PROGRAMMATIC AGREEMENT
AMONG THE
CONCERNING IMPACTS FROM IMPLEMENTATION OF THE COLORADO RIVER MANAGEMENT PLAN FOR GRAND CANYON NATIONAL PARK

WHEREAS, the National Park Service (NPS) has determined that implementation of the revised Colorado River Management Plan (CRMP) for Grand Canyon National Park (GRCA), which will regulate public and administrative use on the Colorado River within GRCA, may result in adverse effects on historic properties listed in, or eligible for listing in, the National Register of Historic Places (historic properties); and

WHEREAS, in 1995, a Programmatic Agreement (Servicewide Programmatic Agreement) was executed among the National Park Service (U.S. Department of the Interior), the Advisory Council on Historic Preservation (Council), and the National Conference of State Historic Preservation Officers regarding ways to ensure that NPS operation, management, and administration of the System provide for management of the System's cultural resources in accordance with the intent of NPS policies and with Sections 106, 110, and 111 of the National Historic Preservation Act (NHPA); and

WHEREAS, the Servicewide Programmatic Agreement allows development of supplemental or independent memoranda of agreement and programmatic agreements specific to a project plan or park be negotiated between the park Superintendents and State Historic Preservation Officers (SHPOs), pursuant to 36 CFR Part 800.5(e) or 800.13; and

WHEREAS, the National Historic Preservation Act requires consultation with Tribal Historic Preservation Officer(s) pursuant 36 CFR 800.2 (c)(1)(ii), 800.(c)(2)(i)(A), and 800.3.2(1); and

WHEREAS, in 1995, the National Park Service, Arizona State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation entered into a Programmatic Agreement regarding implementation of the Draft General Management Plan/Environmental Impact Statement, Grand Canyon National Park, Arizona that tiers to the Servicewide Programmatic Agreement and recognizes the need for specific agreement documents for subsequent plans; and

WHEREAS, in 1994, the National Park Service, Bureau of Reclamation, Upper Colorado Regional Office (Reclamation), Advisory Council on Historic Preservation, Arizona State Historic Preservation Officer, Hopi Tribe, Hualapai Tribe, Kaibab Band of Paiute Indians, Navajo Nation, San Juan Southern Paiute Tribe, Paiute Indian Tribe of Utah (for the Shivwits Paiute Band), and the Pueblo of Zuni entered into a Programmatic Agreement to fulfill Reclamation’s responsibility to comply with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) for operations of Glen Canyon Dam; and

WHEREAS, Reclamation’s operations of Glen Canyon Dam include the Glen Canyon Dam Adaptive Management Program pursuant to the Grand Canyon Protection Act, including actions and products as part of Reclamation’s Section 106 responsibilities and NPS Section 110 responsibilities; and
WHEREAS, GRCA, as a unit of the National Park System, has responsibility for identification, management and preservation of historic properties under its jurisdiction pursuant Sections 110 and 106 of the National Historic Preservation Act of 1966, as amended (NHPA); and

WHEREAS, the NPS has consulted with the Arizona State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) on the possible effects of implementation of the revised CRMP; and

WHEREAS, the Navajo Nation and Hualapai Tribe are federally recognized Indian tribes whose reservations adjoin GRCA and contain historic properties that may be affected by the NPS’s implementation of the revised CRMP; and

WHEREAS, the Hualapai Tribe has assumed Tribal Historic Preservation Officer (THPO) responsibilities and is responsible for the administration and management of historic properties within the boundaries of its reservation (Hualapai Cultural Resources Ordinance, Resolution No. 13-98); and

WHEREAS, the Navajo Nation has assumed THPO responsibilities and is responsible for the administration and management of historic properties within the boundaries of the Navajo Nation pursuant to the Navajo Nation Cultural Resources Protection Act (CMY-19-88) and Jischa Policy; and

WHEREAS, the Navajo Nation and Hualapai Tribe therefore have been consulted and included as signatories to this Programmatic Agreement (Agreement) under 36 CFR 800.14(b) (signatories); and

WHEREAS, the Hopi Tribe, the Havasupai Tribe, the Kaibab Band of the Paiute Indians, the Navajo Nation, the Hualapai Tribe, the San Juan Southern Paiute Tribe, the Pueblo of Zuni, the Paiute Indian Tribe of Utah, Las Vegas Paiute Tribe, Moapa Band of Paiute Indians, and the Yavapai/Apache Nation (Tribes), are federally recognized Indian tribes that attach religious or cultural significance to historic properties located within GRCA that may be affected by NPS implementation of the revised CRMP; and

WHEREAS, the Hopi Tribe, the Havasupai Tribe, the Kaibab Band of the Paiute Indians, the San Juan Southern Paiute Tribe, the Pueblo of Zuni, the Paiute Indian Tribe of Utah, Las Vegas Paiute Tribe, Moapa Band of Paiute Indians the Yavapai/Apache Nation therefore have been consulted and invited to be signatories (invited signatories) to this Agreement; and

WHEREAS, other interested parties (See Attachment A) have been consulted and invited by letter (dated June 23, 2005) to review, comment on and concur in this Agreement;

NOW, THEREFORE, the NPS, the Advisory Council on Historic Preservation (Council), Navajo Nation THPO, Hualapai Tribe THPO and the Arizona State Historic Preservation Officer (SHPO) agree to the following stipulations, which satisfy the NPS's Section 106 responsibilities for public and administrative use associated with the implementation of NPS’s revised CRMP.

STIPULATIONS

The NPS shall ensure that the following stipulations are carried out:

1. APPLICABILITY

This project applies to all historic properties that are vulnerable to impacts from implementation of the Colorado River Management Plan. The area of potential effect (APE) includes the Colorado River corridor from Lees Ferry to Lake Mead National Recreation Area (River Mile 277), as well as areas readily accessible to river runners hiking off the river. These areas are generally within a two-mile
hike up any of the side canyons. Some areas over 2 miles from the river are also included if they are
known to be visited by river runners (according to river guides, publications, and park staff). The
APE falls primarily within Grand Canyon National Park; however, impacts are possible to occur to
historic properties from trespass on lands adjacent to the Colorado River within the sovereign
jurisdiction of the Hualapai Tribe, Havasupai Tribe and Navajo Nation. (See Map, Attachment B).

2. IDENTIFICATION AND EVALUATION

Numerous National Register eligible historic properties located along the Colorado River and its side
canyons are subject to visitation and associated impacts by commercial, noncommercial, and
administrative boaters in the Grand Canyon. Examples of applicable resources include:

- Prehistoric archaeological sites, features, and isolated artifacts;
- Historic structures, features, and isolated artifacts; and
- Traditional Cultural Properties.

a. To date, the NPS has identified 674 historic properties within the Colorado River corridor and
adjacent side canyons that contribute to either the “Grand Canyon River Corridor District” or the
“Archaeological Resources of Grand Canyon National Park (Multiple Resources, Partial Inventory:
Prehistoric and Historic Archaeological Sites, Historic and Architectural Properties)” National
Register determinations of eligibility. As future archaeological and ethnographical research identifies
prehistoric and historic sites, traditional cultural properties and Native American resource locations,
these sites or features will be considered as elements within the eligible districts until the Park
completes further evaluation pursuant to 36 CFR 800.4.

b. In consultation with the Tribes and based upon tribal requests, the NPS shall evaluate properties of
religious and cultural significance vulnerable to impacts from visitor use (recreational, research,
educational, and administrative) within the recreational use area of the Colorado River. These
consultations not only serve to further the goals of NHPA, but also the NPS’s commitments to
American Indian tribes as described in the April 29, 1994 Executive Memorandum on Government-
to-Government Relations with Native American Tribal Governments; Executive Order 13007;
Executive Order 13175; 512 Department of the Interior [DM] 2; NPS Management Policies 2001; and
NPS Director’s Order #71: Relationships with Indian Tribes.

c. The NPS is committed to an on-going program of inventory and assessment as part of the overall
management of resources at GRCA, including the APE identified in this agreement. To date, slightly
over 3% of the land area of the Park has been inventoried, including approximately 10,000 acres of
the river corridor. As time and funding allow, additional land will be surveyed and historic properties
will be added to the GRCA site files. This inventory is a primary component of the Park’s §110
responsibilities under NHPA and constitutes a significant component of the larger cultural resource
effort for GRCA.

3. REVIEW OF ADMINISTRATIVE ACTIVITIES AFFECTING HISTORIC PROPERTIES

All administrative activities, including research and education, that occur in the Park are subject to
review and approval by NPS. Tribal review and issuance of permits is required for research and
educational activities that cross onto tribal lands. The Park conducts or permits a variety of
administrative activities along the Colorado River including work being conducted by the Glen
Canyon Dam Adaptive Management Program (AMP) that have the potential to affect historic
properties. The AMP, along with routine Park patrols, resource monitoring and trails maintenance, are
components of NPS management of human use of the river corridor that have the potential to affect
historic properties. In addition to NPS management functions, NPS permits educational and research
activities within the Park along the river corridor. The NPS, in consultation with the signatories to this
agreement, will provide the opportunity to review and comment on the types, scope and frequency of
administrative, educational and research activities that may affect National Register eligible...
properties. Time frames and protocols for review have not yet been developed and will be provided to the signatories to this agreement as the Colorado River Management Plan implementation is finalized. The NPS will address signatory comments and concerns and will include tribes in resolving these concerns through the consultation process in all NPS permitted activities that may affect historic properties.

4. CRMP HISTORIC PROPERTIES MONITORING AND MANAGEMENT PROGRAM

a. Under any recreational and administrative use scenario, it is anticipated that impacts will occur to historic properties along the Colorado River and side canyons accessible from the river. To address these impacts, the NPS will develop an ongoing CRMP historic property monitoring and management program (CRMP historic property program) to assess impacts to site condition and integrity from visitor use within the APE and determine and implement treatments to avoid, minimize, or mitigate these effects. This CRMP historic property program will be developed and implemented in consultation with the signatories and concurring parties to this agreement, as appropriate, and will provide a link to the on-going AMP Glen Canyon Dam monitoring and mitigation program.

Integration of the Section 106 reviews for Glen Canyon Dam AMP cultural program (GCD/AMP) is key to the successful management of historic properties in the CRMP APE. The GCD/AMP program routinely monitors approximately 200 historic properties, some of which experience impacts from visitor, educational and administrative use. Additionally, there will be other historic properties beyond the geographical scope of the GCD/AMP program affected by river recreational use. The NPS working with Reclamation, Indian tribes, and the other GCD/AMP parties, will integrate the overlapping historic property assessment and management data from both the GCD program and the CRMP program into a single site assessment approach, so that information from both programs will contribute information for appropriate site management. The NPS ASMIS (Archaeological Sites Management Information System) program will be the repository for site condition information, coupled with the GRCA database for all other site information. Archaeological site information will be shared with the affiliated tribes as part of on-going consultation for implementation of the program. For all properties within NPS jurisdiction, the NPS will integrate results from all monitoring programs to develop and implement historic property management recommendations, including mitigation actions.

b. Within 2 years of the signing of this PA, NPS shall develop a plan that describes the CRMP historic property management program. This plan will be developed and implemented in consultation with the signatories and concurring parties to this agreement and the parties involved in the GCD/AMP cultural programs (as applicable). It will describe how NPS will 1) identify and evaluate historic properties within the CRMP APE, 2) conduct historic property monitoring, 3) maintain and analyze such data, 4) make long-term and short-term management decisions regarding affected historic properties and consult on same and incorporate the views of the parties to the greatest extent possible, 5) carry out treatment actions and protocols (such as minor trail work, revegetation, public interpretation/education, site closure, stabilization of landscape or structures, artifact collection, testing, and data recovery to be performed under this agreement or the GCD/AMP program), 6) types of actions that require prior reporting and consultation in the annual report and those that do not require such consultation, and 7) coordinate with and integrate the GCD/AMP cultural program. For tribal lands within the APE, the Tribe must provide its written concurrence with the portion of the Plan and recommendations pertaining to that Tribe’s lands within the APE or Area of Cooperation.

c. Once the signatories and concurring parties have reviewed, and the signatories have agreed upon the plan, NPS staff will carry out the plan but will not be required to consult on specific treatment actions. Monitoring and treatment protocols will be prepared as part of the implementation of the CRMP, and will include baseline monitoring data collection (per NPS ASMIS standards), and, will be incorporated into management information by the NPS. This information will be provided to the AMP program, as appropriate, to facilitate coordinated approaches to preservation of historic properties along the river corridor.
d. The Park shall maintain a current record or inventory of monitoring results and remedial actions for historic properties affected by the implementation of the CRMP, trends in the conditions of historic properties, and prioritizations of management work needed. This inventory shall include information pertaining to modifications of existing features, replacement of missing or ruined features, stabilization of features or their adjacent landscape, trail enhancement or obliteration, and identification/evaluation of any previously undiscovered features. Documentation shall include written descriptions as well as drawings and photographs, as appropriate. The Park shall prepare a report detailing the NPS’s activities and recommendations and shall submit it to the signatories and concurring parties annually for review and comment. This report will be provided to the GCD program for incorporation into their discourse concerning condition and treatment of historic properties affected by Glen Canyon Dam.

e. All work affecting historic properties in the Grand Canyon will be consistent with guidance provided in federal law and NPS policy including:

2. NPS Management Policies(2001)

For work on tribal lands, the appropriate tribal guidance will be followed, including:

2. Navajo Nation Cultural Resources Protection Act (CMY-19-88) and Jischa Policy

5. LONG-TERM MANAGEMENT PHILOSOPHY

Long-term management of historic properties will be a component of the implementation of the Colorado River Management Plan. The NPS is charged with preserving the resources “unimpaired” for the enjoyment of present and future generations. To that end, long-term management of cultural resources affected by the implementation of the CRMP will involve a program of research, to identify, evaluate, document, register and establish other basic information about cultural resources; planning, to ensure that this information is well integrated into management processes for making decisions and setting priorities; and stewardship, under which planning decisions are carried out and resources preserved, protected and interpreted to the public (Directors Order 28).

Ongoing inventory and monitoring of cultural resources (and historic properties) is central to a long-term management strategy. They form the core of a research program that provides basic information concerning cultural resources within the areas potentially affected by implementation of the CRMP. This information is used to ensure management of these resources in light of their intrinsic values. Information from all sources, be they internal (e.g. NPS) or external (e.g. AMP) will be integrated into one database for NPS managed resources. Incorporation of this information into the planning process is essential for decision-making, priority-setting, and consulting with the signatories and consulting parties to this agreement and other interested entities. Planning provides an efficient way to gather and synthesize information and present that information in both management and public interpretive contexts. Planning also allows informed decision making relative to final treatment (preservation, rehabilitation, restoration, etc…).

Ultimately, long-term management of cultural resources at Grand Canyon is a stewardship program, whereby research and planning assist in the stewardship of the resources. NPS Management Policies requires that “pending planning decisions, all cultural resources will be protected and preserved in their existing conditions.” Preservation is the ultimate goal and the first consideration for any
property. “Better to preserve than repair; better to repair than restore; better to restore than [re]construct.” The ultimate long-term management goal for the cultural resources potentially affected by implementation of the CRMP is preservation.

6. REPORTING

By January 31st of each year this agreement is in effect, NPS will provide a written report detailing the results of its activities, condition of historic properties, and recommendations regarding actions to avoid, minimize, or mitigate such effects (See Stipulation 3b). These reports will be provided to the signatories and concurring parties to this agreement, subject to confidentiality protocols. NPS will incorporate comments and concerns into long-term management decisions and actions. For those historic properties also affected by the GCD/AMP programs, the NPS shall provide the report to the parties to the GCD/AMP for review, comment, and integration with the GCD/AMP program.

7. CONFIDENTIALITY

Confidentiality of the nature and location of historic properties is protected under the provisions of the Archaeological Resources Protection Act (ARPA) and the National Historic Preservation Act (NHPA). To the extent permitted by law, all information gathered through implementation of this agreement will be treated as confidential, consistent with Section 304 of NHPA and Section 9 of the ARPA.

8. DISPUTE RESOLUTION

a. Should any signatory to this agreement object within 30 days to any plans, specifications, or actions proposed pursuant to this agreement, the NPS shall consult with the objecting party to resolve the objection. NPS shall notify SHPO and forward documentation related to the dispute to the Council. If any party to the dispute determines that the dispute cannot be resolved, NPS shall forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

(1) Provide the NPS with recommendations, which the NPS will take into account in reaching a final decision regarding the dispute; or

(2) Notify the NPS that it will comment pursuant to 36 CFR § 800.7(b) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; the NPS’s responsibility to carry out all actions under this agreement that is not the subjects of the dispute shall remain unchanged.

b. At any time during implementation of the measures stipulated in this agreement should an objection to any such measure or its manner of implementation be raised by a member of the public, the NPS shall take the objection into account and consult as needed with the parties to resolve the objection.

9. DURATION AND REVIEW OF THE AGREEMENT

a. Any signatory or concurring party may review activities carried out pursuant to this Programmatic Agreement.

b. NPS anticipates this agreement will be in effect for the life of the Colorado River Management Plan, anticipated to be a minimum of 10 years, and any versions that supercede it. Renewal of this...
agreement will be consistent with any CRMP revision, subject to concurrence of the signatories to this agreement and mutually agreeable time frames.

c. Annually, the signatories and concurring parties to this agreement shall review the agreement and the results of its implementation. The signatories shall determine the timing and interval of meetings to review this agreement and the results of its implementation, including monitoring and remedial actions.

10. AMENDMENT

The NPS, Council, SHPO, Hualapai THPO or Navajo THPO may request to the NPS that this Programmatic Agreement be amended, whereupon these parties will consult in accordance with 36 CFR § 800.6 to consider such amendment. An amendment will go into effect upon the written concurrence of these parties. Amendments to this agreement could include changes in recommended protocols or reporting timeframes or changes to agreed upon meetings.

11. TERMINATION

The NPS, Council, SHPO, Hualapai THPO or Navajo THPO may terminate this agreement by providing 30 days written notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. If the agreement is terminated, then the NPS will comply with 36 CFR § 800.3 through 800.6 with regard to individual undertakings covered by this agreement.

12. TERMINATION OF INVITED SIGNATORIES OR CONCURRING PARTIES

Any invited signatory or concurring party to this agreement may terminate its participation in this agreement by providing 30 days written notice to the other parties, provided that the parties will consult during such 30 day period to seek agreement on amendments or other actions that would avoid termination of their participation in the agreement.

13. FAILURE TO CARRY OUT TERMS

In the event the NPS does not carry out the terms of this agreement, the NPS shall comply with 36 CFR § 800.3 through 800.6 with regard to individual undertakings covered by this agreement.
• Page 2, after the 5th “Whereas…” insert the following at the 6th “Whereas…”: The Navajo Nation and the National Park service disagree as to where the western boundary of the Navajo Nation lies. It is the position of the Navajo Nation that the western boundary of the Navajo Nation lies at the very least along the east bank of the Colorado River.”

• Page 2, under “STIPULATIONS, 1. Applicability” heading, insert the following as a new sentence at the end of the paragraph at the top of page 3: “The Navajo Nation and the National Park Service disagree as to where the western boundary of the Navajo Nation lies. It is the position of the Navajo Nation that the Western boundary of the Navajo Nation lies at the very least along the east bank of the Colorado River.”
COLORADO RIVER MANAGEMENT PLAN PROGRAMMATIC AGREEMENT

SIGNATORIES

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Shuler
Title: Executive Director
Date: 2/8/06

ARIZONA STATE HISTORIC PRESERVATION OFFICER

By: James W. Crowman
Title: State Historic Preservation Officer
Date: 2/4/06

NATIONAL PARK SERVICE

By: Samuel D. Wasser
Title: Superintendent, Grand Canyon National Park
Date: 2/3/06

HUALAPAI TRIBE

By: Charles T. Parker, Florence Jackson-Kelly
Title: Chairman, Tribal Historic Preservation Officer
Date: 2/1/06

NAVAJO NATION

By: Allen Dorn
Title: Tribal Historic Preservation Officer
Date: 5/10/06
COLORADO RIVER MANAGEMENT PLAN PROGRAMMATIC AGREEMENT

INVITED SIGNATORIES

The Havasupai Tribe

By: ________________________________ Date: ______________
Title: _______________________________

The Hopi Tribe

By: ________________________________ Date: ______________
Title: _______________________________

Kaibab Band of Paiute Indians

By: ________________________________ Date: ______________
Title: _______________________________

San Juan Southern Paiute Tribe

By: ________________________________ Date: ______________
Title: _______________________________

The Pueblo of Zuni

By: ________________________________ Date: ______________
Title: _______________________________

Paiute Indian Tribe of Utah

By: ________________________________ Date: ______________
Title: _______________________________
Moapa Band of Paiute Indians

By: ___________________________________________ Date: __________
Title: ____________________________________________

Yavapai-Apache Nation

By: ___________________________________________ Date: __________
Title: ____________________________________________

Las Vegas Paiute Tribe

By: ___________________________________________ Date: __________
Title: ____________________________________________
CONCURRING PARTIES

Bureau of Indian Affairs

By: _______________________________ Date: _____________
Title: _______________________________

Bureau of Reclamation, Upper Colorado Region

By: _______________________________ Date: _____________
Title: _______________________________

United States Geological Survey, Southwest Biological Science Center

By: _______________________________ Date: _____________
Title: _______________________________

Western Area Power Administration

By: _______________________________ Date: _____________
Title: _______________________________

Colorado River Energy Distributors

By: _______________________________ Date: _____________
Title: _______________________________

Grand Canyon Wildlands Council

By: _______________________________ Date: _____________
Title: _______________________________
Grand Canyon Trust

By: ______________________________ Date: ____________
Title: ______________________________

Grand Canyon River Guides

By: ______________________________ Date: ____________
Title: ______________________________
Attachment A (Invited Signatories and Concurring Parties)

Chairman
The Hopi Tribe
P.O. Box 123
Kykotsmovi, Arizona 86039

Thomas Siyuja, Chairman
The Havasupai Tribe
P.O. Box 10, Supai, Arizona 86435

Ona Segundo, Chairwoman
Kaibab Band of Paiute Indians
Tribal Affairs Building
HC-65, Box 2
Pipe Spring, AZ 86022

Ms. Evelyn James, Tribal President
San Juan Southern Paiute Tribe
P.O. Box 2656
Tuba City, AZ 86045

Norman J. Cooeyate, Governor
The Pueblo of Zuni
P.O. Box 339
Zuni, New Mexico 87327

Ms. Lora Tom, Chairwoman
Paiute Indian Tribe of Utah
440 North Paiute Drive
Cedar City, Utah 84720

Dalton Tom, Chairperson
Moapa Band of Paiute
P.O. Box 340
Moapa, Nevada 89025

Mr. Vincent Randall, Councilman
Yavapai-Apache Nation
2400 W. Datsi Street
Camp Verde, Arizona 86322

Ms. Alfreda Mitre, Chairperson,
Las Vegas Tribe
One Paiute Drive, Las Vegas, Nevada 89106

Mr. Dennis Fenn, Center Director
Southwest Biological Science Center
2255 North Gemini Drive
Flagstaff, AZ, 86001

Ms. Amy Heuslin
Bureau of Indian Affairs
PO Box 10
Phoenix, Arizona 85004

Mr. Rick Gold, Regional Director
Bureau of Reclamation, Upper Colorado Regional Office
125 South State Street
Salt Lake City, Utah 84138

Mr. Brad Warren
Western Area Power Administration
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Ms. Pamela Hyde
Grand Canyon Wildlands Council
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Mr. Nikolai Ramsey
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Ms. Lynn Hamilton
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Ms. Leslie James, Executive Director
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Tempe, Arizona 85282
The area of potential effect (APE) includes the Colorado River corridor from Lees Ferry to Lake Mead National Recreation Area (River Mile 277), as well as areas readily accessible to river runners hiking off the river. These areas are generally within a two-mile hike up any of the side canyons.