NHPA's implementing regulations (36 CFR 800.10). Specifically, the NHPA requires that Federal agencies shall, to the maximum extent possible, undertake planning and actions necessary to minimize harm to any NHL that may be directly and adversely affected by an undertaking.

Where the other criteria as listed in Section III.A are met, proposed undertakings that may affect a designated NHL may follow the Streamlined Review Process. Where preliminary planning activities indicate that a proposed undertaking has the potential to have an adverse effect on an NHL, prior to initiating a formal consultation process, the Superintendent will initiate an internal review process in accordance with NPS Management Policies to determine alternatives to avoid or minimize the adverse effects and to assess the possibility of impairment.

VI. INADVERTENT DISCOVERIES

In the event that historic properties are inadvertently encountered during an undertaking for which review has been previously conducted and completed under Section III or Section IV of this PA, or through other events such as erosion or animal activity, the Superintendent will notify the SHPO/THPO, Federally Recognized Indian Tribe(s), and or Native Hawaiian organization, as appropriate, within 48 hours, or as soon as reasonably possible. The Superintendent in consultation with the Section 106 Coordinator and the appropriate members of the CRM Team, will make reasonable efforts to avoid, minimize, or mitigate adverse effects on those historic properties in consultation with the SHPO/THPO, Federally recognized Indian Tribe (s), and/or Native Hawaiian organization (s), as appropriate. If human remains or other cultural material that may fall under the provisions of NAGPRA are present, the Superintendent will comply with NAGPRA and ARPA. The Superintendent will ensure that any human remains are left in situ, are not exposed, and remain protected while compliance with NAGPRA, ARPA, or other applicable federal, state, and/or local laws and procedures is undertaken.

VII. EMERGENCY ACTIONS

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

VIII. REVIEW AND MONITORING OF PA IMPLEMENTATION

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

A. Superintendents Biennial Review and Monitoring Meeting

In order to foster cooperative relations, each Superintendent will, at a minimum, invite consulting parties to a review meeting every two years (biennial), with the first meeting initiated within six months of the signing of this PA by all parties. If all parties agree that such a meeting is not necessary at that time, the meeting may be waived. However, Superintendents shall remain responsible for initiating biennial meetings in subsequent years. More frequent meetings may be appropriate based on specific park circumstances and therefore an alternative meeting schedule may be established, if mutually agreed upon by the parties.

1. Meetings may be conducted in any mutually agreeable location and/or format, including in- person, video conferencing or teleconferencing.
2. The primary invitees to each park's biennial review and monitoring meeting will include the applicable SHPO/THPO, Federally recognized Indian Tribes, and Native Hawaiian organizations with an interest in that park's properties. Superintendents may also consider inviting other interested parties, including Pacific Islanders, concessioners, lessees, friends groups, historic societies, or gateway communities, as appropriate.
3. Superintendents may instead choose to meet individually with some parties, particularly those that have strong interest in specific historic properties.
4. Attendance and meeting minutes will be recorded and distributed to all invited parties after the conclusion of the meeting.

5. Specific discussion items may include the following:
 - a. Any documentation pursuant to this PA.
 - b. Any inventories of historic properties developed in the previous two years, or opportunities for future inventory and research, as well as other reports and research results related to historic properties.
 - c. Programmed undertakings that are scheduled, or are likely to be scheduled, for the next two fiscal years.
 - d. Provisions of this PA as well as any project- or program-specific Memoranda of Agreement or Programmatic Agreements.
 - e. Training received by park staff during the reporting period and opportunities for cooperative training arrangements.
 - f. Names of and contact information for the Park Section 106 Coordinator and the CRM Team Members.

B. Superintendents Reporting to NPS Regional Directors

In order to inform park program review and potential ACHP evaluation of PA implementation, Superintendents will report biennially to Regional Directors on implementation of the PA. The Biennial Report shall include the streamlined review data prescribed in Section III B of this PA, training completed and basic data demonstrating compliance with the provisions of this PA as outlined in the guidance document for this agreement (Section I.A.2). ACHP, SHPOs, or THPOs may request hard copies of biennial reports.

C. Park Section 106 Program Review by NPS Regional Directors, SHPOs, THPOs, and the ACHP

1. The Regional Director may, at his/her discretion, initiate a review of a park's implementation of this PA. The ACHP, either at its own discretion, or upon request of a Federally recognized Indian Tribe, SHPO/THPO, or Native Hawaiian organization, may at any time raise with the appropriate Regional Director any programmatic or project matters where they wish the Regional Director to review a Park Superintendent's Section 106 decisions. The Regional Director will consult with the ACHP, and the Regional Director shall provide a written response to the ACHP, and where applicable, the SHPO or THPO, that documents the outcome of the consultation and the resolution. The Regional Director has the option to suspend a park's use of this PA, and subsequently reinstate it as appropriate.
2. Documentation of NPS Section 106 reviews not already provided to SHPOs, THPOs, and the ACHP will be available for review by the ACHP and the appropriate SHPO/THPO upon request. Individual SHPOs/THPOs who wish to review this documentation are responsible for specifying scheduling, frequency, and types of undertakings of concern to them.

D. NPS Regional Directors Reporting to the Director of the NPS

Regional Directors will report biennially to the Director on implementation of this PA within his/her region. Each Regional Biennial Report will be submitted within six (6) months following receipt of Park Biennial Reports by the Regional Director as required in Section VIII.B of this PA. A hardcopy of the biennial reports will be sent to the ACHP and upon request from a SHPO or THPO.

IX. SUBSEQUENT AGREEMENTS

A. Upon execution of this PA, Superintendents are encouraged to evaluate their park's programs and discuss with SHPOs/THPOs, Federally recognized Indian Tribes, Native Hawaiian organizations, and/or the ACHP ways to develop supplemental programmatic agreements for park undertakings that would otherwise require numerous individual requests for comments.

B. Development of programmatic agreements specific to a project, plan, or park may be negotiated between Superintendents and SHPOs/THPOs, Federally recognized Indian Tribes, Native Hawaiian organizations, the ACHP, and/or other consulting parties where appropriate, pursuant to 36 CFR 800.14(b), and may be independent of or supplement this PA. Superintendents will provide an informational copy of all agreements to the Regional Section 106 Coordinator.

C. Memoranda of agreement developed to resolve adverse effects for specific projects shall be negotiated between Superintendents and SHPOs/THPOs, Federally recognized Indian Tribes, Native Hawaiian organizations, and/or the ACHP, pursuant to 36 CFR 800.6(c), and shall be independent of this PA. Superintendents will provide an informational copy of all agreements to the Regional Section 106 Coordinator.

X. DISPUTE RESOLUTION

A. Should disputes arise, the Superintendent, SHPO/THPO, and/or the ACHP will consult with the objecting parties to resolve the objection. All work that is the subject of the dispute will stop until the dispute is resolved in accordance with the procedures in this section. If the dispute cannot be resolved, all documentation relevant to the dispute will be forwarded to the parties named above. If the SHPO/THPO objects to a Park Superintendent's decision, the information will be forwarded to the Regional Director. If the National Park Service objects to the SHPO/THPO's opinion, the information will be forwarded to the ACHP. If the Regional Director cannot resolve a SHPO/THPO objection, the Regional Director will forward to the ACHP relevant documentation not previously furnished to the ACHP and notify the Director of the dispute. Within thirty (30) days after receipt of all pertinent documentation, the ACHP will either:

1. Provide the Regional Director with a recommendation, with an information copy provided to the Director, which the Regional Director will take into account in reaching a final decision regarding the dispute; or
 2. Notify the Regional Director that it will comment to the Director pursuant to the provisions of 36 CFR 800.7 and proceed to comment. Any ACHP comment provided in response to such a request will be taken into account by the NPS with reference to the subject of the dispute.
- B. In the event the ACHP does not respond within thirty (30) days of receipt of all pertinent documentation, the Regional Director may proceed with his or her recommended resolution.
- C. At the request of any individual, agency, or organization, the ACHP may provide the NPS with an advisory opinion regarding the substance of any finding, determination, or decision made in accordance with this PA or regarding the adequacy of the NPS' compliance with Section 106 and this PA.

XI. MONITORING AND TERMINATION

- A. The NPS will convene a meeting of the signatories to this PA within two (2) years of execution of the PA and as needed thereafter, to review implementation of the terms of this PA and determine whether revisions or amendments are needed. Meetings may be conducted in any mutually agreeable location and/or format, including in-person, video conferencing, or teleconferencing. If revisions or amendments are needed, the parties will consult in accordance with 36 CFR 800.14.
- B. This PA may be amended when such an amendment is agreed to in writing by all signatories. When major revisions are proposed to NPS policies that will affect the manner in which the NPS carries out its Section 106 responsibilities, the signatories shall consult to determine whether an amendment to this PA is needed. Any amendments will be effective on the date a copy signed by all of the signatories is filed with the ACHP.
- C. Any party to this PA may terminate it by providing ninety (90) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. Termination by any Federally recognized Indian Tribe signatory will be limited to termination of this PA on the tribal lands of the subject tribe. In the event of termination, the NPS will comply with 36 CFR Part 800 with regard to individual undertakings otherwise covered by this PA.

XII. SEVERABILITY

- A. If any section, subsection, paragraph, sentence, clause, or phrase in this PA is, for any reason, held to be unconstitutional or invalid or ineffective, such decision shall not affect the validity or effectiveness of the remaining portions of this PA.

B. If any section, subsection, paragraph, sentence, clause, or phrase in this PA is, for any reason, held to be unconstitutional or invalid or ineffective, the signatories shall consult to determine whether an amendment to this PA is needed.

XIII. ANTI-DEFICIENCY ACT STATEMENT

The stipulations of this Agreement are subject to the provisions of the Anti-Deficiency Act (31 U.S.C. 1341 (1998)). If compliance with the Anti-Deficiency Act alters or impairs NPS ability to implement the stipulations of this Agreement, NPS will consult in accordance with the dispute resolution, amendment or termination stipulations as specified in Sections X and XI of this PA.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

BY: [Signature]
CHAIRMAN

DATE: 11/14/08

NATIONAL PARK SERVICE

BY: Mary H. Roman
DIRECTOR

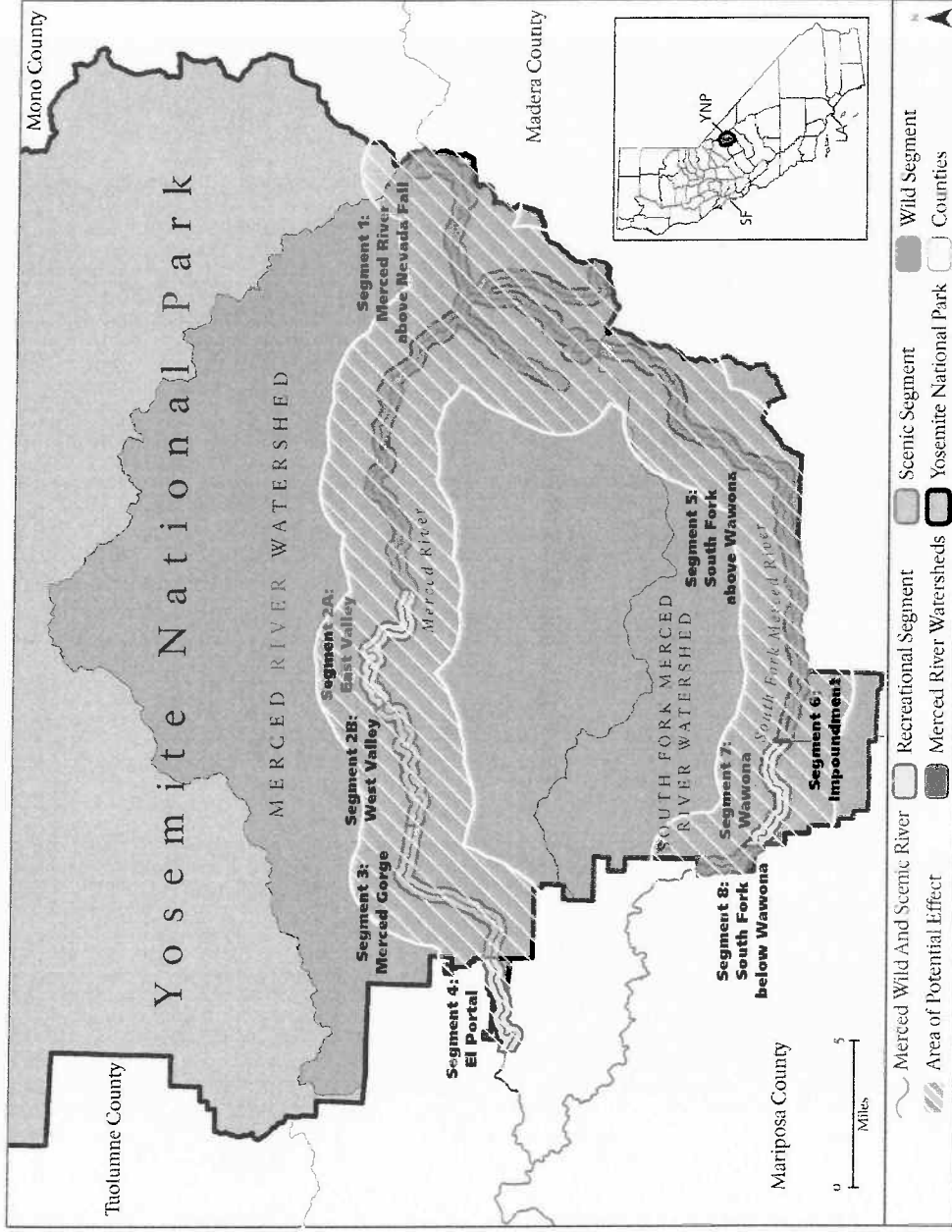
DATE: 11/14/08

NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

BY: Jay D. Vogt
PRESIDENT

DATE: 11-14-2008

EXHIBIT 3 – MAP OF AREA OF POTENTIAL EFFECT



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EXHIBIT 4 – CATEGORY 1: NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT

TABLE 1: CATEGORY 1 ACTIONS – NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
1	Ahwahnee Meadow, Cook's Meadow; The Ahwahnee Hotel NHL; Valley Loop Trail (CA-MRP-1425H), 1920s	RES-2-069 RES-2-073 RES-2-083 RES-2-157 RES-2-091 RES-2-100 RES-2-144 RES-2-145	Various Scenic Vista Management Actions. (See Appendix H)	Selectively clear foreground to maintain views from inside building and surroundings.	No Adverse Effects to contributing meadow resources because actions are considered to be historic preservation actions designed to improve the condition of these historic views and vistas.
2	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-075 RES-2-081 RES-2-097 RES-2-115 RES-2-118 RES-2-120 RES-2-123 RES-2-130 RES-2-131	Various Scenic Vista Management Actions. (See Appendix H)	Selectively thin conifers (trees up to 60" in diameter) to maintain views from inside buildings.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
3	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-156	Conifer encroachment in meadows	Manually or mechanically remove conifer seedlings and saplings from meadows and black oak communities in Yosemite Valley. Restore low-intensity, high frequency fire as an ecological process. Restore hydrologic processes where possible.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
4	None	NONE	Re-introduce Declining Amphibian and Reptile Species	In accordance with NPS policies, management direction would continue toward removal of non-native species, and re-introduction of extirpated or declining species as priorities and opportunities are developed. Prioritize the study the Western pond turtle and foothill yellow-legged frog.	The area has been surveyed and no historic properties are identified within or adjacent to the project area.

TABLE 1: CATEGORY 1 ACTIONS -- NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
5	Concessioner Stables Office, 1927; Concessioner Horse Stable, 1927; Concessioner Mule Barn, 1926; Concessioner Stables Linen Building, 1927; Concessioner Building, 1927; Concessioner Stables Harness Shop, 1927; Concessioner Stables Blacksmith Shop, 1927; Concessioner Stables Comfort Station, 1927; Concessioner Stables Pony Tack Shed #1, 1926; Concessioner Stables Pony Tack Shed #2, 1926; Concessioner Stables Employee Residence, 1927; Concessioner Stables Employee Cabins, 1927	ONA-2-002	Eliminate commercial day horseback rides from Yosemite Valley Concessioner Stables.	Retain Concessioner Stables in Yosemite Valley to support Merced Lake High Sierra Camp and overflow parking for campgrounds. Eliminate commercial day horseback rides from Yosemite Valley. Kennel service remains. Retain associated housing (25 beds).	No Adverse Effects as this action does not physically affect any historic property.
6	Yosemite Valley Archeological site (CA-MRP-0825H); Identified but not yet evaluated historic properties with religious and cultural significance to American Indians	ONA-2-007	Remove 5 sites from within 100 feet of the ordinary high water mark at Lower Pines Campground.	Remove 5 sites from within 100 feet of the ordinary high water mark, including the loop between sites 60-62 that is within the bed and banks of the river. Restore native plant communities.	No Adverse Effect to archeological district due to low-impact ecological restoration in vicinity of archeological site (CA-MRP-0825H). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
7	None	ONA-2-005 ONA-2-016	Construct 72 campsites at Upper and Lower River Campgrounds	Construct 72 campsites (30 walk-in and 10 auto campsites in Lower River Campground, and 30 walk-in sites and 2 group sites in Upper River Campground). The Lower Rivers Amphitheater will be retained, design plan for the Lower River Campground will incorporate a boating access point and commercial raft launch site, limited picnic and day-use parking opportunities will be accommodated, and restoration of the riparian buffer.	The area has been surveyed and no historic properties are identified within or adjacent to the project area. The 2006 Yosemite Valley Historic District NR lists the all campground loop roads and amphitheaters as non-contributing resource that post-date the period of significance.
8	None	REC-2-002	Interpretation of natural river processes	Create an interpretive (nature) walk through Lower Rivers that emphasizes river-related natural processes, the park's ecological restoration work and what visitors can do to protect the river.	The area has been surveyed and no historic properties are identified within or adjacent to the project area.

TABLE 1: CATEGORY 1 ACTIONS – NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
9	Mist Trail, 1858	REC-2-003	Improve way-finding between Happy Isles and the Mist Trail from the shuttle stop.	Provide appropriate signage and visual cues between the shuttle bus stop at Happy Isles, across the Happy Isles Bridge and to the John Muir Trailhead/Mist Trail.	No Adverse Effect because the nature of the action would not affect the significance of the contributing resource (Mist Trail) as the first valley trail specifically constructed as a scenic route for visitors.
10	None	RES-1-001	Special-status plants affected by trails	Re-route trails out of sensitive habitats such as wetlands. New trail routes should avoid wetlands and special-status habitat.	The area has been surveyed and no historic properties are identified within or adjacent to the project area.
11	Merced Lake Ranger Station (Eligible 2004)	RES-1-002	Establish grazing capacity for the Merced Lake East Meadow near the Merced Lake Ranger Station Meadow.	Develop preliminary grazing capacities for the Merced Lake East Meadow of 58 grazing nights per year. When the meadow recovers, allow administrative grazing at established capacities. Monitor annually for five years, adapting use levels as needed.	No Adverse Effect because the establishing grazing capacities in the Merced Lake East Meadow will have no implications for the Merced Lake Ranger Station as an eligible historic property.
12	Segment 1 archeological site (CA-MRP-0453).	RES-1-003	Remove informal trails and restore the Merced Lake Shore Meadow to natural conditions	Remove informal trails, decompact soils, fill ruts with native soils, and revegetate denuded areas with native plants.	No Adverse Effect due to low-impact ecological restoration in vicinity of archeological resource (CA-MRP-0453).
13	None	RES-1-005	Triple Fork Peak: trails through meadows	Re-route the trail to upland where possible.	The area has been surveyed and no historic properties are identified within or adjacent to the project area.
14	Bridalveil Meadow	RES-2-010	Restore ephemeral riparian area on western edge of Bridalveil Meadow.	Treat by inserting live willow cuttings into the head cut area, river bank and adjacent meadow. Address head cuts in stream on west edge of meadow by planting willow cuttings in the impacted area, along riverbank, and adjacent meadow. Re-establish the riparian shrub layer. Remove encroaching conifer saplings.	No Adverse Effect to contributing meadow resource as the action of riparian area restoration will not affect the iconic significance of the meadow as an element of Yosemite scenery and will further the historic management of the meadow as a contributing resource.
15	Northside Drive, (1880s); Cook's Meadow; Yosemite Valley archeological sites (CA-MRP-0056/61/196/298/299/300/301, and CA-MRP-1816); Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-011 RES-2-012	Remove abandoned infrastructure and informal shoulder parking on north of Cook's Meadow along Northside Drive.	Remove fill of a former road bed north of Northside Drive between the Rangers' Club and the three-way stop. Revegetate with native meadow species. Remove roadside parking along Cook's meadow and restore to meadow conditions.	No Adverse Effects as the action would not affect either contributing resource (Northside Drive nor Cook's Meadow) as Northside Drive would continue to create a framework of circulation around the Valley, on either side of the Merced river and Cook's Meadow would retain its iconic significance of the meadow as an element of Yosemite scenery. No Adverse Effects to archeological sites (CA-MRP-0056/61/196/298/299/300/301, and CA-MRP-1816) as ground disturbance will be outside of site boundaries within the vicinity of the action. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.

TABLE 1: CATEGORY 1 ACTIONS – NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
16	Yosemite Valley archeological site (CA-MRP-0825H); Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-022 RES-2-028	Remove campsites within 100-feet of ordinary highwater mark in Lower Pines and North Pines Campgrounds; establish river access points.	Remove all campsites and infrastructure within 100-foot of ordinary highwater mark. Restore 6.5 acres of riparian habitat. Designate river access point at North Pines campground. Direct visitors of Lower and North Pines campgrounds to resilient sandy beaches through signage and campground maps and brochures. There are four sandy beaches in the vicinity of the campgrounds. Fence off vulnerable steep slope and provide signs directing visitors to current access.	No Adverse Effect to archeological site CA-MRP-0825H due to minimal ground disturbance associated with revegetation or riverbanks, signage and fencing as needed. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
17	El Capitan Bridge; Yosemite Valley archeological site (CA-MRP-0311).	RES-2-026	Redirect visitors accessing the river near El Capitan Bridge to resilient sandbar points.	Redirect visitors accessing the river near El Capitan Bridge to resilient sandbar points. Fence and revegetate eroded areas.	No Adverse Effect to archeological site CA-MRP-0311 as the action will not affect the El Capitan Bridge's contribution to Yosemite Valley circulation. No Adverse Effect to due to minimal ground disturbance associated with revegetation or riverbanks, signage and fencing as needed.
18	None	RES-2-149	Direct visitors to the sandbar at Swinging Bridge. Fence riparian area at Yosemite Lodge.	Direct visitors to the sandbar at Swinging Bridge. Fence riparian area at Yosemite Lodge.	The area has been surveyed and no historic properties are identified within or adjacent to the project area.

TABLE 1: CATEGORY 1 ACTIONS – NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
19	Yosemite Valley archeological sites (CA-MRP-0046/47/74, 0052/H, 0055/H, 0057, 0062, 0076, 0080, 0082/H, 0158/309, 0190/19, 0240/303, and 0902/H); identified but not yet evaluated historic properties with religious and cultural significance to American Indians	RES-2-032 RES-2-033 RES-2-034 RES-2-036 RES-2-037 RES-2-038 RES-2-039 RES-2-040 RES-2-041 RES-2-042 RES-2-043	Various Yosemite Valley protection actions for archeological sites (CA-MRP-0046/47/74, 0052/H, 0055/H, 0057, 0062, 0076, 0080, 0082/H, 0158/309, 0190/19, 0240/303, and 0902/H).	CA-MRP-0046/47/74: Re-route stock trail and formal trail off archeological site, remove graffiti from rock art boulder. CA-MRP-0052/H: Reroute bridal path off of archeological site. CA-MRP-0055/H: Remove informal trails that radiate from pullout and remove pull out near archeological site. CA-MRP-0057: Remove graffiti in rock shelter, rehabilitate informal trails. Increase law enforcement/ranger monitoring of rock shelter. CA-MRP-0062: Remove the logs and graffiti. Ecologically restore the informal trails and relocate the parking area east, away from the site. CA-MRP-0076: Rehabilitate social trails and prohibit climbing on Feature 2. CA-MRP-0080: Remove campsite 208 and bear box; reroute bathroom; foot traffic away from milling feature and fence off. CA-MRP-0082/H: Remove climbing bolts from rock shelter boulder. Increase interpretation/education/ outreach effort for climbers. Prohibit climbing at the Rock Shelter Boulder. CA-MRP-0158/309: Rehabilitate informal trails and prohibit climbing on rock art boulder. Increase interpretation/ education/outreach effort for climbers. CA-MRP-0190/19: Delineate trail/bike path to limit shoulder access within site. CA-MRP-0240/303: Fence off/close access to large bedrock mortar (pounding rock) next to trail. CA-MRP-0902/H: Remove informal trails that contribute to archeological site disturbance.	No Adverse Effects to archeological resources due to minimal ground disturbance associated with asphalt removal and restoring areas to natural conditions, removing informal trails and restoring roadside pullouts, removing campsite and bear box, rerouting foot trails, removing climbing bolts, and delineating trails to reduce off-trail travel. NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
20	Sugar Pine, Ahwahnee Bridge and Stoneman Bridges; identified but not yet evaluated historic properties with religious and cultural significance to American Indians	RES-2-052	Retain Sugar Pine, Ahwahnee and Stoneman Bridges; address localized hydrologic impacts.	Sugar Pine, Ahwahnee and Stoneman Bridges are retained. If mitigation measures fail to meet defined criteria for success, consideration of bridge removal would involve a public review process and additional environmental compliance. Mitigate effects to localized impacts to hydrological / geological processes through constructed solutions. Place large wood to lessen the scouring from the bridge. Use brush layering and constructed log jams. Add culverts along Northside Drive to improve drainage.	No Adverse Effect to historic bridges due to retention of the contributing resource. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided due to actions associated with addressing localized hydrologic impacts.

TABLE 1: CATEGORY 1 ACTIONS – NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
21	None	RES-2-056	Address localized hydrologic impacts of the non-historic Happy Isles footbridge footings (bridge was removed post-1997 flood and abutments retained to protect gauging station that was relocated in 2010).	Remove former footings and the former river gauge base from the bed and banks of the river. Revegetate denuded non-historic informal trails.	The area has been surveyed and no historic properties are identified within or adjacent to the project area.
22	Clark's Bridge, Happy Isles Vehicle Bridge, Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-054 RES-2-058 RES-2-059	Address localized hydrologic impacts associated with Clark's Bridge and Happy Isles Vehicle Bridge.	Mitigate effects to localized impacts to hydrological / geological processes through constructed solutions. Place large wood to lessen the scouring from the bridge. Use brush layering and constructed log jams.	No Adverse Effects to historic bridges due to retention of the contributing resources. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
23	El Portal archeological sites (CA-MRP-0250/H and 0251/H)	RES-4-003 RES-4-004	Various El Portal protection actions for archeological sites (CA-MRP-0250/H and 0251/H)	Remove non-historic informal trails and non-essential roads	No Adverse Effects to archeological resources due to minimal ground disturbance associated with removal of informal trails and non-essential roads.
24	None	RES-4-005	Restore the Greenemeyer sand pit to natural conditions	Restore the Greenemeyer sand pit to natural conditions; remove fill material and recontour. Retain road for river and utility access.	The area has been surveyed and no historic properties are identified within or adjacent to the project area.
25	None	RES-4-006	Develop standards for revetment construction and repair through the El Portal Administrative Site and provide Caltrans with recommendations.	Develop standards for revetment construction and repair throughout the river corridor. Vertical walls should be used wherever possible. Provide Caltrans with recommendations when repair/replacement is necessary in Segment 4.	The area has been surveyed and no historic properties are identified within or adjacent to the project area.

TABLE 1: CATEGORY 1 ACTIONS – NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
26	Wawona archeological sites (CA-MRP-0374, 0008/H, 0168/0329/H, 173/372/H, 0171/172/254/516/H)	RES-7-001 RES-7-002 RES-7-003 RES-7-010 RES-7-012	Various Wawona protection actions for archeological sites (CA-MRP-0374, 0008/H, 0168/0329/H, 173/372/H, 0171/172/254/516/H)	CA-MRP-0374: Rehabilitate social trail and delineate access road. CA-MRP-0008/H: Remove non-historic informal trails. Relocate camp sites out of archeological site. Also, relocate the campground to the Wawona Maintenance Yard. CA-MRP-0168/0329/H: Remove 7 campsites from Wawona Campground that cause potential impacts to the archeological site. CA-MRP-173/372/H: Develop site management plan. Remove shoulder and off-road parking. Limit facility and concessioner off-road vehicle travel/parking on hotel grounds. CA-MRP-0171/172/254/516/H: Remove non-historic informal trails and shoulder and off-road parking.	No Adverse Effects to archeological resources due to minimal ground disturbance associated with delineating trails and access roads, relocation and/or removal of campsites, development of site management plans, and removal of roadside pullouts.
27	Stoneman, Ahwahnee, Cook's, Leidig, Slaughterhouse, El Capitan, and Bridalveil Meadows; Yosemite Valley archeological sites (CA-MRP-56/61/196/298/299/300/301/1816/H, 749, 77/H, 748/765/H, 1751H, 310, 1746H, 1196H, 305/H, 750H); identified but not yet evaluated historic properties with religious and cultural significance to American Indians	RES-AS-002	Restore 6 miles of non-historic informal trails to natural conditions in Yosemite Valley.	Restore 6 miles of non-historic informal trails in Stoneman, Ahwahnee, Cook's, Leidig, Slaughterhouse, El Capitan, and Bridalveil Meadows and other areas adjacent to South and Northside Drives. Remove non-historic informal trails by decompacting soils and filling ruts with native soils. Revegetate areas of denuded vegetation with appropriate native plants.	No Adverse Effect to archeological resources due to minimal ground disturbance within the vicinity of sites resulting from filling ruts, decompacting soil, and planting native vegetation. No Adverse Effects to contributing meadow resources as they would retain their iconic significance as elements of Yosemite scenery. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
28	Northside Drive (1880s); El Capitan Meadow	RES-2-009	Remove informal trails through El Capitan Meadow and restore to natural conditions; formalize access points and viewing areas.	Remove all informal trails from the meadow that incise, promote habitat fragmentation, or are located in sensitive and frequently inundated areas, and restore to natural condition. Use restoration fencing along northern perimeter of meadow and formalize appropriate access points and viewing areas.	No Adverse Effects to either contributing resource (Northside Drive and El Capitan Meadow) as Northside Drive would continue to create a framework of circulation around the Valley, on either side of the Merced river and El Capitan Meadow would retain its iconic significance of the meadow as an element of Yosemite scenery.

TABLE 1: CATEGORY 1 ACTIONS -- NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
29	Leidig Meadow; Yosemite Valley archeological site (CA-MRP-1771H) identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-013 RES-2-015	Remove informal trails through Leidig Meadow and replace section of bike path.	Remove informal trails that incise meadow, and areas of wet and/or sensitive vegetation which fragment meadow habitat. Restore native meadow vegetation. Replace paved section of trail within the bed and banks of the river.	No Adverse Effect to contributing meadow resource as it would retain iconic significance as elements of Yosemite scenery. No Adverse Effect to archeological site (CA-MRP-1771H) due to minimal ground disturbance in the vicinity of the contributing resource. The NPS and American Indian Tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
30	Sentinel Meadow	RES-2-018	Formalize access in Sentinel Meadow to the west of existing boardwalk area.	Formalize access to the west of the existing boardwalk to accommodate use and reduce meadow trampling.	No Adverse Effect to contributing meadow resource as it would retain iconic significance as elements of Yosemite scenery.
31	Sentinel Meadow, Sentinel Bridge Traverse Road;	TRAN-2-013	Remove roadside parking along Sentinel Drive and restore to natural conditions.	Remove roadside parking along Sentinel Drive and restore to natural conditions.	No Adverse Effects to either contributing resource (Sentinel Meadow and Sentinel Bridge Traverse Road) as the Sentinel Bridge Traverse Road (Sentinel Drive) would continue to contribute to a framework of circulation around the Valley, on either side of the Merced River and Sentinel Meadow would retain its iconic significance of the meadow as an element of Yosemite scenery.
32	Stoneman Meadow	RES-2-153	Expand fenced area to protect Stoneman Meadow near Lower Pines Campground	Slightly expand fenced area to protect wetlands on north end of meadow near Lower Pines Campground. Remove invasive non-native species and encroaching conifers. Remove ditch, fill with native soils and revegetate.	No Adverse Effect to contributing meadow resource as it would retain iconic significance as elements of Yosemite scenery.
33	El Capitan Meadow	TRAN-2-018	Construct formal El Capitan Meadow Shuttle Bus Stop	Construct a formal Shuttle bus stop in a location appropriate to the design for the restoration of the meadow and formalized access.	No Adverse Effect to contributing meadow resource as it would retain iconic significance as elements of Yosemite scenery.
34	None	TRAN-2-019	Repurpose the Yosemite Village Sports Shop and remove the Arts and Activities Center (Bank Building).	Repurpose the non-historic Village Sport Shop for visitor orientation services (eliminate the existing commercial service); remove the Arts and Activities Center (Bank Building) and restore to natural conditions. Create pathways leading from Yosemite Village Day-use Parking Area to the Village Sport Shop building.	The 2006 Yosemite Valley Historic District NR lists the Bank Building and Village Store as non-contributing resource that post-date the period of significance.
35	None	TRAN-2-015	Remediate the Curry Village dump at the Wilderness parking lot and formalize parking and provide for proper drainage.	Remediate the Curry Village dump at the Wilderness parking lot and formalize parking and provide for proper drainage. Wilderness-related parking area is a former dump site that was not designed as a formal parking area. It is not delineated and undersized for demand.	The area has been surveyed and no historic properties are identified within or adjacent to the project area; archeological site CA-MRP-1541H was determined to be ineligible.

TABLE 1: CATEGORY 1 ACTIONS – NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
36	Valley Loop Trail (CA-MRP-1425H); Yosemite Valley archeological site CA-MRP-0048	RES-2-143	Remove 3,800 feet of pack stock trail proximate to the riverbank between the Concessioner Stables and Happy Isles.	Remove 3,800 feet of pack stock trail proximate to the riverbank. Remove residual asphalt and other fill material with an excavator and skid steer, decompact hardened surfaces, recontour surfaces and plant riparian vegetation where needed. Also, re-route stock use north along the road where they meet up on the Valley Loop Trail.	No Adverse Effect to the Valley Loop Trail due to the elimination neither of a non-historic trail segment nor to archeological site CA-MRP-0048 due to minimal ground disturbance from asphalt removal and restoring the area to natural conditions.
37	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians	ONA-2-008	Remove 14 sites from within 100 feet of the ordinary high water mark and restore native plant communities at North Pines Campground.	Remove 14 sites from within 100 feet of the ordinary high water mark and restore native plant communities. Campsites in North Pines campground receive periodic flooding and are located in close proximity to the river.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
38	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians	RES-2-016	Remove tiles, pipes and abandoned road in Royal Arches Meadow and restore to natural conditions.	Remove tiles, pipes and abandoned road. Decompact soils, remove conifers and revegetate with riparian species. Royal Arches Meadow contains tiles and pipes that cause meadow dewatering. A former road bed remains between the meadow and Tenaya Creek, impacting hydrology and vegetation; the adjacent riparian area contains thick conifer sapling cover.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
39	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians	RES-2-019	Restore 20 acres of floodplains at the portion of Lower Pines campground.	Restore 20 acres of floodplains at the portion of Lower Pines campground that was closed after the 1997 flood. Historically a floodplain/ meadow/riparian complex, the area has retained impacts of development including compacted soils, fill material over native soils, and invasive plant infestations.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
40	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians	RES-2-045	Restore traditionally used plant populations.	Threats to traditionally used plant populations include invasive species such as Himalayan Blackberry (Rubus discolor), drainage and hydrology impacts to meadows, encroachment of conifers in black oak habitat, and erosion and revegetations that affect riparian vegetation.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
41	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-027 RES-2-060	Redesign Yosemite Valley Swinging Bridge Picnic Area and formalize access to river.	Delineate picnic area by fencing and revegetating the river terrace along the riparian zone approximately 50 feet from the ordinary high water mark. Redesign the picnic area in its current location to better accommodate visitor use levels at this picnic area; formalize vehicle access and parking; designate formal river access. Use fencing to re-direct use across the bridge to the large sandbar on the north and downstream side of Swinging Bridge and designate the area as the river access point. Remove riprap and use bioengineering techniques to rebuild riverbank. Reestablish riparian vegetation	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.

TABLE 1: CATEGORY 1 ACTIONS – NO HISTORIC PROPERTIES AFFECTED OR NO ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
42	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-050	Remove the former Bridalveil Sewer Plant including piping on both sides of the river, restore to natural conditions.	Remove the buried structure, including piping on both sides of the river, and add fill if needed. Cover with native topsoil and revegetate with native plants. Lasting impacts from the former Bridalveil sewer plant are still evident. Remaining underground infrastructure affects hydrology and fill material precludes recruitment of desirable native plants in black oak community, affecting the ethnographic ORV.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
43	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-061	Enhance channel complexity in the river reach upstream of the El Capitan moraine to the Sentinel picnic area	To enhance channel complexity in the river reach upstream of the El Capitan moraine to the Sentinel picnic area, localized restoration would include willow planting, brush layering, uninhibited accumulation and strategic placement of large wood.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
44	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-062	Place eight constructed log jams in the river channel between Clark's and Sentinel Bridges to address river widening and low channel complexity.	Place eight constructed log jams in the river channel between Clark's and Sentinel Bridges to address river widening and low channel complexity. Log jams would be designed to look natural, without straight-cut edges and with root wads remaining. Incorporate brush-layering and re-vegetation to repair localized riverbank erosion.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
45	El Portal Road (Eligible 1997)	RES-2-065	Formalize roadside parking and river access points between Pohono Bridge and Big Oak Flat Road/El Portal Road intersection.	Pave and formalize 5 roadside pull-outs for river access between Pohono Bridge and the intersection of the Big Oak Flat Road. Install curbing along pull-outs and along El Portal Road to prevent further encroachment towards the river and associated resource damage. Completely remove one pull-out that is not protective of resources. In the areas that require ecological restoration following parking and river access formalization, decompact soil and revegetate with riparian species, including willow. Install drainage improvements and head walls at 11 locations.	No Adverse Effect to the El Portal Road as the contributing resource would still continue to hold the route, appearance, and compatibility with the landscape that attests to its visual and historic significance.

EXHIBIT 5 – CATEGORY 2: ADVERSE EFFECT

TABLE 2: CATEGORY 2 ACTIONS – ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
1	Merced Lake High Sierra Camp (22 tents for guest and employee housing) (not evaluated); Segment 1 archeological site (CA-MRP-0453) (not evaluated)	ONA-1-003	Remove 11 of 22 Merced Lake High Sierra Camp canvas tents.	Retain the Merced Lake High Sierra Camp, removing 11 of the 22 historic canvas tents for a capacity of 42 beds. Replace the flush toilets with composting toilet. Retain tent pads in situ of those 11 canvas tents that are removed and retain the configuration of the remaining 11 historic canvas tents (possibly remove every other tent to maintain the "u" shape of the camp).	Adverse effect due to removal of 11 historic tent cabins. Identification, evaluation, and assessment of effect to be determined for archeological resources (CA-MRP-0453) that may result from ground disturbance.
2	Concessioner Headquarters Building, (1937-1939); Curry Garage (Concessioner Garage)(1920); Yosemite Valley archeological site complex (CA-MRP-56/61/196/298/299/300/301/1816/H); Yosemite Valley Group Utility Building (1935); and Yosemite Valley Utility Area and Yosemite Sheds (buildings 516, 518, and 519).	FAC-2-001 FAC-2-002 FAC-013	Removal of Concessioner Headquarters Building and relocate function to Concessioner Warehouse outside of river corridor. Removal of Concessioner Garage; relocation of function to Yosemite Valley Group Utility Building and NPS Maintenance Area.	The Concessioner Headquarters Building is demolished. Essential functions in-filled into the mezzanine of the existing Concessioner Maintenance and Warehouse Building behind Valley Visitor Center. The concessioner garage service is relocated to the Yosemite Valley Group Utility Building, outside of the river corridor. The building is demolished, and the Yosemite Village Day-Use Parking Area parking is expanded into the previous footprint. Visitor vehicle services are expanded in El Portal and Wawona service stations. Construct a new NPS maintenance building within the maintenance area.	Adverse effect due to demolition of contributing resources. Assessment of effects to be determined for archeological district that may result from major ground disturbance in vicinity of archeological sites (CA-MRP-56/61/196/298/299/300/301/1816/H site complex) and historic districts due to construction of new building and retrofit of contributing resource. The 2006 Yosemite Valley Historic District NR lists the Concessioner Warehouse as a non-contributing resource that post-dates the period of significance.
3	Northside Drive (1880s); Sentinel Bridge Traverse Road; Yosemite Valley archeological sites (CA-MRP-1816).	TRAN-2-001 TRAN-2-020	Redesign of the Yosemite Village Day-use Parking Area, re-routing Northside Drive south of parking area.	Re-route Northside Drive to the south of the Yosemite Village Day-use Parking Area and construct a traffic circle at Northside Drive/Village Drive to address traffic congestion and pedestrian/vehicle conflicts. Consolidate parking to the north of the road and provide walkways leading to Yosemite Village separating vehicle and pedestrian traffic. Add a three-way intersection at Sentinel Drive and the entrance to the parking area to improve traffic flow and alleviate congestion. All redevelopment will be 150 feet away from the ordinary highwater mark.	Adverse effects to Northside Drive and Sentinel Drives due to re-routing, changing location of intersections and construction of round-about. Assessment of effects to be determined for archeological district that may result from ground disturbance within the vicinity of archeological sites (CA-MRP-1816).
4	Yosemite Valley archeological site complex (CA-MRP-0056/61/196/298/299/300/301/1816/H); identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	FAC-2-017	Replace Lost Arrow Temporary Employee Housing with permanent dormitory.	Replace temporary employee housing facilities with permanent housing facilities for 87 additional beds.	Adverse effect to scientific data potential that may result from new construction within boundary of archeological site (CA-MRP-56/61/196/298/299/300/301/1816/H site complex). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.

TABLE 2: CATEGORY 2 ACTIONS – ADVERSE EFFECT

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
5	Superintendent's House (Residence 1) (1911/1929) and Garage; Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	FAC-2-018 RES-2-150	Remove Superintendent's House (Residence 1) and Garage and restore area to natural conditions.	Superintendent's House (Residence 1) and Garage is removed from its current location, either by demolition or relocation. The area is restored to natural conditions.	Adverse effect due to demolition or relocation of a contributing resource. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
6	73 Camp Curry Employee Canvas Cabins (Boys Town Tent Cabins); Curry Orchard Parking Area; Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	ONA-2-021 TRAN-2-007	Remove 23 historic canvas tent cabins and construct 52 cabin-with-bath units in Boys Town. Redesign and formalize the Curry Orchard parking area to accommodate 415 parking spaces.	Total would be 482 guest units, including: 301 tents in Curry Village retained; at Boys Town retain 50 historic canvas tent cabins and 14 non-historic hard-sided cabins-without-bath, construct 52 new with bath cabins (within existing development footprint at Boys Town); 18 units at Stoneman House retained; and 47 cabin-with-bath units in Curry Village retained. The Curry Orchard Parking area would be formalized to have 415 parking spaces.	Adverse effect due to removal of 23 contributing resources. Assessment of effect to be determined for new development within the Camp Curry and Yosemite Valley Historic Districts. Assessment of effects to be determined for historic district that may result from redesign of the orchard parking area. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
7	Gauging Station at Pohono Bridge (1916)	RES-2-057	Remove the Pohono Bridge gauging station out of the ordinary highway mark and relocate north of the river.	Move the gauging station north of the river outside of the bed and banks of the river. Revegetate denuded areas. The antiquated gauging station infrastructure within the bed and banks of the river is unnecessary with current technology and can be removed.	Adverse effect due to removal of a contributing resource
8	Merced Canyon Travel Corridor (CCC camp)	RES-3-001	Remove abandoned infrastructure at the Cascades picnic area	Remove abandoned infrastructure including cement block, surface concrete and asphalt and imported rock.	Adverse effect due to substantial ecological restoration and removal of contributor resources.
9	Wawona archeological sites (CA-MRP-168/329/H, 1366/H, 0007, 1365/H, P-22-296, 331, 810, 171172/254/516/H, 217/H, and CA-MRP-645).	RES-7-006 RES-7-007	Construct pump station and utility corridor connecting the Wawona Campground to the Wawona Wastewater Treatment Plant. Relocation of RV dump station from Wawona Store area to Wawona Campground.	Develop a waste water collection system. Build a pump station above the Wawona Campground to connect the facility to the existing waste water treatment plant. Relocate the RV dump station, currently located near the Wawona Store Area to the Wawona Campground. Design and construct RV dump station near the campground entrance.	Adverse effect to scientific data potential due to trenching within the boundaries and within the vicinity of archeological sites (CA-MRP-168/329/H, 1366/H, 0007, 1365/H, P-22-296, 331, 810, 171172/254/516/H, 217/H, and CA-MRP-645).

EXHIBIT 6 – CATEGORY 3: IDENTIFICATION, EVALUATION AND/OR ASSESSMENT OF EFFECT TO BE DETERMINED

TABLE 3: CATEGORY 3 ACTIONS – IDENTIFICATION, EVALUATION AND/OR ASSESSMENT OF EFFECT TO BE DETERMINED

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
1	Identified but not yet evaluated Housekeeping Camp; identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	FAC-2-004	Housekeeping Camp: Lodging	Remove 34 lodging units within the ordinary high water mark. Retain a total of 232 lodging units.	Identification, evaluation, and assessment of effects to be determined to historic district and camp itself that may be caused by the removal of lodging units. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
2	Camp Curry Bike Shop/Skate Rental Building; Yosemite Valley archeological site (P-22-002878);	FAC-2-011 REC-AS-001 FAC-2-016	Relocation of Curry Ice Rink, bike and raft rentals outside of the river corridor. Redesign the area to accommodate 189 parking spaces. Relocate temporary non-historic employee canvas tents to Lost Arrow Dormitory and El Portal.	Relocate ice rink, bike rentals and raft rental facilities outside the river corridor. Retain a total of 10 non-historic employee tent cabins and the historic Huff House; remove all remaining non-historic tent cabins. Expand the existing associated parking area to accommodate 189 parking spaces in the location of the existing ice rink.	Assessment of effects to be determined for historic districts upon design of expanded parking area and for ground disturbance in vicinity of archeological site (P-22-002878). The 2006 Yosemite Valley Historic District NR lists the Ice Rink, 3 ice rink support sheds and ice rink parking lot as non-contributing resources that post-date the period of significance.
3	Identified but not yet evaluated Yosemite Lodge	FAC-2-012	Remove, relocate, or repurpose facilities at the Yosemite Lodge	Yosemite Lodge maintenance and housekeeping are relocated. Removed temporary employee housing to be replaced with new housing. Remove the NPS Volunteer Office (former Wellness Center), and post office. Yosemite Lodge employee housing (Thousands Cabins) and Highland Court employee housing are removed. The convenience shop and nature shop are re-purposed. The Yosemite Lodge Food Court and pool are retained. Yosemite Lodge maintenance and housekeeping are relocated. Bike rentals are relocated outside of river corridor.	Identification, evaluation, and assessment of effect to be determined for districts that may result from the removal, relocation, and/or repurposing of buildings and changes in services at the Yosemite Lodge motel complex.
4	El Portal archeological site (CA-MRP-0360/1582/H).	FAC-4-002 RES-4-008 TRAN-4-001	Redesign of Abbieville/Trailer Village to accommodate 300 spaces for visitor parking and 40 RV-sites; restoration within 150-feet of the ordinary highwater mark.	Remove or relocate 36 existing private residences. 40 RV campsites, some with hook-ups will be incorporated into the re-design of the Abbieville/Trailer Village area; develop El Portal Remote Visitor Parking Area to provide 300 spaces of visitor parking serviced by regional transit. Remove development, asphalt and imported fill; reconstruct and plant native riparian species and oaks within the 150-foot riparian buffer.	Identification, evaluation and assessment of effect to be determined to archeological district that may result from removed or relocated residences and new development within the vicinity of archeological sites (CA-MRP-0360/1582/H).

TABLE 3: CATEGORY 3 ACTIONS – IDENTIFICATION, EVALUATION AND/OR ASSESSMENT OF EFFECT TO BE DETERMINED

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
5	El Portal archeological site (CA-MRP-1038); identified but not yet evaluated Yosemite Valley Railroad Residences	FAC-4-003	Infill Employee Housing in Old El Portal and El Portal Village Center	Construct 12 employee beds in old El Portal and 18 employee beds in El Portal Village Center to facilitate removal of temporary housing in Yosemite Valley.	Assessment of effects to be determined for archeological district that may result from ground disturbance in the vicinity of archeological site (CA-MRP-1038); Identification, evaluation, and assessment of effects to be determined for 3 Yosemite Valley Railroad Residences and Old El Portal Residential Area that may result from new construction
6	El Portal archeological sites (CA-MRP-181/H, 182/H, 382/H, 1524, 1544H, and 2123); Rancheria Flat Mission 66-Era Housing (historic district); identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	FAC-4-004	Infill Employee Housing in Rancheria Flat	Rancheria Flat Employee Housing: To replace temporary housing that will be removed from Yosemite Valley, construct a combination of single-family homes and high-density dormitory units—away from sensitive resources—for a total of 130 additional employee beds.	Identification, evaluation, and assessment of effects to be determined for Rancheria Flat Mission 66-era Housing that may result from new construction; Assessment of effects to be determined for archeological district that may result from new construction and ground disturbance within vicinity of archeological sites (CA-MRP-181/H, 182/H, 382/H, 1524, 1544H, and 2123). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
7	Identified but not yet evaluated Standard Oil Bulk Fuel Operation	FAC-4-005	Remove of Odger's Bulk Fuel Storage Facility from the floodplain	Remove bulk fuel storage facility, all associated development, and non-native fill from the floodplain. Decomact soils, and plant appropriate native plant species, including valley oak. Relocate the fuel storage area outside the Merced River corridor or find an alternate source for emergency fuel supplies.	Identification, evaluation, and assessment of effects to be determined for Standard Oil Bulk Fuel Operation that may be caused from removal of infrastructure and associated buildings.
8	Wawona archeological site (CA-MRP-008/H).	FAC-7-001	Construct a new Wawona Wildland Fire Station within the existing NPS Maintenance Area	Construct a 4,300-square-foot building and grounds maintenance facility, a 6,500-square-foot combined structural and wildland fire station, and a 4,000-square-foot roads maintenance facility.	Assessment of effect to be determined archeological site (CA-MRP-008/H) that may result from ground disturbance and new construction within the vicinity of archeological resources.
9	Identified but not yet evaluated Civilian Conservation Corps structures.	FAC-7-004	Remove Civilian Conservation Corps structures.	Remove Civilian Conservation Corps structures. Establish a riparian buffer within 150-feet of the ordinary highwater mark. Remove staged materials, abandoned utilities, vehicles, and parking lot within the riparian buffer and restore a native ecosystem.	Identification, evaluation, and assessment of effects to be determined for CCC-era buildings that may result from demolition or removal;
10	Wawona archeological site (CA-MRP-173/327/H).	FAC-7-002 RES-7-009	Expand Wawona Store Picnic Area, improve/expand public restroom facilities, and formalize river access	Increase the number of picnic benches to accommodate more picnicking near the store. Harden the three steep river access points using rockwork or staircase construction to prevent further erosion. If needed, place fencing to direct visitors to these hardened access points. Add path to river that encourages visitors to walk in the more resilient areas. Replace the existing public restroom facilities next to the Wawona Store with larger restrooms.	Assessment of effect to be determined for archeological resources that may result from formalization of visitor use areas within the vicinity of archeological site (CA-MRP-173/327/H).

TABLE 3: CATEGORY 3 ACTIONS – IDENTIFICATION, EVALUATION AND/OR ASSESSMENT OF EFFECT TO BE DETERMINED

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
11	Wawona archeological site (CA-MRP-0008)	FAC-7-005	Relocate the Wawona Stock Campground at least 150-feet from the ordinary highwater mark; location to be determined.	The Wawona stock use campground (2 sites) is relocated to another area near the Wawona Maintenance Yard.	Assessment of effect to be determined to archeological district that may result from relocation of stock campground within the vicinity of archeological site (CA-MRP-0008).
12	Yosemite Valley archeological sites (CA-MRP-0190/191, 0053/H, 289); identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	ONA-2-001 ONA-2-012	Remove and relocate 15 walk-in sites within 100-feet of Tenaya Creek at Backpackers Campground;	Retain 10 walk-in sites and remove 15 walk-in sites within the 100-foot riparian buffer. Partially replace removed sites with 16 walk-in sites at Backpackers Campground Western Expansion.	Assessment of effect to be determined for archeological district that may result from restoration activities and relocation of campsites in the vicinity of archeological sites (CA-MRP-0190/191, 0053/H, 289). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
13	Yosemite Valley archeological site (CA-MRP-0059); Camp 4 Historic Site; identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	ONA-2-004	Expand the Camp 4 Campground Eastward by adding 35 new walk-in campsites	Camp 4 expanded eastward to provide 35 additional walk-in sites. Retain 35 walk-in campsites at Camp 4.	Assessment of effect to be determined for archeological district that may result from construction of new campsites within vicinity of archeological site (CA-MRP-0059). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
14	Yosemite Valley archeological site (CA-MRP-0015); identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	ONA-2-010 ONA-2-011	Upper Pines Campground: Additional campsites	Construct additional loop for recreational vehicles (36 RV campsites) and an additional walk-in camping area (49 individual and 2 group campsites).	Assessment of effects to be determined for historic and archeological districts that may result from construction of new facilities and buildings within boundaries historic district and vicinity of archeological site (CA-MRP-0015). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
15	Wawona Campground (identified but not yet evaluated); Wawona archeological sites (CA-MRP-168/329/H, CA-MRP-1366/H, CA-MRP-7, and CA-MRP-1365/H, and P-22-296).	ONA-7-001	Remove 13 sites at Wawona Campground within 100 feet of the river or in culturally sensitive areas.	Retains 83 sites and one group site. Remove 13 sites that are either within 100-feet of the river or in culturally sensitive areas.	Identification, evaluation, and assessment of effect to be determined to campground that may result from changes in circulation and spatial organization. No adverse to archeological resources due to reduction in visitor use and low-impact ecological restoration within boundaries of archeological sites (CA-MRP-168/329/H, CA-MRP-1366/H, CA-MRP-7, and CA-MRP-1365/H, and P-22-296)..

TABLE 3: CATEGORY 3 ACTIONS – IDENTIFICATION, EVALUATION AND/OR ASSESSMENT OF EFFECT TO BE DETERMINED

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
16	Bridalveil Fall Trail, Three Bridalveil Fall Trail Bridges No. 1-3 (1913);	REC-2-001	Bridalveil Fall Area Redesign	Redesign Bridalveil Fall Area to improve the visitor experience, reduce congestion, and accessibility.	Assessment of effect to be determined to historic district that may result from changes in circulation or spatial organization of the Bridalveil Fall Area.
17	Wawona archeological sites (CA-MRP-0375 and 0206)	REC-7-001	Wawona Swinging Bridge area	Provide access on the south side of the river on public land, delineating a trail and formal access that includes restrooms, waste disposal, and parking.	Assessment of effect to be determined to archeological district that may result from ground disturbance in the vicinity of archeological sites (CA-MRP-0375 and 0206).
18	Identified but not yet evaluated Segment 1 archeological site (CA-MRP-1426); Mist Trail	RES-1-004	Trail improvements to address special status plants	Relocate sections of a trail through wetland in Echo Valley and mineral spring outlet between Merced Lake and Washburn Lake to less sensitive areas. Harden the trail along the wet sections of the Mist Trail to avoid trail widening. Prevent the John Muir Trail from widening.	Evaluation and assessment of effect to be determined for archeological district that may result from trail relocation and formalization in the vicinity of archeological site (CA-MRP-1426). No adverse effects to Mist Trail or John Muir Trail because formalization would not affect alignment or resources associated with the trail.
19	Ahwahnee Meadow, The Ahwahnee Hotel Tennis Courts, Northside Drive; Yosemite Valley archeological site (CA-MRP-0292/293H); identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-003 RES-2-004 RES-2-151	Ahwahnee Meadow Restoration Actions	Restore the impacted portion of Ahwahnee Meadow to natural meadow conditions, while allowing special functions, such as weddings to continue on the lawn. Remove the tennis courts from the black oak woodland. Restore topography by removing abandoned irrigation lines and fill, filling in ditches, and revegetating with native meadow vegetation. Reconnect currently disjunctive portions of Ahwahnee Meadow by removing conifers to return approximately 5.7 acres to meadow habitat. In the section of trail that passes through meadow and wet areas, remove fill. Improve hydrologic connectivity of meadow by increasing the number of culverts under Northside Drive.	Identification, evaluation, and assessment of effect to be determined to archeological district that may result from substantial ecological restoration in the vicinity of archeological site (CA-MRP-0292/293H). Adverse effect to historic district due to removal of tennis courts. No Adverse Effect to Northside Drive due to the addition of culverts. Assessment of effects to be determined for Ahwahnee Meadow that may result from substantial and low-impact restoration. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
20	Valley Loop Trail (CA-MRP-1425H); Slaughterhouse Meadow; Bridalveil Meadow; identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-005	Formalize access through sensitive wet meadow habitat in Slaughterhouse Meadow.	Formalize access through sensitive wet meadow habitat in Slaughterhouse Meadow. Move 780 feet of the trail that runs through Bridalveil Meadow to the toe of the fill slope of Southside Drive.	Assessment of effects to be determined for historic and archeological districts that may result from relocation of section of contributing Valley Loop Trail through contributing meadow. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
21	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-007	Yosemite Village: Indian Creek Ahwahnee Row and Tecoya Housing	Create a buffer zone for Indian Creek by pulling parking and residential yard use back 50 feet. Restore native riparian vegetation and protect with restoration fencing.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.

TABLE 3: CATEGORY 3 ACTIONS – IDENTIFICATION, EVALUATION AND/OR ASSESSMENT OF EFFECT TO BE DETERMINED

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
22	Stoneman Meadow; Curry Orchard Parking Area; identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-008	Stoneman Meadow and Curry Orchard parking lot: road through meadow and parking lot	The Orchard Parking Lot would be re-designed and engineering solutions applied to promote water flow and improve meadow health to increase drainage from the cliff walls to Stoneman Meadow. Remove apple trees and replace with native vegetation.	No adverse effect to Stoneman Meadow due to low impact ecological restoration designed to improve the historic setting of the contributing meadow. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
23	Valley Loop Trail (CA-MRP-1425H); and Yosemite Valley archeological site (CA-MRP-0068H); identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-014 RES-2-025	Eagle Creek/Rocky Point Sewage Plant: abandoned infrastructure and drainage channelization	Remove abandoned infrastructure from vicinity of Eagle Creek Meadow and restore 3.5 acres of meadow habitat. Remove berm and parking lot abutting Eagle Creek. Add culverts to allow more dispersed water delivery to the Eagle Creek Meadow. Revegetate with native upland species.	No adverse effect to historic district due to low-impact ecological restoration. Assessment of effects to be determined for archeological district that may result from substantial ecological restoration in vicinity of archeological site (CA-MRP-0068H). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
24	Valley Loop Trail (CA-MRP-1425H); Yosemite Valley archeological site (CA-MRP-0310)	RES-2-020	Devil's Elbow: riverbank erosion	Relocate parking from Devil's Elbow to the east of the current parking lot, and delineate a trail to access the large sandbar to the east of the "elbow," river right. Remove informal trail and restore to meadow conditions (designated with river access signs).	Assessment of effects to be determined for districts and archeological site CA-MRP-0310 that may result from relocation of parking and formalization of river access points.
25	identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-023	Housekeeping Camp: riparian restoration and river access	Remove 34 lodging units to restore 1 acre of riparian zone. Provide for day use arriving via shuttle. Focus visitor use and river access on the two resilient beach locations on the western edge of Housekeeping Camp and across the footbridge. Fence off current eastern river access point located on a steep eroded bank, and actively restore riverbank with brush layering. Where infrastructure is removed, decompact soils and plant riparian species.	Identification, evaluation, and assessment of Housekeeping Camp Historic District that may result from removal of buildings and changes to associated circulation/spatial organization of Housekeeping Camp and substantial ecological restoration. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.

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#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
26	Slaughterhouse Meadow, Valley Loop Trail (CA-MRP-1425H); Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-029	Valley Loop Trail: delineation and river access	Reconstruct trail and designate river access along Valley Loop Trail at Housekeeping Camp, Sentinel Beach, Cathedral Beach, Swinging Bridge, in the southwest area of the former River's Campground, and South of Slaughterhouse Meadow. Re-establish the historic Valley Loop Trail at Curry Village where it ends.	Assessment of effects to be determined for historic district and resources of cultural and/or religious significance that may result from substantial ecological restoration in vicinity of historic village site and reconstruction of sections of the historic Valley Loop Trail. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
27	Identified but not yet evaluated Yosemite Lodge; Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-030	Restoration of former lodge cabin area and volunteer center abandoned infrastructure at Yosemite Lodge	Restore 4.5 acres of riparian ecosystem at the site of the former Yosemite Lodge units and cabins and wellness center, from the western portion of the Lodge complex (those that were lost after the 1997 flood). Remove fill, decompact soils and plant riparian plant species.	Identification, evaluation, and assessment of effects to be determined for Yosemite Lodge and historic district that may result from substantial ecological restoration and changes to setting, circulation, and spatial organization. The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
28	Identified but not yet evaluated Yosemite Valley archeological site (CA-MRP-0070H, 1196); Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-145	Formalize parking and river access at the Cathedral Beach Picnic Area	Designate area as a formal river access point, fence off sensitive areas, direct use to more resilient areas, and reestablish impacted native riparian vegetation. Remove parking in the riparian zone, decompact soils, plant appropriate vegetation and delineate river access. Remove infrastructure (toilets, parking and picnic tables) in the 10-year floodplain, decompact soils, plant appropriate vegetation and delineate river access.	Assessment of effects to be determined for historic district, scientific data potential that may result from substantial restoration in vicinity of archeological resources (CA-MRP-0070H, 1196). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
29	Identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-154	Restoration of former Pine and Oak Building Areas at Yosemite Lodge	Restore 10.9 acres of riparian ecosystem at the site of the former Yosemite Lodge units and cabins (those that were damaged by the 1997 flood and subsequently removed). Delineate one service road to the well house and parking. Remove fill, decompact soils and plant riparian plant species.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
30	El Portal archeological sites (CA-MRP-0179/180/H; CA-MRP-0006, 2030/H, 1749H, 0178, 1583H, 1038/H, 1581/H).	RES-4-002	Restore community of valley oaks in Old El Portal	Restore the community of valley oaks in Old El Portal through invasive species removal, overwatering, tree pruning, and prohibiting grading and parking in the drip line. Create a valley oak recruitment area of 1 acre in Old El Portal. Decompact soils, plant appropriate native understory plant species, and treat invasive plants.	Assessment of effects to be determined for archeological district that may result from substantial restoration in the vicinity of archeological sites (CA-MRP-0179/180/H; CA-MRP-0006, 2030/H, 1749H, 0178, 1583H, 1038/H, 1581/H).

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#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
31	El Portal archeological site (CA-MRP-0183H).	RES-4-007	Pave the existing dirt parking area located across Foresta Road from the NPS Warehouse Building	Pave the existing dirt parking area located across Foresta Road from the NPS Warehouse Building, maximizing parking within the existing footprint. Restore the informal roadside parking, which is southeast of the dirt parking area, between Foresta Road and the Merced River.	Assessment of effects to be determined for archeological district that may result from restoration and formalization of parking in the vicinity of archeological resources (CA-MRP-0183H).
32	El Portal archeological site (CA-MRP-0181H); identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-4-049	Develop plan of action to address the Obsolete Wastewater Treatment Plant in Rancheria Flat with traditionally-associated American Indian tribes and groups	In recognition of the high cultural significance of CA-MRP-0181H for traditionally-associated American Indians, the site will be protected from any further development. A plan of action for addressing the abandoned infrastructure on the site will be developed in consultation with traditionally-associated American Indian tribes and groups. Any solution(s) developed will also include a recommended approach for deterring visitor use within the site.	Assessment of effects to be determined for archeological district that may result from ground disturbances within the boundaries of archeological site (CA-MRP-0181H). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
33	Identified but not yet evaluated Wawona Road	RES-7-008	Delineate South Fork Wawona Picnic Area and formalize river access	Delineate picnic area. Add formal river access point and path to river that encourages visitors to walk in the more resilient areas.	Identification, evaluation, and assessment of effects to be determined for Wawona Road that may result from introduction of new development.
34	Yosemite Valley archeological sites (CA-MRP-902H, 45/326, 825H, 519, 290, 79H, 750H, 1771H, 1735H, 311, 187, 1745H, and 73).	RES-AS-007 RES-AS-009	Revetments: Project Level & Programmatic	3,400 feet of riprap will be removed and revegetated with riparian species where needed. An additional 2,300 feet will be removed but replaced with bioconstructed riverbank stabilization (see map for precise locations). Remove riprap where possible to restore natural river processes. Replace riprap with native riparian vegetation, using bioengineering techniques if riverbank stabilization is still necessary for infrastructure protection.	Identification, evaluation, and assessment of effects to be determined for archeological district that may result from substantial and low-impact ecological restoration in the vicinity of archeological sites (CA-MRP-902H, 45/326, 825H, 519, 290, 79H, 750H, 1771H, 1735H, 311, 187, 1745H, and 73).
35	Yosemite Valley archeological sites (CA-MRP-0240/303H); identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	TRAN-2-005	Yosemite Lodge: pedestrian / vehicle conflicts on Northside Drive	A tiered NEPA / NHPA compliance effort (EA/Section 106 Determination) will evaluate a range of alternatives to address the pedestrian / vehicle conflicts on Northside Drive between the Yosemite Lodge Area and the Lower Yosemite Fall Area. The final preferred alternative will include design guidelines to ensure that archeological impacts are avoided or minimized; the alignment of the crossing keeps pedestrians on the pathways and reduces the temptation to cross the road on-grade; the safety of pedestrians is maximized; and visual impacts are minimized.	Identification, evaluation and assessment of effects to be determined for district and Yosemite Lodge that may result from addressing the pedestrian / vehicle conflicts within the vicinity of archeological resources (CA-MRP-0240/303H). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
36	Identified but not yet evaluated Yosemite Lodge; Yosemite Valley archeological sites (CA-MRP-0305H and CA-MRP-0748/765H); identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	TRAN-2-008	West of Yosemite Lodge: Yosemite Lodge Parking Area	Yosemite Lodge Day-use Parking Area re-developed to provide additional 300 day-use parking spaces. This parking area will also accommodate 22 tour buses.	Identification, evaluation, and assessment of effects to be determined for historic district and Yosemite Lodge that may result from redevelopment and ground disturbance within and in vicinity of archeological sites (CA-MRP-0305H and CA-MRP-0748/765H). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.

TABLE 3: CATEGORY 3 ACTIONS – IDENTIFICATION, EVALUATION AND/OR ASSESSMENT OF EFFECT TO BE DETERMINED

#	Historic Property	Action code	Project Name	Project Description	Assessment of Direct, Indirect, and Cumulative Adverse Effects
37	The Ahwahnee Hotel NHL; Yosemite Valley archeological sites (CA-MRP-292/293, CA-MRP-291/751).	TRAN-2-014	The Ahwahnee Hotel; Parking	Re-design and formalize the existing parking lot; providing for proper drainage. Construct new 50 parking space lot east of the current parking. Follow <i>The Ahwahnee Hotel Historic Structures Report</i> (2011) and <i>The Ahwahnee Hotel Cultural Landscape Report</i> (2011) recommendations to the greatest extent possible for parking lot configuration and gatehouse restoration.	Assessment of effects to be determined for NHL that may result from possible changes in circulation and setting of the parking lot as a contributing resource. Assessment of effects to be determined for archeological district that may result from ground disturbance in the vicinity of archeological sites (CA-MRP-292/293, CA-MRP-291/751).
38	Camp 4 Historic Site; identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	TRAN-2-016 TRAN-2-017	Camp 4 Campground; Expanded parking and shuttle bus stop	Establish a new 41-space parking lot for Camp 4 campground on Northside Drive. Construct a shuttle bus stop near Camp 4.	The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.
39	Wawona Road (not yet evaluated for National Register eligibility); Wawona archeological site (CA-MRP-0173/327)	TRAN-7-001 TRAN-7-002	Wawona Store/Gas Station Area; Parking and Bus loading/unloading area	Roadside parking between store and Chinualna Falls Road removed. Day use parking remains; Mariposa Grove primary parking outside corridor, all shuttles remain, formalize parking for eight tour buses at Wawona Store. Re-design bus stop (for tour buses and shuttles) to accommodate visitor use.	Identification, evaluation and assessment of effects to be determined for Wawona Road that may result from redesigned parking area and bus stop. Assessment of effects to be determined for archeological site (CA-MRP-0173/327) that may result from ground disturbance.
40	Bridalveil Meadow, Bridalveil Fall Trail and Bridges, Valley Loop Trail (CA-MRP-1425H), Sentinel Meadow, Cooks Meacow, Yosemite Lodge; Happy Isles Bridge; Yosemite Valley Archeological District; identified but not yet evaluated historic properties with religious and cultural significance to American Indians.	RES-2-068 RES-2-070 RES-2-071 RES-2-072 RES-2-076 RES-2-078 RES-2-079 RES-2-080 RES-2-082 RES-2-084 RES-2-086 RES-2-088 RES-2-092 RES-2-093 RES-2-094 RES-2-098 RES-2-099 RES-2-102 RES-2-104 RES-2-116 RES-2-117 RES-2-119 RES-2-121 RES-2-125 RES-2-128 RES-2-139 RES-2-141 RES-2-142	Various Scenic Vista Management Actions (See Appendix H)	Selectively clear foreground to maintain views.	Assessment of effects to be determined to the historic and archeological districts that may result from removal of large diameter trees (change in setting or within vicinity of archeological resources). The NPS and American Indian tribes and groups will continue to collaborate on resources management and historic preservation activities guided by existing cooperative agreements to ensure that adverse effects to historic properties with traditional religious and cultural significance can be avoided.