

**Fuels Management Amendment
To the State Protocol Agreement
Mechanical, Chemical and Manual Vegetation Fuels Management**

The State Protocol Agreement (SPA) between the Nevada State Historic Preservation Office (SHPO) and the Nevada Bureau of Land Management (BLM), Appendix F, entitled “Categorical No Adverse Effect Situations,” is amended to create subsection M, entitled “Mechanical, Chemical and Manual Vegetation Fuels Management Activities.”

M. Mechanical, Chemical and Manual Vegetation Fuels Management Activities

1. Project Planning

- a. Fuels management projects include methods for mechanical, chemical, or manual vegetation manipulation that have the potential to adversely affect historic properties. Fire management activities involving wildland fire use or prescribed fires are addressed in the SPA, Appendix F.I and are not considered further here.
- b. Mechanical, chemical, and manual vegetation fuels management proposals shall conform to approve Fire Management Plans which are subject to concurrence with the SHPO, per section III of the SPA.
- c. A qualified Cultural Resources Specialist (CRS) will assist the Field Manager to establish the Area of Potential Effects (APE) for a fuels management project. The APE will include all areas where a proposed treatment may be purposefully or inadvertently applied and any buffer zones included in the project plan. The CRS is responsible for completing a cultural resources Needs Assessment form as part of project planning and having it approved prior to project implementation.

2. Definitions

- a. High sensitivity cultural resources are those for which the proposed fuels management project, if implemented, could result in loss of those qualities that may qualify the site for listing on the National Register of Historic Places (NRHP). Cultural resource specialists will determine this sensitivity.
 - (1) Resources listed on or eligible for the NRHP (also known as “historic properties”) as well as known but unevaluated resources will be treated as if they are high sensitivity properties.
 - (2) Properties with high sensitivity to mechanical or manual treatments have surface or near-surface features or areas with patterns of distribution or relationships that may contain information important to understanding history or prehistory. Examples include, but are not necessarily limited to hearths; rock rings; a complex of ground stone implements; areas of discrete, single episode flaked stone reduction; remnants of historic structures or structural complexes; historic debris concentrations, or rare or unusual features such as game drive traps.
 - (3) Examples of properties with high sensitivity to chemical treatments include, but are not necessarily limited to, those where chemical applications may:

- (a) Alter the integrity or appearance of artifact assemblages, buildings or features in such a manner as to diminish or eliminate the potential for interpretation or alter those qualities that may qualify the site for listing on the NRHP; or
- (b) Affect the utility of samples or artifacts for analysis, such as the contamination or alteration of radiocarbon samples through use of chemical treatments.

3. Inventory Requirements

- a. Areas that have not been inventoried will be treated as if they contain high sensitivity historic properties.
 - (1) Fuels management efforts may be proposed within areas of previous cultural resources inventory. The BLM may proceed without further inventory if an adequate Class III inventory was accomplished within the last 10 years and SHPO reviewed the inventory. The BLM may also proceed with determinations of eligibility on previously recorded sites and with determinations of effect.
- b. In general, areas known or expected to contain high sensitivity resources should be subject to Class III inventory. Appropriate steps for avoidance or mitigation shall be implemented prior to initiating the undertaking. These measures should be applied to newly identified resources to avoid adverse effects.
- c. Areas of a fuels management APE involving no mechanized surface disturbance (such as through aerial seeding, hand clearing up to 10 cm in depth, installing temporary fences on steep slopes, non-organic chemical treatments, etc.) and that are expected to have no effect on high sensitivity resources need not be inventoried. High sensitivity sites will be avoided or effects mitigated prior to initiating the proposed action. As determined during the needs assessment analysis, staging areas, access routes, and other support facilities will be inventoried to Class III standards and redesigned to avoid impacts, unless alternative strategies are developed per section 6a of this amendment.
 - (1) The area of a non-mechanized “lop and scatter” hand-thinning project will be considered a non-ground disturbing activity provided no activity results in disturbance over 10 cm below surface.
 - (2) If removed or displaced fuels are to be burned, staging and burn areas will be inventoried to Class III standards for a distance of 30 meters beyond the exterior margins of the proposed burn area, unless established otherwise through the needs assessment analysis or unless alternative strategies are developed per section VI.A of this amendment.
- d. Those portions of a fuels management APE involving more than 10 cm depth of surface disturbance will be inventoried to Class III standards and effects appropriately mitigated, unless alternative strategies are developed per section 6a of this amendment.
- e. Fuels management activities involving less than 10 cm depth of mechanized surface disturbance, and for which the surface will not be removed, will be handled with the procedures specified here.

- (1) The APE will be examined to re-locate known historic properties and unevaluated sites and to examine areas likely to contain high sensitivity cultural resources. In general, field examinations could be accomplished using 100 meter transect separation, with deviations accomplished through reconnaissance inventory to re-locate known resources or to inspect high probability areas. An APE with ground cover restricting visibility may require closer intervals as determined by the CRS.
- (2) All archaeological resources discovered or re-located by means other than Class III inventory will be plotted on 7.5-minute US Geological Survey topographic maps and recorded on the BLM Nevada IMACS short form, unless alternative strategies are developed per section 6a of this amendment. Class III inventory site documentation and reporting will be as per the SPA.
- (3) Site boundaries will be determined in all cases. In instances where surface fuel density precludes adequate surface visibility, a minimum buffer of 50-meters will be established beyond the known site perimeter where avoidance is proposed during project implementation.
- (4) High sensitivity resources will be flagged and avoided during management activities, except for those previously determined not eligible, by BLM and the SHPO, or that have been previously mitigated in relation to those qualities that would be affected by the proposed fuels management project.
 - (a) Standard avoidance measures found in section 5 of this amendment will apply.
 - (b) Where vegetation removal or reduction may pose a threat to site integrity through post-treatment effects such as erosion or vandalism, sites will be hand-seeded or otherwise treated (e.g., camouflage, mitigation) as appropriate.
- (5) Class III inventory along margins of historic roads or trails (i.e., those known or likely to be more than 50 years old) generally will be done for 100 meters on each side of the physical traces of the road or trail identified in the field and within the project area.

4. Special Considerations

- a. Rejuvenation of Existing Seeded Areas - The APE for a project to rejuvenate an existing seeding need not be inventoried if:

- (1) The project is done with the same methods as the original seeding; and
- (2) The project APE does not extend beyond the boundaries of the original seeding; and
- (3) Rejuvenation activities will not impact more than the top 10 cm of the plowed surface; and
- (4) Known historic properties and unevaluated sites will be avoided; and staging areas, access routes, and other support facilities will be inventoried to Class III standards and redesigned to avoid impacts, based on determinations in the needs assessment analysis. The use of vegetation mosaics to camouflage cultural resources should be considered.

Or,

- (5) Past seeding projects may have resulted in disturbance to depths exceeding 10 cm below surface. If the needs assessment analysis indicates that this prior disturbance precludes affecting known or potential historic properties using methods proposed for a mechanical, chemical or manual fuels management project, no cultural resources inventory is required, per the SPA, Appendix C.

5. Avoidance Measures

- a. Avoidance measures may include retention of existing vegetation as buffer zones to ensure adequate avoidance or to obscure the exact location of a sensitive cultural resource.
- b. The design of vegetation mosaics may incorporate cultural resource areas but should not be limited to them, in order to avoid creation of inadvertent signals for the presence of sites that could lead to vandalism. Vegetation mosaics should include buffer zones extending beyond actual site boundaries.
- c. Temporary markers used to identify outer boundaries of avoidance areas shall be distinctive from other project markers to minimize the potential for confusion and inadvertent damage to sites. Markers around cultural resources or their buffer zones must be removed after completion of the project or project phase. The use of monitors (e.g., Project Inspector) to ensure successful resource avoidance is recommended.

6. Compliance

- a. The BLM and the SHPO can agree, through informal discussions or formal consultations, to other inventory and mitigation approaches appropriate to individual fuels management projects.
- b. The BLM need not consult with the SHPO prior to authorizing fuels management activities conducted under these provisions, except as noted. Nothing in this amendment alters the BLM's agreement to request SHPO review for undertakings meeting threshold criteria expressed in the SPA, VI.B.
- c. For field reconnaissance conducted at less than Class III intensity, the BLM will provide the SHPO with project documentation consisting of (a) a copy of the approved Needs Assessment form, (b) a map showing the APE, area surveyed and survey method (e.g., reconnaissance, Class II), and (c) an informational copy of the short form(s) for any archaeological resources within it. Reporting requirements for all Class III inventory efforts remain as per the SPA.
 - (1) The site record for any NRHP-eligible (historic property) or unevaluated site that is not avoided by the proposed action shall include a specific statement of sensitivity and rationale for why no adverse effect will occur, unless this information appears in the Needs Assessment form.
- d. Inventory accomplished at less than Class III intensity will not suffice for purposes of Section 106 compliance under other non-fuels management circumstances unless the inventory strategy was implemented based on project-specific consultation with the SHPO.