

COMMENTATORS

Reference	Commentator	Position (If Known)	Office	Comment Format	Date
KP/DFFM	Keith Pajkos	Timber/Forestry/Natural Resources Staff	Department of Forestry and Fire Management	Table	12/19/18
ADOT	Kris Gade and Kris Powell		ADOT	Table	12/5/18
SW	Stephen Williams	Retired		Table	12/28/18
PS/TON	Peter Steere	THPO	Tohono O’odham Nation	Email	12/20/18
AS/Acoma	Aaron M. Sims	Counsel	Chestnut Law Offices, P.A. (Acoma General Counsel)	Table	1/8/19
CW/APS	Chris Watkins	Archaeologist and Natural Resource Specialist	APS	Table	1/8/19
CH/FMIT	Christopher Harper	Cultural Heritage Manager / Archaeologist	Fort Mojave Indian Tribe / AhaMakav Cultural Society	Table	1/8/19
JM/Quechan	H. Jill McCormick	Historic Preservation Officer	Quechan Indian Tribe	Table	1/9/19
IM/PimaCo	Ian Milliken	Cultural Resources & Historic Preservation Division	Pima County Office of Sustainability and Conservation	Table	1/14/19
JS/AZGFD	Jon Schumaker	Cultural Resource Compliance Manager	Arizona Game and Fish Department	Table/Notes	2/25/19

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General		PS/TON	My first comment is that the due date for comments on January 8, 2019 is not acceptable. The internal Tribal review process involves the THPO office, the Nation’s Attorney General’s Office, The Chairman’s office and the Nation’s Legislative Council. Please extend the comment period to March 15, 2018. During this time period you will need to come and make a presentation to the Chairman’s Office and the Nation’s Legislative Council.	There will be additional drafts for review. Also, the BLM will set up a meeting with interested tribal councils.
General		JS/AZGFD	What efforts have been made to consult w/tribes? What are their responses?	Tribal consultation is an ongoing process and will continue through the development of this PA.
1	11-12	PS/TON	object to the use of the word “streamlined” – this is a Trump Administrative Term – whose goal is to lessen existing environmental protection – use some other term or just eliminate “streamlined”	The term streamlined has to do with process under Section 106 and does not affect the protection of cultural resources.
1	19	KP/DFFM	Needs clarification. May consider actual quote? Different agencies may interpret differently. Applicability to pass through grants or other grants to State, or local governments (including pass through).	The definition of undertaking is cited. As such, it covers federal pass through grants.

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1	23-25	AS/Acoma	Definition of historic properties is incomplete in relation to the National Register. Should also include the statement: "...including artifacts, records, and material remains related to such a property or resource." (SEE 54 USC Section 300308)	Please see revised text.
1	23-25	PS/TON	need to include traditional cultural places (TCPS) and Cultural Landscapes	Please see changes to text. Cultural Landscapes are not addressed in Section 106 regulations.
1	27-28	PS/TON	to clump individual undertakings on a landscape scale needs more explanation – it sounds like an effort to lessen the review process	Text clarified
2		PS/TON	somewhere on this page need to add the following lines: WHEREAS, the Tribes of Arizona were the original occupants of all of the lands covered by this Proposed PA and cultural sites representing the activities of their ancestors are located on these lands, therefore the Tribes should be at a minimum Invited Signatories to this PA	Text clarified
2	4	CW/APS	It seems clear that this PA will apply on BLM lands in AZ and on Tribal lands where the tribe has opted to be a full signatory (Page 2, line 45). What other land jurisdictions, if any, will this agreement apply on?	This recital just refers to the coordination of this agreement. See the first recital for PA applicability.
2	31	ADOT	Is "resident and non-resident Tribes" a new description for tribes? I didn't think the ACHP liked that phrase much.	This text has been taken out.
2	32	AS/Acoma	Statement should read: "properties affected by the Undertaking including [,but not limited to,]..."	Pueblo of Acoma and Pueblo of Jemez have been added. The PA indicates that additional parties can be invited after execution of the agreement.
2 3	45-46 1-4	PS/TON	are unacceptable – the BLM cannot dictate to any Tribe what applies on tribal lands – this has to be negotiated with each individual Tribe in Arizona This section need to be rewritten	This text means that no work will be conducted on tribal lands under this PA unless the Tribe is a full signatory. Citation added.
3	6-9	AS/Acoma	A WHEREAS clause should be added stating that no provision of this Agreement shall be construed by any of the Signatories to this Agreement as abridging any other duties or responsibilities conferred by law, executive order, or case law. It should be clear that this PA is meant to abridge the Section 106 process of the NHPA. That no other duty, especially federal duties in other federal laws, executive orders, or case law is amended.	This is standard Section 106 language, approved by ACHP for agreement documents. PAs are developed only under the authority of Section 106 of the PA and do not affect any other law, agreement or responsibilities. Clarifying text added.
3	10-11	PS/TON	– tribes should also be given opportunity to be Invited Signatories as well as Signatories	Text has been modified.
3	16-17	PS/TON	need to identify additional consulting parties	Text has been modified.
3	19-25	PS/TON	– need to define "flexible, redundant documentation, reduce need for case by case review, standard protocols and treatments" This entire section needs to be rewritten – as it stands in a clear reflection of the Trump Administration's efforts to reduce and lessen environmental protections	CFR 800.14 allows agencies to develop alternate procedures. To clarify, this whereas has been merged with the 4 th whereas clause.

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3	21-22	AS/Acoma	Statement on tribal consultation should state: "provide for [adequate and meaningful tribal consultation]"	Change made.
3	27	JS/AZGFD	This is meaningless. Give specifics.	Change made.
3	27-28	PS/TON	you need to define "level of public involvement"	Change made.
3	30-31	PS/TON	need to define program alternatives	Please see citation in whereas clause.
3	33-34	PS/TON	need to define "additional protocols"	See modified text.
3	36-37	PS/TON	need to add language that indicates Tribal approval of any exemptions and screened undertaking that may be modified	Agencies will consult on any additional exemptions and screened undertakings.
3	45-46	PS/TON	Why are you eliminating "Invited Signatories"	Text revised.
5		JS/AZGFD	IIA and IIC directly conflict	Clarified.
5	13	AS/Acoma	Should read 36 CFR 800.[2] (a)(1).	Corrected.
5	25-27	PS/TON	the use of non-professionals to assist in cultural resources investigations is not acceptable	The use of nonprofessionals will follow land managing agency policies.
5	25-27	KP/DFFM	Does this stipulate that agencies may maintain/develop a "para" or similar programs? Or utilize existing? This type of protocol is very important to ADFFM and probably others. A program similar to ASLD or USFS "para/locator" existing protocols will work. Probably need to develop and agree on standards for training and use.	See changes to text in Stipulation II.C and Definitions. This stipulation states that the use of nonprofessionals follows agency policy and professional standards.
5	26	ADOT	Does the relevant land management agency policy include SOI professions in direct supervision of non-professionals or do they allow non-professionals to survey without direct supervision? Please explain.	Please see response above.
5	33-34	JM/Quechan	How will entities be notified of new protocols that have been developed?	See clarifying text in Stipulation XVI.
6	1-6	PS/TON	Tribes need to be consulted who the Lead Federal Agency will be for a project	See clarifying text in Stipulation IV.C.3
6	10-11	PS/TON	Tribes must be consulted in defining APE	
6	17-20	PS/TON	Tribes need to be consulted on levels of effort and project effect	
6	28	ADOT	Typo in consultation process	Corrected.
6	28-45	PS/TON	Tribes need to receive copies of all documentation	See clarifying text in Stipulation IV.C.3

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6	40-45	AS/Acoma	Additional follow-up is good after the 30 day mark! To add to that and to ensure more responses from Consulting Parties, as a best practice the lead agency should initiate a phone call and/or email at the 15 day mark to determine if any questions about the submitted documentation. Little cost and agency effort to help ensure submitted documentation is reaching the consulting parties.	The team in conjunction with the AZ SHPO is going to develop a "Best Management Practices" brochure, including recommendations such as those in your comment, that will provide guidance to applicants, members of the public, as well as agencies on steps they can take to ensure a timely and efficient Section 106 review.
7	17-23	JM/Quechan	How will inclusion of Tribal knowledge and perspectives be obtained and how will it be incorporated into this process? This needs more definition and specifics of the process	See Stipulation V.E for clarification
7	25	IM/PimaCo	Can a stipulation be added that requires that a shapefile be required as part of defining the APE?	The team in conjunction with the AZ SHPO is going to develop a "Best Management Practices" brochure, including recommendations such as those in your comment, that will provide guidance to applicants, members of the public, as well as agencies on steps they can take to ensure a timely and efficient Section 106 review.
7	25-32	PS/TON	Tribes must be consulted when trying to determine APE	Addressed. See response about page 6 line 10-11.
7	34	CH/FMIT	Discussion related to APE adjacent to TCP, but there is no discussion related to if the APE is within a TCP or cultural landscape. Does "adjacent" mean that APEs will always avoid TCPs?	See revised text. This Stipulation was intended to facilitate enlargement of the APE to include TCP or cultural landscapes if tribal consultation makes that information known to the lead agency.
8	7-26	PS/TON	sample surveys are not acceptable – full surveys should be the standards <ul style="list-style-type: none"> - Tribes must approve use of sample surveys - SHPO must be consulted on strategy and adequacy of surveys Dates and standards of any previous surveys must be evaluated – example a windshield survey done in 1955 is not acceptable - Anything less than 100% surveys must be reviewed and approved by Tribes	The level of effort in consultation with SHPO/THPO and tribes will be conducted in accordance with 800.4(b)(1). Stipulation 7.B.3 addresses the adequacies of surveys.
8	9-10	AS/Acoma	Survey standards should be made in consultation with Consulting Parties. Tribal consulting parties are key here in that they may be able to identify the area as being of particular and heightened concern, warranting thorough survey. Or it may be considered an area of no-concern warranting no survey, or a sample survey to confirm treatment of the area.	See text revised in Stipulation III.C.3 and Stipulation V and Stipulation VII.
8	9	CW/APS	There is no definition for survey in Appendix A	See Definition 14.

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8	16-19	AS/Acoma	100% Survey is not always an indication of completeness. There should be some mechanism here for tribal consulting parties to assess prior surveys for their adequacy. This is because CRM teams are unable to identify Pueblo of Acoma, or any other specific tribe's, cultural resources unless they have been trained to do so. For example, the Pueblo of Acoma has had instances where CRM teams have completed surveys without Pueblo of Acoma contribution or analysis. Due to developments in a project, and based on Acoma's objections – resurvey of previously surveyed areas WITH Acoma contribution to the identification of new historic properties and analysis of previously identified historic properties resulted in nearly doubling the amount of historic properties previously identified and the amount of eligible NHRP properties.	See text revised in Stipulation III.C.3 and Stipulation V and Stipulation VII.
8	21	CW/APS	Suggest adding sample survey as an alternative strategy.	See revised text in Stipulation VII B.4.
8	26-27	ADOT	Is there tribal participation in the development and review of this agreement? It was my understanding that some tribes may not be amenable to geophysical survey techniques.	Yes, we are consulting with tribes on this PA. Survey strategies will meet the good faith effort as stipulated in 800.4 which will consider the scope and magnitude of the undertaking and the undertakings potential to affect historic properties.
8	34	CW/APS	Who decides what is "appropriate?" The lead agency? Make this clear.	See revised text.
8	36	CW/APS	There is ambiguity in the term "affected." Does this apply to findings of adverse effect, no adverse effect, or both?	See revised text.
8	40	AS/Acoma	Should state: "unevaluated [properties] shall be treated as eligible."	Change made.
9	10	IM/PimaCo	"...the lead federal agency..."	Change made.
9	12	ADOT	Please explain why "as well as any economic impact that may adversely affect historic properties" is relevant for assessment of project effects since this seems like a NEPA socioeconomic concern	Change made.
9	12	AS/Acoma	Is this supposed to be similar to a NEPA analysis on effect? It should not be limited to a determination of the economic impact upon a historic property. It should also consider other factors upon the human environment that are related to that historic property including but not limited to: Land Resources, Water, Air, Cultural Resources, Traditional Activities, etc. Its impact may not be economic for those Consulting parties that attributed value to that historic property/cultural resource.	Removed NEPA language completely.
9	27	CW/APS	This subject heading is almost identical to the one on Page 10, line 6. Suggest revising to "Finding of No Adverse Effect with Protection Measures."	Change made.
9 10	9-45 1-18	PS/TON	Tribes must be involved in determination of effect	See Definition of Consulting Parties.

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10	15	IM/PimaCo	"...Stipulation VII. In making..."	See revised text.
10	17-18	CH/FMIT	What happens for non-signatory tribes and the effects of undertakings on ancestral lands that are not under tribal jurisdiction?	Extraneous text deleted.
10	22-46	PS/TON	Tribes must be involved in resolution of adverse effects Statement needs to be added that the best way to resolve adverse effects is by "avoidance"	Change made.
10	44	CW/APS	Word "either" is superfluous.	See revised text.
12	7	ADOT	Suggest adding "in the HPTP" to the determined by the lead federal agency for timeframe to be clear.	See revised text.
12	24-45	PS/TON	Tribes must be informed of any post review discoveries and given the opportunity to visit the discovery site and provide an evaluation	See revised text.
12	26	JS/AZGFD	50' buffer adequate	100 ft buffer is standard.
12	30	ADOT	Suggest adding "if human remains or associated cultural items are identified" otherwise you would not need to resolve B, C, and D.	Text revised
12	41-45	PS/TON	there must be a burial agreement in place for any undertaking before it starts	Stipulation B has been revised and C addresses burial agreements on state and private lands. Agreements are developed for mitigation not for the undertaking itself.
13	1-8	PS/TON	– Tribes must be informed immediately of any discovery of human remains and or funerary objects and given time to visit site of discovery	Mary-Ellen will revise.
13	7	CH/FMIT	"notify them." With remains or funerary objects found in private lands, is this notification to the landowner, lead federal agency, or tribes? Maybe rework sentence to be clear.	Text revised.
13	14	AS/Acoma	This section should provide for curation in consultation with Tribal Consulting Parties. Sometimes, depending on the cultural/archaeological material, it may be appropriate for other mitigation measures to take place. Whereas dependent on the community and material, curation can be seen as invasive.	The team in conjunction with the AZ SHPO is going to develop a "Best Management Practices" brochure, including recommendations such as those in your comment, that will provide guidance to applicants, members of the public, as well as agencies on steps they can take to ensure a timely and efficient Section 106 review.

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13	14-18	PS/TON	tribal Museums must be given opportunity to curate collections	The team in conjunction with the AZ SHPO is going to develop a "Best Management Practices" brochure, including recommendations such as those in your comment, that will provide guidance to applicants, members of the public, as well as agencies on steps they can take to ensure a timely and efficient Section 106 review.
13	20	CW/APS	APS is a private entity, but we regularly work under emergency conditions without getting concurrence from the agency about the emergency. If there is a storm or there are trees on a power line, we do whatever needs to be done and clean things up afterwards. The agencies are all ok with this. This doesn't really fit into the conditions described in this section, but I'm not sure how to fix it. Maybe it doesn't have to be, the agencies we work with understand our situation.	Not applicable.
13	20-33	KP/DFFM	May be helpful to clarify State agencies, counties, cities... (I'm thinking of wildland fire suppression). SHPO coordination would most likely be after the fact or during BEAR type activities. This overlaps both paragraphs	See revised text.
14	6-17	PS/TON	you need to distinguish between signatories, invited signatories and concurring parties and their respective responsibilities	No revision, defined in regs 800.6.
14	41	ADOT	I think you should clarify that statement to include – state land managing agency, other than BLM, SHPO, and ACHP, does not terminate the agreement.	See Termination Stipulation XVIII.
16	2	ADOT	Shouldn't BLM be in the mix with ACHP and SHPO?	See Revised text.
19	App A	PS/TON	you need to have definition of Traditional Cultural Place (TCP) and Cultural Landscape and Natural Landscape included	Definitions were updated.
20	31-34	CH/FMIT	Cultural Landscapes should be defined, since TCPs and Landscape Scale are defined presently . Cultural Landscape should be defined in the general sense, related to both tangible and intangible properties related to a landscape, which can be beyond just a TCP or Tribal Group.	See response above.
21	8-14	KP/DFFM	Consider adding State, county, local emergency managers/agencies	No revision.
21	11-14	CH/FMIT	Interest jump from POTUS to NRCS State Conservationist? Should clarify who has authority to declare such an emergency under federal and state jurisdictions. Do not believe that the NRCS State Conservationist has the authority over federal, state and tribal jurisdictions? What about other emergencies not related to watershed impairment, such as wildland fire suppression, localized flooding related to access, or even slope stabilization after fire to reduce soil movement, etc?	Revised.
21	12-14	ADOT	Local emergencies for other state agencies – how would that work? Maybe need more thought on who can designate a local emergency	Revised.

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21	12-14	ADOT	How would this work for an emergency on highway ROW? This is more specific than the language in the text of the agreement.	Revised.
21	13	SW	If local emergencies occur on State Trust land, Arizona State Land Department Range Section personnel should be able to review those local emergencies along with the producers and NRCS personnel.	Corrected.
21	39	ADOT	I think your cut and paste was showing – remove FHWA	Corrected.
21	39	CH/FMIT	FMIT Harper – Why is FHWA specified here? Maybe change “FHWA” to “Lead Federal Agency.”	Corrected.
22	7	CH/FMIT	If an agency is the federal lead, why would they be subject to the AZ Antiquities Act, since the NHPA and Section 106 takes precedence?	Revised.
22	9-11 App A	JM/Quechan	“documented by historic record or????” Require explanation of ????	Corrected.
22	10-11	CH/FMIT	“including practices implemented in areas of agricultural development and within the existing depth of tillage documented by historic record or ????” This should take into account the depositional environment that the agricultural development is located (originally within an erosional or depositional environment). Just because it has been plowed does not mean there are no sites present, where site remains may be present within the plow zone with potentially intact deposits present below the “tillage” zone. This seems to be a “Get out of Survey for Free Card,” just because the project is within an agricultural field.	Revised.
22	11	ADOT	Please explain “the existing depth of tillage documented by the historic record or????” it seems like there was something missing.	Corrected.
22	42	ADOT	Properties or Property Type: missing definition	Corrected.
23		PS/TON	Need to add term and definition for Tribal Traditional-Use Lands	Not called out, so definition not needed.
23	2	SW	There should be a definition of range improvement included here. The definition should be the one found in the Public Rangeland Improvement Act of 1978 (PRIA), Section 3(f).	Corrected.
23	45	KP/DFFM	I see it is a quote... but how apply to grants and pass through funding?	Definition of undertaking (2) is applicable to grants and pass through funding.
28	App B	PS/TON	In some cases, a Tribe should be a co-lead agency	A tribe can request this of the federal agency.
28	4	IM/PimaCo	Title is ambiguous and should clearly note that these types should automatically be considered eligible, but by no means represent a comprehensive type list of eligible property types under this PA.	Revised.
28	8	JS/AZGFD	Heritage resources inappropriate—that is a FS thing. Not defined.	Revised.
28		JS/AZGFD	What is the purpose of this section?	Title change clarifies.

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28	8-9	ADOT	"heritage resource" – why not just call them Historic properties?	Revised.
28	16	IM/PimaCo	Problematic, as quarry sites may meet this definition but may have very limited potential for providing information beyond an intensive survey, and therefore may not actually be eligible.	Revised to include only prehistoric sites.
28	16 App C	JM/Quechan	"Prehistoric properties with hundreds of surface artifacts" Why hundreds? Why not use standard AZ site definition criteria	Not every prehistoric site is eligible.
28	18-19	IM/PimaCo	Doesn't this apply to almost every prehistoric property? Estimating depth potential is part of the evaluation process.	See revised text.
28	24	ADOT	How would you know that a historic trash deposit was associated with a person unless archival research was completed? Is archival research going to be part of the process?	Mary-Ellen will create pre-field research language either as Appendix or Stipulation.
28	App C	PS/TON	Need to include Traditional Cultural Places as being eligible for the National Register	Revised.
29	1	IM/PimaCo	Any project whose scope is limited to only non-ground disturbing activities Or something like this?	Revised.
29		JS/AZGFD	Add fish stocking. Add construction/placement of fish habitat.	Revised.
29	7	CW/APS	This draft of the PA is inconsistent on herbicide application. Page 29, line 7 says that aerial application not including sprayers attached to vehicles is exempt. Page 31, line 49 says that aerial application that will not affect known TCPs (Region 3 PA language) is a screened undertaking. The veg management protocol says that chemical treatments will be addressed (Page 39, line 12), but it is not discussed.	Removed from exemptions. Left as screened. Developed chemical treatment language in vegetation protocol.
29	7-8	ADOT	Can this be modified to allow spray applications from vehicles if the vehicles remain on paved surfaces? Does it allow hand application of agents from a backpack or hand sprayer?	Developing chemical treatment language in vegetation protocol.
29	9	ADOT	Easement Acquisitions for what purpose?	Deleted.
29	11	IM/PimaCo	What is obstruction removal? Is trash (i.e. dumping episode) considered an obstruction? I.E. Cleanup?	Moved to screened and revised.
29	11	CH/FMIT	Activities involving "obstruction" removal. Please define what is considered an obstruction and the reason why something is considered an obstruction.	Moved to screened and revised.
29	15	IM/PimaCo	This exemption section is confusing as it assumes that the review and documentation processes have been completed. For instance, how else would you know that your drainage work is limited to non-historic existing water control structures?	Moved to screened.
29	19	IM/PimaCo	Serious reservations of potential abuse of this exemption. The boundaries of known historic properties are constantly changing depending on a variety of conditions. I would put a buffer on this, such as 50-100 feet? Also, any conservation activity?	Moved to screened and revised.
29	19-20 App D	AS/Acoma	Conservation Activities is not defined. This reads that any activity deemed "conservation activity" is exempt outside known historic properties. This term is far too broad to be exempted and could be interpreted as virtually all activities outside of historic properties.	Revised, see Appendix A #10.

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29	21-23	ADOT	Is this issuing permits, easements, etc. or doing activities in these types of lands?	Clarified.
29	21-22	CH/FMIT	Exemptions for “permits, easements, right-of-way, and leases that do not authorize surface disturbance...” What about animal disturbance, does this exclude grazing permits for there would be a potential for ground disturbance at sites unless the entire grazing area was surveyed and sites were protected from disturbance?	Revised language for clarification. Permits as listed here do not refer to the authorization of grazing allotments which do analyze ground disturbance caused by livestock.
29	25	JS/AZGFD	Maintenance or replacement of cattle guards	Revised.
29	26	JS/AZGFD	Other trail tools ok-chain/hand saws, veg maint. Tools, shovels	Revised.
29	26	SW	As written #11 pertains to ground level maintenance. Above ground tree limbs may need to be removed as part of trail maintenance, so hand held saws and pruning tools should be included.	Revised to include hand held saws and pruning tools.
29	26	CH/FMIT	Routine trail maintenance – is this for previously surveyed and cleared trails or is this for any existing trail? Would this be for designated trails only or include informal trails or social trails also?	Language revised for clarity.
29	34	CH/FMIT	“Special legislation that specifically excludes compliance with NHPA.” What does this mean? Not aware of a legislative exemption clause to NHPA?	Removed.
29	35	JS/AZGFD	Anything below “ordinary high water mark,” also activities within lakes, ponds, reservoirs, piers, fish habitat	Revised.
29	37	JS/AZGFD	Offroad access to harvest fuelwood	Clarified.
29	37	SW	Issuance of personal use fuelwood permits is an administrative function usually handled in an office. There is no potential for an adverse affect to historic properties by this activity. It would be clearer to state that the “gathering of fuelwood under authorization of a personal use fuelwood permit” is the exempt undertaking.	Revised.
29	39	JS/AZGFD	What does adverse visual impact mean? Specif. call out equipment and machinery access.	Moved to Screened Undertaking.
29	40-41	ADOT	“conditional on no associated long-term or permanent adverse visual or auditory impacts” – Who determines this? Will there be guidance or definitions of ‘long-term’, ‘visual impacts’, ‘auditory impacts’? Is the auditory impact to humans or animals also?	
29	43	JS/AZGFD	Repair, maintenance, rebuilding of fences	Moved to Screened Undertaking #5.
29	44	JS/AZGFD	This means planting-related hole digging. Call this out.	Clarified.
29	44	ADOT	Does reintroducing endemic or native species into their historical habitats include plantings?	
29	45	JS/AZGFD	Temporary installation of animal traps	Revised.

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29	45	SW	If the bear feeding station is installed in relation to an Arizona Game and Fish Department bear trap set for the purpose of capture and relocation of a nuisance bear it should be stated as such. As presently worded the installation of a bear feeding station is ambiguous wording. Context needs to be added as to the purpose of the bear feeding station.	Revised.
29	Addition	KP/DFFM	Add to exemptions: Road maintenance of existing permanent roads (previously surveyed), within existing road prism and disturbed areas, including blading, ditches, culvert etc. Many (most) of these roads have been surveyed previously (especially in the pine type where mechanical activities have been on-going for many decades), and should not be necessary to resurvey during normal maintenance. Does not include reconstruction, re-alignment, construction etc. This is similar to the USFS R3 PA language	Revised and added as Screened Undertaking #6.
29	App D	PS/TON	Exempted Undertakings: Eliminate No. 2 – Any aerial spraying needs to be evaluated for human health issues. No. 3 removal of a building that is located on a cultural resource site may cause adverse effects to the cultural site. No. 5 repair of existing water drainage management structures may damage pre-existing cultural site located in same place. No. 11 – in some locations, trails go through cultural sites – need to evaluate. No. 15 – eliminate - - this is unclear as to intent “special legislation”?????? No. 17 – fuelwood permits should not be given for areas where there are known cultural sites. No. 20 – need to evaluate if existing fences were originally constructed through cultural sites. No. 21 – need to evaluate if planting is taking place within boundaries of known cultural site. No. 22 – why are you setting up bear feeding stations ??? Craighead bear studies showed the folly of this many years ago. No. 26 – Any removals must first ascertain if they are located on cultural site. No. 28 – study plots should not be set up in the middle if cultural sites. No. 29 – need to define “Resource management Actions”	No.2- aerial spraying has been evaluated by EPA and several EIS’s and EAs. No.3- Moved to Screened Undertaking. No.5- Moved to Screened Undertaking. No.11- Clarified. No.15- Done. No.17- Those decisions are left to the individual land managing agencies. No.20- Clarified existing footprint. No.21- Moved to Screened Undertaking. No.22- Clarified. No.26- Moved to Screened Undertaking. No.28- This is a no potential to affect with no ground disturbance. No.29- Removed.
30	1	JS/AZGFD	See/combine 2/29(35) below oridn. High water mark; include all activities in lakes, reservoirs, ponds.	Addressed.
30	3	SW	Issuing special use or short-term permits is an administrative function usually handled in an office. There is no potential for an adverse effect to historic properties by this action. #24 should be deleted.	Deleted.
30	6	JS/AZGFD	What is “non-valuable”? Subjective...	Removed. Moved to Screened Undertaking.
30	10	SW	Small equipment is a nebulous term. Either clarify its meaning here in Appendix D, or add a new definition of small equipment in Appendix A.	Deleted.
30	16	JS/AZGFD	No. We need to use quads, side by sides, pickups	Removed.

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30	18	JS/AZGFD	Minor ground disturb maybe involved. See 29(35), 30(1)	Only exempted for non-ground disturbance.
30	19	JS/AZGFD	s/b gauge	Fixed.
30	20	JS/AZGFD	Incl Geotech	Geotech is too broad of a category.
30	22	CH/FMIT	What about cadastral surveys? Most are done with ATVs, so should spell out when done by foot or by ATV, especially in areas not subject to cultural inventory or known site presence.	Outside the scope of the PA.
31	2	CW/APS	Larger proponents may prefer to pay an employee or consultant to do the records review and make recommendations rather than wait for an agency archaeologist do put together a review.	Clarified.
31	10	JS/AZGFD	Semi permanent or temporary types involving minor fencing (pronghorn, elk enclosures/tups(?))	Addressed.
31	20	JS/AZGFD	This should be in prev section	Needs to be screened for less than 50 years old.
31	20-26	KP/DFFM	Add exiting roads, re-opening of administratively closed roads, etc. (i.e.-secondary logging roads which are normally open only during the project, then closed until the next entry. Most of these have been used several times over the years)	Not a potential to affect.
31	28-34	ADOT	Numbers 6 and 7 seem like they should be sub-bullets to number 5. They are not worded as activities, instead seem like requirements.	Revised.
31	38	ADOT	Are there extra words in the beginning of item 9?	Revised.
31	38	CH/FMIT	FMIT Harper – While aerial pesticide applications have no ground disturbance, what is the effect of the chemicals on cultural resources including rock art and perishable objects? Is such application schedules provided to the public or tribes? Notification of project schedule to tribes would assist in ensuring tribal practitioners are not affected by these applications (as well as notification of pesticide’s used and how they inter30(1)ct with traditionally used plants.	Has been evaluated by EPA and land managing agencies in several EIS’s and EAs.
31	41	ADOT	Spelling corrections – modern	Revised.
31	43	CH/FMIT	Individual auger or hand excavations that do not exceed 144 square inches (1 square foot), but what is the maximum depth for such angering? Also consistency, No. 3 is 1 square meter and No. 10 is 144 square inches, suggest to include both English and metric to be clear.	See Appendix G for screening process.
31	44	JS/AZGFD	Unclear. 6” posts may require holes and to be set in concrete	
31	App E	PS/TON	Screened Undertaking- Tribes need to review all screened undertakings	We are consulting on Screened Undertakings with the tribes during development of this PA and are interested in tribal perspectives on these proposals. If there are historic properties present, there will be traditional consultation.

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32	1-3	CH/FMIT	“including practices implemented in areas of agricultural development and within the existing depth of tillage documented by historic record or ????” This should take into account the depositional environment that the agricultural development is located (originally within an erosional or depositional environment). Just because it has been plowed does not mean there are no sites present, where site remains may be present within the plow zone with potentially intact deposits present below the “tillage” zone. This seems to be a “Get out of Survey for Free Card,” just because the project is within an agricultural field.	Clarified.
32	1-3	ADOT	Can this be expanded to include depth of disturbance by previous construction (thinking of within the road prism)?	Addressed.
32	5-6	ADOT	Can this be expanded to allow use of vehicles that remain on paved surfaces or previously disturbed areas? I'm thinking of ADOT hand cutting brush but then loading it into a truck or feeding it into a chipper that is towed by a truck. Also, do weed eater and chainsaw count as hand tools?	Road use would have no effect, so no exemption or Screened Undertaking is necessary.
32	5-6	JS/AZGFD	What does this mean? Veg maint, mater put in burn piles? Clarify	Revised.
32	8	JS/AZGFD	What is “pre-commercial thinning” also mentioned earlier. Define	Removed. Covered under general vegetation management.
32	9	JS/AZGFD	Chaining? Why just non-commercial? Guys with chainsaws	
32	13	JS/AZGFD	What are “sites particularly sensitive to increased grazing levels are known or expected”?	Clarified
32	11-16	SW	Delete #14 from consideration under this Programmatic Agreement (PA). The purpose of the PA is to streamline processes related to large scale vegetation management and rangeland improvement activities (Page 1, Lines 11 and 12). Grazing permit and lease renewals do not qualify as either under the definition of range improvement found in the Public Rangeland Improvement Act of 1978(PRIA), Section 3(f).	Agreed. The team is rethinking the title and scope to include permit renewals as well as wildlife habitat management.
33	App F	PS/TON	Standard Measures for resolving Adverse Effects- Tribes need to review these measures on a project basis	We are consulting with the tribes during development of this PA and are interested in tribal perspectives on these proposals. If there are historic properties present, there will be traditional consultation.
33	39	CH/FMIT	Provisions for Tribal perspectives... This should be done early in the process if the Tribe wishes to participate (discussed in consultation as project and HPTP need is identified). Wanting perspectives while HPTP is in Agency draft form is too late. Tribes need to be actively involved in HPTP development early in process, not as “reviewers” after a draft is done and time is short.	Agreed. Refer to Best Practices Appendix J and Stipulation IV.C.4.
34	8	CH/FMIT	Plan for public involvement and educational/interpretive programs... What about Tribal community programs?	Revised.

Page #	Line, section (or table #)	Commenter	Comment	Response
36	1	SW	<p>Appendix G is titled Rangeland Management/Improvement Protocol, yet the majority of its language is directed at assessing the impacts of livestock grazing on historic structures. It needs to be rewritten. To keep it true to its title the rangeland management/improvement protocol needs to be written to address only those true range improvements which comport with the definition found in the Public Rangeland Improvement Act of 1978(PRIA), Section 3(f). Grazing permit and lease renewals are not included in the definition of range improvement found in PRIA. The language in this protocol should conform to statutory language. Liberties should not be taken by the Core Team to expand a statutory definition.</p> <p>If Appendix G is rewritten as suggested above, what should be done with the language comprising A. Cultural Resource Compliance for Grazing Permit and Lease Renewals (Page 36, Lines 18-30), B. Identification Efforts (Page 36, Lines 32-41and Page 37, Lines 1-25), and C. Protection Measures (page 37, Lines 27-45 and Page 38, Lines 1-2)? There is no clear authority cited for the inclusion of this language in the Programmatic Agreement. Grazing permit and lease renewals require an environmental analysis under the National Environmental Policy Act of 1969(NEPA) as required by the Federal Policy and Land Management Act of 1976(FLPMA), Section 402(c)(2). No mention is made of the need for a National Historic Preservation Act (NHPA) review in FLPMA. If there is such a NHPA review required for a grazing permit or lease renewal it should be so stated in the Programmatic Agreement, and cited.</p> <p>The premise for cultural resource compliance for grazing permit and lease renewal is unnamed and uncited studies (Page 36, Lines 16-26) which allege to show that livestock can adversely affect historic properties. It is important that the seminal and foundational studies upon which this claim is based be cited and referenced in the Programmatic Agreement. Reviewers should be allowed the opportunity to read the studies, analyze the studies' objectives, assess the experimental designs, and determine if the conclusions are supported by the data presented. If these studies were not published in peer reviewed archaeological journals, they are not sound science and do not have the veracity to provide the basis for the cultural resource compliance called for. If this is the case, no such Appendix is warranted.</p> <p>As presently written. B. and C. of Appendix G mention grazing impacts to historic properties. A rangeland manager would define a grazing impact as the removal of a plant's leaves, stems, seedheads and other plant parts by animals eating. This removal could be by livestock or wildlife. A more correct term is animal impact. Animal impact refers to all the things grazing animals do besides eat, such as dunging, urinating, salivating, rubbing and trampling. (Allan Savory, Holistic Resource Management, Island Press, 1988).</p>	Revised.
36	11	CH/FMIT	Is this "installation, maintenance and ..." or is it just for maintenance of existing fence lines? Appears to be missing a comma?	Revised.
36	19-26	JS/AZGFD	What studies? Send me	Language revised.

Page #	Line, section (or table #)	Commenter	Comment	Response
36	App G	PS/TON	Rangeland Management /Improvement Protocol- Any proposed new structures to be built should have cultural resource survey and report completed New fence line should have cultural survey and report completed. Line 33 – need to define all “reasonable existing information” – need to consult with tribes. line 8-25 – need to consult with tribes as part of review	Refer to Best Practices Appendix J and Stipulation IV.C.4.
37	4	JS/AZGFD	Vulnerable meaning?	Text revised.
39	App H	PS/TON	Vegetation Management Protocol Cultural surveys need to be completed for prescribed burns, thinning, mechanical thinning. Chemical and biological treatments need to be reviewed for human and animals health issues. Tribes need to be consulted on level of cultural survey required. All commercial sale units regardless of size should have 100% cultural survey completed.	Agreed, this PA is developing the procedures to comply with Section 106 which includes survey. We are consulting with tribes at this time during the development of this PA regarding the appropriate level of survey. The EPA and land managers have extensively analyzed chemical and biological treatments in several EIS’s and EA’s. Text in this section was reorganized to provide clarity.
39	11	CW/APS	This paragraph says that prescribed fire, hand-thinning, mechanical, chemical, and biological treatments will be addressed in the protocol. Only the first three control methods are discussed. APS would like to see each of these control methods addressed in the “Agreed-Upon Standard Site Protection Measures” section of the protocol. The Biological protocol could largely be a reference to Appendix G, which deals with grazing.	Clarification added to this section.
39	App H 1	SW	Appendix H. Vegetation Management Protocol includes treatment methods which can be considered as range improvements under the Public Rangeland Improvement Act of 1978(PRIA), Section 3(f) definition. Overlap of vegetation management methods occurs with rangeland treatment methods consisting of prescribed fire, mechanical thinning treatments and chemical thinning treatments. Further clarification is needed regarding what practices are forest (not vegetation) management versus rangeland management practices. A clearer distinction would be to have Appendix H apply to forest (not vegetation) management practices and Appendix G to rangeland management practices. If one practice fits both protocols it should be listed in both appendices.	Language revised. We are consulting with tribes at this time during the development of this PA regarding the appropriate level of survey. The organization of the document was approved in previous draft reviews.
40	18-19	SW	Mowing, root plowing, knifing, cabling, as well as the use of a tree dozer, stinger blade, brush cutter and roller blade should be added to this list of activities.	“or other” covers these activities. Exhaustive list is not necessary.

Page #	Line, section (or table #)	Commenter	Comment	Response
40	18	CH/FMIT	While chaining tends to jumble sites (including masonry structures), it does not typically obliterate sites, but this depends on the depth and type of chaining which occurred. Chained areas without prior cultural surveys should be subject to survey whenever possible.	Some level of survey will be required potentially up to 100% as determined by the lead federal agency.
40	23	CH/FMIT	Areas that are “undisturbed” can depend upon interpretation. Where disturbed areas may still contain significant resources that should not be ignored. Within these areas, there may also be Tribal (TCP) considerations to also consider.	Consultation will occur as outlined in the PA.
40	27	CW/APS	This draft of the PA is inconsistent on hand-cutting. This section suggests that survey may be required ahead of hand-cutting at the discretion of the agency (This is Region 3 PA language, but in practice the Forest Archaeologists almost never require survey for this control method). Page 29, line 40 exempts precommercial hand-thinning from review. Page 32, line 8 lists precommercial thinning as a screened undertaking. Which is it? APS regularly submits hand-cutting projects for Section 106 review. In 10 years, the BLM has always made a determination of no effect or no adverse effect. The SHPO’s official position is that hand-cutting is no adverse effect. This PA should exempt hand-cutting from further review under Section 106, especially when cut vegetation is lopped and scattered in place.	The team has agreed this will remain a screened exemption, given the broad applicability and vegetation types.
40	27-30	ADOT	Hand thinning: Same question as above (p. 32, lines 5-6) - would this include loading cut brush or wood into a vehicle or chipper that is located on pavement or previously disturbed areas? We can only leave removed biomass in some areas of the roadside; it can be a safety or fire hazard in many parts of the right-of-way.	This is now a screened activity in the PA.
40	29	JS/AZGFD	Hand thinning is a no-brainer if lop and scatter. Same if dragging, piling. “Forest Archaeologist?” remove	Revised.
40	29	SW	Strike “Forest” and insert “Agency”.	Revised.
40	29	CW/APS	“Forest Archaeologist”? This must be a leftover from the Region 3 PA.	Revised.
40	44	JS/AZGFD	What is “intensive ground disturbance”? Define	Read a-d.
40	44 on to next page	KP/DFFM	These types of “clearances/surveys” are often carried out by a “para”. Example is a USFS Sale administrator who is designated to clear these activities on mechanical harvesting projects, similar to a “line scout or similar” on wildfire suppression.	Please provide clarification if you would like us to make a change to the document.
41	10-11	ADOT	Would this include removal of hazard trees along roads (typically located within 30 feet or less from the road - may fall into roadway or cause shading resulting in black ice) - i.e. would these be considered as not high impact?	Yes.
41	13	JS/AZGFD	Average site density for regional area? What? Unknown. How to be with statutes	See revised text.
41		JS/AZGFD	Commercial timber harvest as conservation/habitat restoration	See revised text.
41	24-31	ADOT	You should include removing areas with slopes greater than 40% in this area section	This is addressed in Screened Exemptions.

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41	28	CH/FMIT	"The initial survey stage will consist of surveying linear transects at ¼ mile intervals and all roadways that will be improved." Suggestion: also include all known natural water sources (springs, seeps, natural catchments, etc.) for this initial survey. Water sources will always have sites at or adjacent to them that would indicate prehistoric and ethnographic use of area. Local Tribes would also know important locations.	Text added.
42	25-26	KP/DFFM	Safety zones are designated, but are often not "improved" until needed and not pre-surveyed, especially on wildland fire suppression. Also, in areas which were only partially surveyed for prescribed fire they are occasionally needs for unplanned line construction. This is another use for a "para"	This PA is not intended to address wildland fire incidents. Prescribed burns do typically identify safety zones prior to ignitions which is what this section addresses.
42	32	CW/APS	This pre-supposes that the location of archaeological features is known through survey and that the features have been marked for avoidance by the felling crew. It is implied that hand-cutting, specifically that a tree being felled on a feature, is a potential adverse effect. This is a radical departure from 10 years of the BLM determining that hand-cutting is no adverse effect. It also contradicts SHPO's position that hand-cutting is no adverse effect. APS strongly opposes this change, which will have a serious impact to our on-going vegetation management program.	These are time tested best practices for minimizing the potential impacts to historic properties from this type of activity.
42	36	CW/APS	Add "except on existing roads during dry conditions" to the end of this sentence. The public is allowed to drive on roads through site boundaries. Proponents should be held to that same standard.	Revised.
43	19	CW/APS	The BLM has not previously recognized fire-sensitive sites. Is this PA creating that category for BLM, comparable to the USFS? If so, will survey crews need to start evaluating sites for fire-sensitivity on all BLM lands in Arizona? This section creates a fire sensitive category, but it doesn't say whether fire-sensitive sites should be treated differently from other sites for the purposes of vegetation management. There is some guidance regarding fire-sensitive sites in the prescribed burn section, but nowhere else. Will fire-sensitivity be considered for other control methods?	This PA applies to any agency that signs the document as a Signatory.
43	20	SW	The review of available literature on the effects of fire on cultural resources needs to be specific as to the studies making this determination. The seminal and foundational studies should be cited and referenced in the Programmatic Agreement. If these studies were not published in peer reviewed archaeological journals, they are not sound science and do not have the veracity to provide the basis for the cultural resource compliance called for. If this is the case, no site protection measures are needed.	Revised.
44	21	IM/PimaCo	Add "non-burrowing". Purposeful introduction of burrowing species into an area known to have buried cultural deposits is adverse effect. Adding the same species in a nearby area and allowing nature to take course, is no adverse effect for the reintroduction project. Or, move this to Screened Undertaking.	Clarified. This was intended to apply only to vegetation species not animal.
45	22-25	ADOT	Please add ADOT – Letter to District Office and then cc: Environmental (Kris Gade)	Revised.

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45		JS/AZGFD	AGFD consultation?	Please provide your general process and protocol.
46	22	ADOT	“should consider conducting background research” can be make this “must” or making sure that the agency does the background research.	Appendix J was determined to be outside of the scope of this document. The agencies will be working on a best practices document.
General		JS/AZGFD	No protocol for involving public	
General		JS/AZGFD	If activities excluded, ok. All other require Class I, or Class I, II or III. Clarify this in appendices	The PA describes procedures for determining appropriate level of inventory in Stipulation VII.
General		JS/AZGFD	Exempted Activities- Water mgmt. structures s/b exempt even if historic In-use, ubiquitous, nothing special about them Cross-County ATV use- BMPs Clarify-Routine operation and maint of all facilities, structures, bldgs. <50 yrs Utility maint in orig trench Dam/berm maint, repair, veg maint Road maint? In existing ???	Text clarified.