

**AMENDMENT TO THE
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, CALIFORNIA**

April 14, 2014 Draft

WHEREAS, in May 1999, the National Park Service (NPS), California State Historic Preservation Officer (SHPO), and Advisory Council on Historic Preservation (Council) executed the *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, California* (1999 PA); and

WHEREAS, the NPS, SHPO, and Council (signatories to the 1999 PA) agree that the 1999 PA should be amended to extend the duration of the PA while consulting on the development of a new agreement to address parkwide activities; and

WHEREAS, all the consulting parties to the 1999 PA, including the traditionally associated American Indian tribes and groups and National Trust for Historic Preservation, have been provided the opportunity to review and comment on this amendment; and

WHEREAS, the general public has been provided the opportunity to review and comment on the amendment; and

NOW, THEREFORE, in accordance with *Stipulation XVI. AMENDMENTS* of the 1999 PA, the NPS, SHPO, and Council agree to amend the 1999 PA as follows:

1. Amend *Stipulation V. Participation of Indian Tribes, B.* as follows:

B. Because the 36 CFR Part 800 regulations have been amended since the 1999 PA was signed, and because the 1999 PA did not identify Standard Mitigating Measures (SMMs) for adverse effects to historic properties with religious and cultural significance, Yosemite National Park (YOSE), representing NPS, shall address any assessment of adverse effects to these types of properties consistent with *Stipulation VIII.B.* of this agreement.

2. Amend *Stipulation VIII. RESOLUTION OF ADVERSE EFFECTS, B. Required Consultation* as follows:

In the following situations, YOSE shall consult, according to 36 CFR § 800.6 (incorporating amendments effective August 5, 2004), with the SHPO, Indian Tribe(s) and interested persons as defined and identified under *Stipulation VI* (as appropriate), and shall invite the Council's participation regarding any action that:

1. may adversely affect a National Historic Landmark

2. may affect a human burial
 3. may adversely affect a historic property of religious and cultural significance to any traditionally associated American Indian tribe(s) or group(s), including traditional cultural properties
 4. generates significant public controversy
 5. involves a disagreement among YOSE, the SHPO, any Indian Tribe, or any interested persons regarding proposed mitigation measures
 6. has the potential to adversely affect a large number of contributing elements proportional to the size of the historic property involved
 7. has the potential for adverse effects that are not completely known and/or requires phased identification of historic properties and assessment of adverse effects
 8. proposes demolition of an individually eligible historic property
3. Amend Stipulation *XVIII.REVIEW OF AGREEMENT*, A. as follows:

YOSE shall prepare and provide to the signatories and all parties invited to concur with this Agreement and the NPS Federal Preservation Officer an annual report describing how YOSE is carrying out its responsibilities under this Agreement. The report shall include, at a minimum, a list of “no historic properties affected” and “no adverse effect” actions carried out in accordance with Stipulation VII.C.2 above; efforts to identify and/or evaluate potential historic properties; monitoring efforts; and treatment of historic properties. YOSE shall ensure that this report is made available for public inspection, that potentially interested persons and members of the public are made aware of its availability, and that interested members of the public are invited to provide comments to the Council and SHPO as well as to YOSE. The SHPO, Council, and Indian Tribes may review the report and provide comments to YOSE. At the request of any party to this Agreement, YOSE shall supplement this process through meeting(s) to address comments and/or questions.

4. Amend Stipulation *XX.EXPIRATION* so it reads as follows:

This agreement will remain in effect until May 14, 2016, or until a new parkwide agreement is negotiated, whichever time period is shorter.

This amendment to the 1999 PA shall become effective on the date it is executed by all three signatories.

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SIGNATORY PARTIES:

National Park Service

Don L. Neubacher
Superintendent, Yosemite National Park

Date

DRAFT

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California State Historic Preservation Officer

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

Date

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Advisory Council on Historic Preservation

John M. Fowler
Executive Director

Date

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CONCURRING PARTIES:

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

Name Title Date

For the Bishop Paiute Tribe:

Name Title Date

For the Bridgeport Paiute Indian Colony:

Name Title Date

For the Mono Lake Kutzadika^a Tribe:

Name Title Date

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For the North Fork Rancheria of Mono Indians:

Name Title Date

For the Picayune Rancheria of Chukchansi Indians:

Name Title Date

For the Tuolumne Band of Me-Wuk Indians:

Name Title Date

National Trust for Historic Preservation

Anthony Veerkamp Date
Field Director