

**PROGRAMMATIC AGREEMENT AMONG THE UNITED STATES
ARMY GARRISON, YUMA PROVING GROUND, THE ARIZONA STATE
HISTORIC PRESERVATION OFFICER, AND THE ADVISORY
COUNCIL ON HISTORIC PRESERVATION REGARDING THE
OPERATIONS, MAINTENANCE, AND DEVELOPMENT OF YUMA
PROVING GROUND, ARIZONA**

WHEREAS, the United States Army Garrison Yuma Proving Ground (USAG YPG) proposes to continue operations, maintenance, and development projects (undertakings) to ensure the mission of Yuma Proving Ground (YPG) as a test facility for weapons and munitions on approximately 837,916 acres of southwestern Arizona, north of Yuma; and

WHEREAS, YPG is a federally owned and operated facility, and YPG plans to carry out federally funded projects, thereby making the operations, maintenance, and development projects undertakings subject to review under Section 106 of the National Historic Preservation Act (NHPA), 16 United States Code (USC) § 470f, and its implementing regulations, 36 Code of Federal Regulations (CFR) Part 800; and

WHEREAS, the purpose of the undertakings is to enable USAG YPG to continue to provide adequate facilities for military testing and training activities and for ongoing contracting efforts capable of accommodating current and foreseeable technological advances; testing activities include military ground and aerial vehicle systems, weapons, ammunitions, sensors, and guidance systems; USAG YPG must provide realistic training for units, including, but not limited to, forward observer training, ground combat training, and operational training to provide real-world testing scenarios; and

WHEREAS, USAG YPG has determined the Area of Potential Effects (APE) to be all lands within the YPG boundary (Attachment A); and

WHEREAS, USAG YPG has determined that the development of a Programmatic Agreement (PA), in accordance with 36 CFR § 800.14(b)(1)(ii) and (iv), is warranted because specific details on some undertakings are unknown and the effects on historic properties cannot be fully determined prior to their approval, and for the routine nature of many actions that are part of the ongoing management and operation of YPG; and

WHEREAS, USAG YPG has determined that the undertakings may have adverse effects on historic properties, which are eligible for listing in the National Register of Historic Places (NRHP), and has consulted with the Arizona State Historic Preservation Officer (SHPO), pursuant to 36 CFR Part 800; and

WHEREAS, USAG YPG has consulted with the federally recognized Indian tribes (Tribes) of the Ak-Chin Indian Community, Chemehuevi Indian Tribe, Cocopah Indian Tribe, Colorado River Indian Tribes, Fort McDowell Yavapai Nation, Fort Mojave Indian Tribe, Gila River Indian Community, Hopi Tribe, Quechan Indian Tribe, Salt River Pima Maricopa Indian Community, San Carlos Apache Tribe, Tohono O'odham Nation, Yavapai-Apache Nation, and Yavapai-Prescott Indian Tribe, who attach traditional, religious, and/or cultural significance to YPG lands or cultural resources therein that may be affected by the undertakings, and has invited them to sign this PA as concurring parties; and

WHEREAS, USAG YPG invited the Bureau of Land Management (BLM), Yuma Field Office, and Western Area Power Administration to participate in the development of this PA and they agreed to sign as concurring parties; and

WHEREAS, USAG YPG invited the U.S. Fish and Wildlife Service (USFWS), Arizona Historical Society, Rio Colorado Division, Yuma, and the City of Yuma, a certified local government, to participate in the development of this PA and each has declined to sign as concurring parties; and

WHEREAS, USAG YPG has provided the public an opportunity to comment by placing the following notices of this PA: in the *Yuma Sun* newspaper on January 23, 2013, August 23, 2013, and March 23, 2014; posted a draft PA on the USAG YPG public internet site January 31 through March 12, 2013, September 4 through October 7, 2013, and March 25 through May 12, 2014; at the Yuma County Library Main and Foothills branches February 7 through March 6, 2013, September 4 through October 7, 2013, and March 25 through May 12, 2014; and at the YPG Library September 4 through October 7, 2013, and March 25 through May 12, 2014; and no responses were received; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), USAG YPG has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination, providing the required documentation, and the ACHP has chosen to participate in accordance with 36 CFR § 800.6(a)(1)(iii); and

WHEREAS, USAG YPG has previously conducted cultural resources inventories of 174,098 acres of YPG from 1981 to 2013 (Attachment A) and has identified 848 historic properties as individually eligible for the NRHP, all of which are archaeological sites (Attachment B), and SHPO reaffirmed their concurrence with these findings in correspondence dated May 10, 2013; and

WHEREAS, of these 848 sites, 659 are also contributing resources located within 13 NRHP-eligible archaeological districts; and

WHEREAS, to date, there are no evaluated buildings or structures at YPG that qualify as historic properties except those covered by the *Program Comment for Capehart and Wherry Era Army Family Housing and Associated Structures and Landscape Features (1949--1962)*, *Program Comment for World War II and Cold War Era (1939-1974) Ammunition Storage Facilities*, *Program Comment for Cold War Era Unaccompanied Personnel Housing (1946-1947)*, and undertakings at properties for which effects have been taken into account through those program comments and the *Program Comment for DoD Rehabilitation Treatment Measures*, which are not part of this PA; and

WHEREAS, inholdings, rights of way, and structures not belonging to or under the jurisdiction of USAG YPG are exempt from this PA; and

WHEREAS, properties of traditional religious and cultural significance to Tribes have been identified but are unevaluated for eligibility to the NRHP; however, USAG YPG recognizes that properties of traditional religious and cultural significance have importance to Tribes; and

WHEREAS, USAG YPG shall treat buildings, structures, sites, objects, and districts that are 45 years of age or older that have not yet been evaluated for NRHP eligibility as eligible for listing in the NRHP; and

WHEREAS, USAG YPG has developed a *Geomorphic-Based Archaeological Sensitivity Model for U.S. Army Yuma Proving Ground, Arizona* (2011 sensitivity model) to help predict areas of likely

archaeological sensitivity at YPG and provided this model to Tribes and SHPO for review and comment, and it will be implemented taking into account comments received by the SHPO in 2013; and

WHEREAS, USAG YPG has not conducted, and does not plan to conduct, cultural resources inventories in dedicated impact areas, high hazard impact areas, open burn/open detonation areas, chemical test areas, newly identified unexploded ordnance sites, historical contamination areas, and environmental compliance and restoration sites (Attachments C and D) due to human life and safety issues; and

WHEREAS, USAG YPG, SHPO, and the ACHP agree that upon execution of this PA, the *Memorandum of Agreement Between the Department of the Army, the Advisory Council on Historic Preservation, and the Arizona State Historic Preservation Officer Regarding Realignment of Activities to Yuma Proving Ground, Arizona*, executed on 19 August 1992 (1992 Memorandum of Agreement [MOA]), will become null and void and will be replaced with the process outlined in this PA; and

WHEREAS, the Historic Preservation Plan referenced in the 1992 MOA has become the Integrated Cultural Resources Management Plan (ICRMP); and

WHEREAS, undertakings addressed through the 2011 *Programmatic Agreement Among Federal Highway Administration, United States Bureau of Land Management, United States Bureau of Reclamation, U.S. Army Yuma Proving Ground, Arizona Department of Transportation, Arizona State Land Department, Arizona State Museum, Yavapai-Prescott Indian Tribe, Cocopah Tribe, Hopi Tribe, Colorado River Indian Tribe, Ft. Yuma-Quechan Tribe, Ft. Mojave Indian Tribe, U.S. Army Corps of Engineers, and Arizona State Historic Preservation Office Regarding the Historic Properties Along United States Route 95 Between Avenue 9E and Aberdeen Road, Yuma County, Arizona*, the 2013 *Programmatic Agreement Among U.S. Department of Energy-Western Area Power Administration, the Advisory Council on Historic Preservation, Arizona State Historic Preservation Officer, Arizona State Lands Department, Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, National Park Service, United States Forest Service, Yuma Proving Ground, Ak-Chin Indian Community, Colorado River Indian Tribes, Fort Mojave Indian Tribes, Fort Yuma-Quechan Tribe, Gila River Indian Community, Hualapai Tribe, Navajo Nation, Salt River Pima-Maricopa Indian Community, and Tohono O'odham Nation Regarding Maintenance and Minor Construction Activities at Existing Western Transmission Lines, Facilities and Properties in Arizona*, and the 2013 *Memorandum of Agreement Between Department of the Interior, Bureau of Land Management, Arizona; Department of the Interior, Bureau of Reclamation, Lower Colorado Region; U.S. Army Garrison, Yuma Proving Ground; Arizona State Land Department; Arizona Public Service Company and the Arizona State Historic Preservation Office Regarding the Hassayampa to North Gila 500kV-2 Transmission Line*, will be carried out in accordance with the terms of such documents and are not subject to the terms of this PA; and

WHEREAS, provisions in the 2005 (modified in 2011) *USAG YPG/Cocopah Tribe Cooperative Agreement: Services Between the U.S. Army Yuma Proving Ground and the Cocopah Indian Tribe Cocopah Museum, Somerton, Arizona* and the 2010 (extended in 2014) *Memorandum of Understanding between the Yavapai-Prescott Indian Tribe and U.S. Army Garrison Yuma Proving Ground* are not affected by this PA; and

Background

- A map entitled “Area of Potential Effects & Previous Surveys” showing the APE for this PA and the areas that have been previously surveyed for cultural resources within that APE is included as Attachment A.
- A list of identified historic properties on YPG is included as Attachment B.
- A map entitled “Impact Areas, Other Contaminated Areas, & Previously Disturbed Areas” showing all dedicated impact areas (including high hazard impact areas), open burn/open detonation areas, chemical test areas, newly identified unexploded ordnance sites, environmental compliance and restoration sites, historical contamination areas, and previously disturbed areas at YPG is included as Attachment C.
- A map entitled “Impact Areas, Other Contaminated Areas, & Previously Disturbed Areas Overlain with Areas Previously Surveyed for Cultural Resources at YPG” showing the previously surveyed areas overlain on the map of impact areas, other contaminated areas, and previously disturbed areas is included as Attachment D.
- A list of pertinent definitions and all acronyms used in this PA is included as Attachment E.
- Standard Operating Procedure #5 of the USAG YPG ICRMP for “Inadvertent Discovery of Archaeological Deposits” is included as Attachment F.
- A map entitled “Lands No Longer Requiring Cultural Resources Survey” showing those areas of YPG that USAG YPG will no longer survey for the identification of historic properties through consultation with the SHPO and Tribes is included as Attachment G. This map will be developed after the execution of this PA in accordance with Stipulation III.
- A list of those undertakings that USAG YPG, the SHPO, and the ACHP agree would have no adverse effects to historic properties, and which the SHPO and the ACHP agree no longer need to be reviewed by their offices, is included as Attachment H.
- All days referred to in this PA are calendar days, unless otherwise noted.

Now, therefore, the USAG YPG, the SHPO, and the ACHP agree that this PA shall be implemented in accordance with the following stipulations in order to take into account the effects of undertakings on historic properties.

Stipulations

USAG YPG shall ensure that the following measures are carried out:

I. Roles and Responsibilities of Consulting Parties

A. U.S. Army Garrison Yuma Proving Ground

1. The USAG YPG Garrison Manager is responsible for all decisions regarding the applicability of this PA to undertakings within the APE pursuant to Army Regulation 2001: *Environmental Protection and Enhancement*.

2. The USAG YPG Garrison Manager shall designate a Cultural Resources Manager (CRM) at USAG YPG with the authority to implement this PA and conduct the stipulated coordination and consultation with other signatories, concurring parties, tribes, other concerned agencies, organizations, and persons. The implementation of this agreement shall be primarily executed on a day-to-day basis by the CRM acting for the Garrison Manager, responsible for ensuring that the stipulations herein are met.
3. The CRM shall meet or USAG YPG shall employ, maintain a contract with, or obtain through other means professional expertise that meets the qualification standards outlined in the Secretary of the Interior's Historic Preservation Professional Qualification Standards [as amended and annotated] for archeology, history, architecture, historic architecture, or architectural history, as appropriate for the undertaking.
4. The CRM shall ensure that efforts to identify, evaluate, and treat historic properties under the stipulations of this PA meet the Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties.
5. USAG YPG shall consult with BLM or the USFWS on joint eligibility determinations for any cultural resources that extend onto BLM or USFWS lands and will provide the SHPO with documentation of the consultation regarding the determinations of eligibility and seek a consensus of eligibility for these cultural resources.
6. USAG YPG shall notify the public and other identified consulting parties in coordination with the National Environmental Policy Act to meet Section 106 public consultation requirements.
7. USAG YPG shall consult with the SHPO, in accordance with Stipulation III, to define areas requiring no further cultural resources survey efforts based on previous surveys and disturbances.

B. The Arizona State Historic Preservation Officer

1. The SHPO may raise objections according to Stipulation IX, may amend this agreement according to Stipulation X, or may terminate this agreement according to Stipulation XI.
2. The SHPO shall respond within the timeframes of this agreement after notifications are received.

C. The Advisory Council on Historic Preservation

1. The ACHP may raise objections and/or resolve objections according to Stipulation IX, may amend this agreement according to Stipulation X, or may terminate this agreement according to Stipulation XI.
2. The ACHP shall not participate in identifications, evaluations, or reviews described under stipulations II, III, and IV unless requested in writing from either USAG YPG, the SHPO, or Tribes.

D. Concurring Parties

1. Concurring parties may raise objections according to Stipulation IX.

II. Section 106 Project Review Process

A. Determine the Undertaking

1. The CRM shall determine if the proposed project is an undertaking as defined in 36 CFR § 800.16(y).
 - a) If the CRM determines the proposed project is not an undertaking, as defined in 36 CFR § 800.16(i), the CRM shall document this determination for inclusion in the Annual Report, and USAG YPG has no further obligations under this stipulation.
 - b) If the CRM determines that the proposed project is listed as an exempted undertaking, as identified in Attachment H, the CRM shall document this determination for inclusion in the Annual Report, and USAG YPG has no further obligations under this stipulation.
 - c) If the CRM determines the proposed project is an undertaking not listed in Attachment H, the CRM shall continue the Section 106 Project Review Process.
2. The CRM will ensure that all Digging Permits and Records of Environmental Consideration contain text derived from Standard Operating Procedure (SOP) #5, "Inadvertent Discovery of Archaeological Deposits," as found in Attachment F.

B. Define the Area of Potential Effects and Identify Historic Properties

1. The CRM shall determine and document the project APE for each specific undertaking, appropriate to the scope and scale of the undertaking, and considering direct, indirect, and cumulative effects.
2. The CRM shall determine if cultural resource surveys are required for the project APE using the following parameters:
 - a) If the project APE is limited to within a dedicated impact area, high hazard impact area, open burn/open detonation area, chemical test area, newly identified unexploded ordnance site, environmental compliance and restoration site, or unsafe historical contamination area (Attachments C and D), no additional cultural resource survey is required and the CRM shall continue to Stipulation II(C) in the Section 106 Project Review Process.
 - (1) For undertakings with project APEs in non-ordnance contaminated areas, in ordnance contaminated historic World War II training areas, or in other ordnance contaminated areas (as shown on Attachments C and D), some contaminated areas may be off limits to ground-disturbing activities, including archaeological surveys, and may not be surveyed at all, at the sole discretion of the CRM. Undertakings in contaminated areas where the CRM determines that they do not pose an imminent threat shall be subject to survey.

- (2) Undertakings with project APEs proposed within dedicated impact areas (as shown on Attachments C and D) that require changes in land use designation for project development could be subject to survey at the discretion of the CRM.
- b) If the project APE is limited to within an area delineated in Attachment G, upon acceptance, no additional cultural resource survey is required, and the CRM shall continue to Stipulation II(C) in the Section 106 Project Review Process.
 - c) If the project APE is in an area not delineated in Attachments C, D, or G, the CRM shall determine the level of cultural resource survey necessary, depending on the size and location of the project APE based on the 2011 sensitivity model, as YPG lands are categorized as having low, moderate, or high potential to possess archaeological sites (summary provided in the Fiscal Year 2012-2016 ICRMP; the full study for the sensitivity model is available upon request from the CRM), and the survey percentage based on previous consultation with the SHPO in the development of this PA.
 - (1) Undertakings in areas of low sensitivity for archaeological sites will be surveyed at less than 100 percent regardless of size of the project APE.
 - (2) For undertakings with a project APE of 200 acres or less, that are not in low sensitivity areas or not in exempt areas as defined in Attachments C, D, or G, the CRM shall prepare and implement a survey approach using standard procedures based on appropriate SHPO guidance for identification efforts.
 - (3) For undertakings with a project APE larger than 200 acres, that are not in low sensitivity areas or not in exempt areas as defined in Attachments C, D, or G, the CRM shall prepare the survey approach using the standard procedures based on appropriate SHPO guidance for identification efforts, and finalize the project APE and survey approach in consultation with the SHPO and Tribes.
 - (a) The CRM shall provide the SHPO and Tribes the survey approach and project APE 30 days in advance of the proposed inventory and request comments.
 - (b) The SHPO has 20 days upon receipt of all pertinent documentation to provide comments on the survey approach and project APE. If no comments are received within that time, the CRM shall make a second attempt to contact the SHPO for comments before assuming concurrence with the USAG YPG survey approach and project APE.
 - (c) The Tribes are under no obligation to provide comments on the proposed survey approach or project APE; however, if they wish USAG YPG to consider their comments regarding the proposed survey approach or project APE, Tribes should submit comments in writing within 20 days of receipt of all pertinent documentation.

- (d) If there are comments, the CRM will consult to address comments and refine inventory planning efforts, as needed, prior to implementing the proposed inventory and survey.
- d) If the project APE is in an area not delineated in Attachments C, D, or G and there is a previous cultural resource survey completed but has not been reviewed or concurred on by the SHPO, USAG YPG shall proceed in accordance with Stipulation II(B)(3) for the review of that survey.

3. Evaluation of Surveyed Cultural Resources

- a) Surveys that identify inventoried areas with no archaeological sites, isolated features or artifacts, or other cultural resources will be defined as negative surveys.
 - (1) The CRM shall provide reports of negative surveys to Tribes before finalizing the report. The Tribes are under no obligation to provide comments on the negative surveys; however, if they wish USAG YPG to consider their comments regarding the negative surveys, Tribes should submit comments in writing within 45 days of receipt of all pertinent documentation. If Tribes identify properties of traditional religious and cultural significance and/or Traditional Cultural Properties, the CRM shall proceed to Stipulation II(B)(3)(b) in the Section 106 Project Review Process.
 - (2) A list of finalized negative survey reports will be part of the Annual Report, and the CRM shall proceed to Stipulation II(B)(4) in the Section 106 Project Review Process.
- b) All newly identified cultural resources, and any previously identified but unevaluated cultural resources that could be affected by an undertaking, shall be evaluated by USAG YPG in accordance with 36 CFR Part 63 and bulletins, guidance, and documents produced by the National Park Service (NPS) to determine if they are historic properties and shall be assessed for effect by the proposed undertaking in accordance with Stipulation II(C)(1). All pertinent reports and determinations will be provided to the SHPO and Tribes for review and comment.
 - (1) The SHPO shall provide a response to USAG YPG eligibility determinations and effect findings within 30 days of receipt of all pertinent documentation in accordance with Stipulation II(C)(2)(c) or Stipulation II(C)(3)(c). If no comments are received within that time, the CRM shall make a second attempt to contact the SHPO for comments before assuming concurrence with USAG YPG determinations. If USAG YPG and the SHPO cannot resolve the issue within 30 days, then USAG YPG shall forward the dispute to the Keeper of the NRHP for resolution at the conclusion of the 30 day period.

- (2) The Tribes are under no obligation to provide comments on the eligibility determinations; however, if they wish USAG YPG to consider their comments regarding the eligibility determinations, Tribes should submit comments in writing within 30 days of receipt of all pertinent documentation.
 - c) USAG YPG shall consult with Tribes to identify properties of traditional religious and cultural significance (16 U.S.C. 470 Section 101[d][6][A]), and also potential Traditional Cultural Properties, in accordance with NPS Bulletin 38. Due to their unique nature, properties of traditional religious and cultural significance and Traditional Cultural Property determinations will be handled on a case-by-case basis, respecting the desires of the Tribes affected while expediting the mission of USAG YPG.
4. If the CRM does not identify any historic properties within the project APE, the CRM shall document this determination of “No Historic Properties Affected” for those undertakings for inclusion in the Annual Report, and USAG YPG has no further obligations under this stipulation.
 5. If the CRM identifies a historic property that may be directly, indirectly, or cumulatively affected within the project APE, the CRM shall continue the Section 106 Project Review Process.

C. Evaluate Effects of the Undertaking

1. The CRM shall assess the effects of the proposed undertaking on historic properties, including direct, indirect, and cumulative effects, using the criteria of adverse effects (36 CFR § 800.5(a)(1)) and shall make one of the following determinations:
 - a) “No Historic Properties Affected”: if the CRM determines that historic properties present in the project APE will not be affected by the undertaking, the CRM shall document this determination for those undertakings for inclusion in the Annual Report, and USAG YPG has no further obligations under this stipulation.
 - b) “No Adverse Effect to Historic Properties”: if the CRM determines that historic properties present in the project APE will not be adversely affected by the undertaking, and the undertaking is not included in Attachment H, the CRM shall proceed to Stipulation II(C)(2).
 - c) “Adverse Effect to Historic Properties”: if the CRM determines that historic properties present in the project APE will be adversely affected by the undertaking, the CRM shall proceed to Stipulation II(C)(3).
2. No Adverse Effect to Historic Properties
 - a) For those undertakings with a finding of “No Adverse Effect to Historic Properties” the CRM shall provide the SHPO and Tribes with appropriate reports and/or documentation including, but not limited to, the following:

- (1) project description, to include depth and amount of ground disturbance anticipated;
 - (2) APE map showing the location of the project and summary of survey efforts to identify historic properties;
 - (3) description of the historic properties affected;
 - (4) any photos, as necessary; and
 - (5) finding of effect and request for concurrence on "No Adverse Effect to Historic Properties" finding from the SHPO.
- b) The Tribes are under no obligation to provide comments on the effect determination; however, if they wish USAG YPG to consider their comments regarding the effect determination, Tribes should submit comments in writing within 30 days of receipt. If no comments are received within that time, the CRM shall make a second attempt to contact the Tribes for comments. USAG YPG shall take any tribal comments received into consideration before concluding the consultation and will notify the SHPO of any tribal concerns and the USAG YPG response to those concerns.
- c) The SHPO shall provide a response to USAG YPG effect determination within 30 days of receipt of all pertinent documentation. If no comments are received within that time, the CRM shall make a second attempt to contact the SHPO for comments before assuming concurrence with the USAG YPG effect determination.
- (1) If the SHPO concurs with the "No Adverse Effect to Historic Properties" finding, the CRM shall document this concurrence for inclusion in the Annual Report, and USAG YPG has no further obligations under this stipulation.
 - (2) If the SHPO does not concur with the finding of "No Adverse Effect to Historic Properties," the CRM shall consult with the SHPO for no more than a total of 30 days, or other time period as agreed to between SHPO and the CRM, upon receipt of SHPO notification of non-concurrence to attempt to resolve the concerns identified by the SHPO.
 - (a) If at the end of the 30 days, or agreed to specified time, the SHPO concurs with the finding of "No Adverse Effect to Historic Properties," the CRM shall document this concurrence for inclusion in the Annual Report, and USAG YPG has no further obligations under this stipulation.
 - (b) If at the end of the 30 days, or agreed to specified time, the SHPO does not concur with the finding of "No Adverse Effect to Historic Properties," the CRM shall notify the ACHP in accordance with Stipulation IX.

3. Adverse Effect to Historic Properties

- a) For those undertakings with a finding of “Adverse Effect to Historic Properties” the CRM shall provide the SHPO and Tribes with a packet of information including, but not limited to, the following:
 - (1) project description, to include depth and amount of ground disturbance anticipated;
 - (2) APE map showing the location of the project and summary of survey efforts to identify historic properties;
 - (3) description of the historic properties affected;
 - (4) documentation of alternatives considered to avoid or minimize the adverse effect and why they could not be accomplished; and
 - (5) any photos, as necessary.
- b) The Tribes are under no obligation to provide comments on the effect determination; however, if they wish USAG YPG to consider their comments regarding the effect determination, Tribes should submit comments in writing within 30 days of receipt. If no comments are received within that time, the CRM shall make a second attempt to contact the Tribes for comments. USAG YPG shall take any tribal comments received into consideration before concluding the consultation and will notify the SHPO of any tribal concerns and USAG YPG response to those concerns.
- c) The SHPO shall provide any comments to the USAG YPG effect determination within 30 days of receipt of all pertinent documentation.

D. Resolution of Adverse Effects

- 1. The CRM shall notify Consulting Parties and the public within 10 days of notifying the SHPO and Tribes of an adverse effect finding for an undertaking using the following process:
 - a) The CRM shall prepare and send a notification package for the Consulting Parties, including a description of the undertaking, an illustration of the project APE, a list of identified historic properties within the project APE, the explanation for the finding of adverse effects, steps taken or considered by USAG YPG to avoid or minimize the adverse effects, any SHPO comments received by USAG YPG regarding the undertaking, an invitation to participate in a consultation to resolve adverse effects, and proposed dates for a Consulting Parties meeting.
 - b) The CRM shall post a notice of the adverse effects finding on the official USAG YPG website to include a description of the undertaking, a list of identified historic properties, the explanation for the finding of adverse effects, steps taken or considered by USAG YPG to avoid or minimize the adverse effects, any SHPO comments

received by USAG YPG regarding the undertaking, and an invitation to provide written comment within 30 days of posting to the CRM.

- c) Consulting Parties are under no obligation to provide comments on the effect finding; however, if they wish USAG YPG to consider their comments regarding the effect finding, Consulting Parties should submit comments in writing within 30 days of receipt. If no comments are received within that time, the CRM shall make a second attempt to contact the Consulting Parties for comments and if they wish to participate in the resolution of adverse effects. USAG YPG shall take any comments received into consideration before concluding the consultation and will notify the SHPO of any concerns and USAG YPG response to those concerns.
2. The CRM shall organize a consultation meeting, to include the SHPO, approximately 45 days after notifying Consulting Parties to discuss alternatives to avoid, minimize, or mitigate the adverse effects. Additional meetings shall be scheduled as needed.
3. If through consultation with the SHPO and Consulting Parties the undertaking avoids adverse effects, the CRM will document the alternatives utilized in an attempt to reduce the effects of the undertaking to a no adverse effects finding in consultation and in concurrence with all participating Consulting Parties and include them in the Annual Report, and USAG YPG has no further obligations under this stipulation.
4. If through consultation with the SHPO and Consulting Parties the adverse effects are minimized or mitigated, then the measures agreed to by USAG YPG, the SHPO, and Consulting Parties can be specified in a MOA in accordance with 36 CFR § 800.6(c) and filed with the ACHP upon execution.
5. The ACHP will only participate in the resolution of adverse effects for individual undertakings if a written request is received from USAG YPG, the SHPO, or a Tribe.

III. Establishing Areas for No Additional Cultural Resources Surveys

- A. In consultation with the SHPO and Tribes, the CRM shall develop a map, titled "Lands No Longer Requiring Cultural Resources Survey," to define those YPG lands that require no additional cultural resources surveys, and shall update USAG YPG's Geographic Information System (GIS) database to reflect these areas within one year of execution of this PA.
- B. USAG YPG shall use the following parameters to help define those areas:
 1. Lands that have been surveyed by previous investigations meeting current SHPO and Arizona State Museum Standards and which have been subject to Section 106 consultation to identify historic properties, or the lack thereof, with the SHPO and Tribes for previous undertakings;
 2. Lands that have been extensively disturbed by past human activities; in general, these include developed areas such as cantonment areas, drop zones, and similar areas with little to no probability of subsurface deposits that have been previously bladed or similarly disturbed.

- C. The CRM shall prepare a draft map that illustrates these areas within 90 days of execution of this PA and provide it to SHPO and the Tribes for their review and comment.
 - 1. The SHPO shall provide a response to USAG YPG regarding the draft map within 30 days of receipt of all pertinent documentation (to include accompanying descriptive materials). If no comments are received within that time, the CRM shall make a second attempt to contact the SHPO for comments.
 - 2. The Tribes are under no obligation to provide comments on the draft map; however, if they wish USAG YPG to consider their comments regarding the areas that will not require additional cultural resources review, Tribes should submit comments in writing within 30 days of receipt. If no comments are received within that time, the CRM shall make a second attempt to contact the Tribes for comments. USAG YPG shall take any tribal comments received into consideration and will notify the SHPO of any tribal concerns and USAG YPG response to those concerns.
- D. The CRM shall prepare a draft final map within 60 days of receiving comments from the SHPO and Tribes and provide it to SHPO and the Tribes for their final review and concurrence.
 - 1. The SHPO shall provide a response to USAG YPG regarding the draft final map within 30 days of receipt of all pertinent documentation (to include accompanying descriptive materials). If no comments are received within that time, the CRM shall make a second attempt to contact the SHPO for comments before assuming concurrence with USAG YPG draft final map.
 - 2. The Tribes are under no obligation to provide comments on the draft final map; however, if they wish USAG YPG to consider their comments regarding the areas that will not require additional cultural resources review, Tribes should submit comments in writing within 30 days of receipt. If no comments are received within that time, the CRM shall make a second attempt to contact the Tribes for comments. USAG YPG shall take any tribal comments received into consideration before concluding the consultation and will notify the SHPO of any tribal concerns and the USAG YPG response to those concerns.
- E. If the SHPO fails to concur on the map and USAG YPG and SHPO cannot reach a resolution on the map within 30 days of SHPO's response, the matter shall be referred to the ACHP in accordance with Stipulation IX.
- F. USAG YPG shall include the "Lands No Longer Requiring Cultural Resources Survey" map in its GIS database, delineate on installation maps, and include it in this PA as Attachment G within 120 days of its finalization.
- G. USAG YPG shall distribute to all Consulting Parties, in the format of their choice, the final "Lands No Longer Requiring Cultural Resources Survey" map within 120 days of its finalization.
- H. USAG YPG shall review the "Lands No Longer Requiring Cultural Resources Survey" map, in consultation with the SHPO and the tribes every two years, or more frequently as appropriate, following its finalization to determine if additional areas are to be included.

IV. Sensitivity Model Update

- A. USAG YPG shall update the 2011 sensitivity model within two years after execution of this PA, and every five years thereafter in conjunction with major ICRMP updates, with new archaeological and ethnographic data, as long as this PA is in effect.
- B. Update intervals will be based on number of sites identified, areas surveyed, or number of locations refined.
- C. The SHPO and Tribes have reviewed the categorization of these areas as part of their concurrence with this PA.

V. Post Review Discoveries

This stipulation applies to any and all instances of post review discoveries, including: post review discovery of a cultural resource not previously identified in project review and after project approval and initiation; post review discovery of an effect not previously identified in project review and after project approval and initiation; or post review discovery of an effect willfully inflicted on identified historic property after project approval and initiation. In the event of a post review discovery, the CRM, under the authority of the Garrison Manager, can halt an undertaking until consultation under this PA has concluded. If the discovery is made as part of an ongoing contracting effort at YPG, the discovery must be reported immediately to the Contracting Officer, who has the authority to halt an undertaking. The Contracting Officer must notify the CRM within 24 hours.

- A. Post review discovery of a cultural resource not previously identified in project review and after project approval and initiation.
 - 1. In the event cultural resource(s) are discovered in the implementation of a previously approved undertaking, the individual making the discovery shall notify the CRM within 24 hours.
 - 2. The CRM shall ensure that all work ceases in the immediate vicinity (within an approximate 20 meter radius) to protect the newly identified cultural resource(s) within 48 hours of the discovery. The cease-work area shall be marked with flags or visibility tape to clearly delineate the boundaries as appropriate.
 - 3. The CRM shall determine if the cultural resource(s) is/are eligible to the NRHP and notify the SHPO of the determination via phone within 72 hours of the discovery. If the SHPO concurs on non-eligibility of the cultural resource, USAG YPG has no further obligations under this stipulation.
 - 4. If the cultural resource is determined to be a historic property, in consultation with the SHPO, the CRM shall prepare and send a notification package to the SHPO and Tribes including a summary of the undertaking and how it was previously reviewed under this PA, an illustration of the cease-work area, a list of identified historic properties within the cease-work area, and the treatment plan to address effects within four days of the SHPO's concurrence on NRHP eligibility.

- a) The Tribes are under no obligation to provide comments on the post review discovery; however, if they wish USAG YPG to consider their comments, Tribes should submit comments in writing within two days of receipt. If no comments are received within that time, the CRM shall make a second attempt to contact the Tribes for comments. USAG YPG shall take any tribal comments received into consideration and will notify the SHPO of any tribal concerns and the USAG YPG response to those concerns.
 - b) The SHPO shall provide a response to USAG YPG regarding the post review discovery within two days of receipt of all pertinent documentation. If no comments are received within that time, the CRM shall make a second attempt to contact the SHPO for comments.
5. USAG YPG shall include an after action report regarding the post review discovery treatment plan in the Annual Report.
- B. Post review discovery of an effect not previously identified in project review and after project approval and initiation.
1. In the event effects to historic properties are discovered in the implementation of a previously approved undertaking, the individual making the discovery shall notify the CRM within 24 hours.
 2. The CRM shall ensure that all work ceases in the immediate vicinity (within an approximate 20 meter radius) to protect the newly identified historic properties within 48 hours of the discovery. The cease-work area shall be marked with flags or visibility tape to clearly delineate the boundaries as appropriate.
 3. The CRM shall determine if the effect is adverse and notify the SHPO of the determination via phone within 72 hours of the discovery. If the SHPO concurs with a no adverse effect finding, USAG YPG has no further obligations under this stipulation.
 4. If the effect is determined to be adverse, in consultation with the SHPO, the CRM shall prepare and send a notification package for the SHPO and Tribes including a summary of the undertaking and how it was previously reviewed under this PA, an illustration of the cease-work area, a list of identified historic properties within the cease-work area, and the treatment plan to address effects within four days of the discovery.
 - a) The Tribes are under no obligation to provide comments on the post review discovery; however, if they wish USAG YPG to consider their comments, Tribes should submit comments in writing within two days of receipt. If no comments are received within that time, the CRM shall make a second attempt to contact the Tribes for comments. USAG YPG shall take any tribal comments received into consideration and will notify the SHPO of any tribal concerns and the USAG YPG response to those concerns.
 - b) The SHPO shall provide a response to USAG YPG regarding the post review discovery within two days of receipt of all pertinent documentation. If no comments are received within that time, the CRM shall make a second attempt to contact the SHPO for comments.

5. USAG YPG shall include an after action report regarding the post review discovery treatment plan in the Annual Report.

VI. Discovery of Human Remains in the Execution of a Previously Approved Undertaking

- A. If human remains are identified, including evidence of cremation, in the implementation of a previously approved undertaking, all activity shall immediately cease in the immediate area of the discovery. The individual making the discovery shall immediately notify the USAG YPG Garrison Manager and CRM. The CRM shall establish a minimum 20 meter radius around the area of discovery, which will be flagged and/or marked with visibility tape to protect the remains from further disturbance.
 1. If the remains appear to be the victim of a recent crime or accidental death, the USAG YPG Garrison Manager or CRM shall contact the appropriate authorities (military law enforcement, medical examiner, YPG Command Judge Advocate) immediately and notify them of the discovery.
 2. If the remains are determined to be Native American in origin, USAG YPG shall follow the requirements of the Native American Graves Protection and Repatriation Act (NAGPRA) and its implementing regulations, 43 CFR Part 10.
 - a) The USAG YPG Garrison Manager shall initiate consultation with any known lineal descendants and culturally affiliated tribes by telephone notification and written confirmation within three working days.
 - b) USAG YPG shall consult with the appropriate lineal descendants and culturally affiliated tribes on a written plan of action to address the remains.
 - c) USAG YPG shall determine if the undertaking can be relocated.
 - d) If USAG YPG determines that relocation of the undertaking is feasible, then the undertaking shall be relocated to avoid the remains, and USAG YPG, in consultation with the lineal descendants and culturally affiliated tribes, shall decide on the best treatment for the remains, including in situ preservation.
 - e) USAG YPG shall provide the SHPO a summary of the NAGPRA consultation within 30 days of the consultation's conclusion.
 3. If the remains are not Native American and do not warrant criminal investigation but are historic in nature, the CRM shall notify the SHPO within three days and shall consult to identify descendants or other interested parties, if any. USAG YPG, in consultation with SHPO and any interested parties, shall develop a plan for the respectful treatment and disposition of the remains within 180 days of the discovery.

VII. Emergency Situations

- A. Emergency situations are those deemed necessary by USAG YPG as an immediate and direct response to a disaster or emergency declared by the President of the United States or Governor

of Arizona, or other immediate threat to life or property. Emergency situations under this PA are only those implemented within 30 days from the declared disaster or emergency unless an extension is granted.

- B. USAG YPA shall notify the SHPO via telephone within 48 hours of commencing the emergency situation.
- C. USAG YPG shall include a summary of all emergency situations in the Annual Report.
- D. Immediate rescue and salvage operations to preserve life or property are exempt from Section 106 of the NHPA and are outside the scope of this PA.

VIII. Annual Report and Review

- A. USAG YPG shall prepare an annual report and distribute it to all Consulting Parties, except the ACHP, within 75 days of each new fiscal year in Fiscal Year 2016. The report shall include, but is not limited to, the following:
 - 1. A list of negative survey reports produced;
 - 2. A list of surveys with identified cultural resources;
 - 3. A list of newly identified historic properties (updated Attachment B);
 - 4. A list of undertakings that were reviewed but had no effect on historic properties;
 - 5. A list of undertakings that were reviewed but had no adverse effect on historic properties;
 - 6. A list of undertakings that had an adverse effect on historic properties along with their mitigation;
 - 7. A list of all inadvertent discoveries;
 - 8. Proposed USAG YPG cultural resources program activities or changes;
 - 9. A list of any newly proposed undertakings; and
 - 10. Any changes USAG YPG might consider toward improvement in implementation of any stipulations.
- B. Consulting Parties should provide comments to USAG YPG regarding the Annual Report within 30 days of receipt.
- C. USAG YPG shall ensure that the public is made aware of the availability of the Annual Report on its website, and that interested members of the public are invited to provide comments to the USAG YPG.

- D. USAG YPG shall hold an annual meeting with the Consulting Parties to review the implementation of this PA and any amendments that may be proposed no later than February 15th, starting 2016 and annually thereafter during the life of this PA. The meeting shall provide an opportunity to discuss the successes and shortcomings of the PA, its general implementation, and any proposed changes, including consideration of exempting activities that result in a finding of no adverse effect.

IX. Dispute Resolution

- A. Should any signatory or Consulting Party to this PA object at any time to any actions proposed or the manner in which the terms of this PA are implemented, USAG YPG shall consult with such party to resolve the objection. If USAG YPG determines that such objection cannot be resolved, USAG YPG will:
1. Forward all documentation relevant to the dispute, including USAG YPG's proposed resolution, to the ACHP. The ACHP shall provide USAG YPG with its opinion on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final decision on the dispute, USAG YPG shall prepare a written response that takes into account any timely opinion or comments regarding the dispute from the ACHP, signatories and Consulting Parties, and provide them with a copy of this written response. USAG YPG will then proceed according to its final decision.
 2. If the ACHP does not provide its comments regarding the dispute within the 30 day time period, USAG YPG may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, USAG YPG shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and Consulting Parties to the PA, and provide them and the ACHP with a copy of such written response.
- B. The responsibilities of USAG YPG to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.
- C. At any time during implementation of the measures stipulated in this PA, should an objection pertaining to this PA or the effect of an undertaking on historic properties be raised by a member of the public, USAG YPG shall notify the parties to this PA and take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this PA to resolve the objection.

X. Amendments

- A. This PA may be amended when such an amendment is agreed to in writing by all signatories. Any signatory to this PA may propose an amendment in writing to USAG YPG.
- B. USAG YPG shall consult with the signatories to this PA to consider the proposed amendment. If there is agreement among all signatories, the document shall be amended accordingly and the amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XI. Termination

- A. If a signatory to this PA determines it is not being implemented in accordance with its terms, that party may propose that the agreement be terminated.
- B. The party proposing termination shall notify all signatories, explain the reasons for the proposed termination, and afford all signatories 30 days from receipt of the notification to consult and seek alternatives to termination. The consultation shall include all signatories, concurring parties, and any other parties that may be affected by the termination.
- C. If the consultation fails to find alternatives to termination, then any signatory may terminate the PA upon written notification to the other signatories, concurring parties, and other consulting parties in writing that this PA is terminated.
- D. Once the PA is terminated, and prior to work continuing on any undertaking, USAG YPG must either (a) execute a MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. USAG YPG shall notify the signatories as to the course of action it will pursue.

XII. Monitoring

The SHPO and the ACHP may monitor any activities carried out pursuant to this PA, and the ACHP will review any activities if so requested. The USAG YPG Garrison Manager will cooperate with the SHPO and the ACHP should they request to monitor or to review project files for activities carried out pursuant to this PA.

XIII. Duration

- A. This PA will become effective on the date of the final signature and continue in force for 10 years.

- B. At least six months prior to the end of the 10 year period, the signatories shall consult to determine whether this PA remains satisfactory. If there is agreement, USAG YPG will revise and update the PA as needed, and consult with all signatories, concurring parties, and any parties that may become additional concurring parties. The updated agreement will be signed and executed by all signatories prior to the expiration of the 10 year period.
- C. If an extension of time is warranted, all signatories will agree in writing until such time as this PA may be revised and updated.

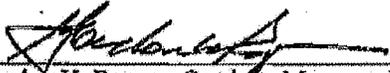
XIV. Anti-Deficiency Act

USAG YPG's obligations under this PA are subject to the availability of funds and the stipulations of this PA are subject to the provisions of the Anti-Deficiency Act. USAG YPG will make reasonable and good faith efforts to secure the necessary funds to implement this PA in its entirety. If compliance with the Anti-Deficiency Act alters or impairs USAG YPG's ability to implement the stipulations of this PA, USAG YPG will consult with the SHPO and ACHP in accordance with the amendment and termination procedures in stipulations X and XI.

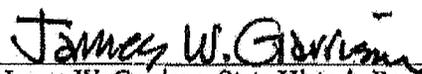
Execution of this PA by USAG YPG, the SHPO, and the ACHP and implementation of its terms evidence that USAG YPG has taken into account the effects of this undertaking on historic properties and afforded the ACHP a reasonable opportunity to comment.

SIGNATORIES:

U.S. Army Yuma Proving Ground


 _____ Date 27 OCT 2014
 Gordon K. Rogers, Garrison Manager, U.S. Army Garrison, Yuma

Arizona State Historic Preservation Officer


 _____ Date 10/31/14
 James W. Garrison, State Historic Preservation Officer

Advisory Council on Historic Preservation


 _____ Date 11/17/14
 for John M. Fowler, Executive Director