

HERITAGE IMPLEMENTATION PLAN FOR Shawnee National Forest Prescribed Fire Environmental Assessment

PURSUANT TO THE 2021 NATIONAL PROGRAMMATIC AGREEMENT AMONG THE U. S. DEPARTMENT OF AGRICULTURE FOREST SERVICE, THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS FOR PHASING SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT FOR LARGE-SCALE MULTI-YEAR UNDERTAKINGS

The Shawnee National Forest (SHF) proposes to restore and maintain fire-adapted ecosystems and reduce wildfire risk by applying prescribed fire at a landscape level throughout the entire Forest. Landscape conditions in southern Illinois have been influenced by fire for thousands of years. Many interconnected, natural components of the environment are positively affected by its occurrence. For example, numerous plant and animal populations benefit both directly and indirectly from the application of fire on the landscape. In addition, prescribed fire reduces the amount of fuel present at the wildland-urban interface, where the forest meets development. This reduction of fuel provides increased protection of life and property from the threat of destructive wildfires.

The Forest Service has in place various coordination measures with conditions that must be met prior to implementing a prescribed burn. These include current fire plans, compliance with various state and federal regulations, safety and risk management, community outreach and public involvement through the National Environmental Policy Act (NEPA) process, and appropriate staffing and training. More specifically, the planning process involves an awareness and considerations for threatened and endangered species, cultural resources, and areas of tribal significance. These coordination measures illustrate the amount of planning and attention given to all facets of a prescribed burn activity.

The management of prescribed fire is conducted by highly trained specialists and wildland firefighters, who utilize planning tools to control the intensity of the fire and keep it within a defined area using a combination of natural fuel breaks and fire lines that have been cleared of burnable material. Prescribed fire on the SHF is generally of low temperature intensity and short duration. With few exceptions, prescribed fires will not burn hot enough to affect mineral soil. Typically, fire temperatures are not high enough to cause heat alteration, exfoliation, or other damage to subsurface artifacts or deposits. Some classes of surface artifacts may be affected by thermal alteration but it is generally limited to combustible residue deposits (soot), which can be removed. Given the low intensity of typical prescribed fires, prescribed burns are not expected to adversely affect historic properties that do not contain above ground combustible elements (Buenger 2003, Fowler 2004, Joint Fire Science Program 2011, USDA-FS 2012).

This Heritage Implementation Plan (HIP) documents the process and actions the Shawnee National Forest will follow to meet National Historic Preservation Act (NHPA) Section 106 responsibilities throughout the span of the Shawnee National Forest Prescribed Fire Environmental Assessment (Project), including identification and evaluation of historic properties, assessment of effect, and resolution of adverse effects as needed, pursuant to 36 CFR 800.3 through 800.7.

The Shawnee National Forest developed the following provisions in collaboration and consultation with the Miami Nation, Peoria Tribe of Indians of Oklahoma, Shawnee Tribe, United Keetoowah Band of the Cherokee Indians and Illinois State Historic Preservation Office referenced as HIP consulting parties.

This HIP protects confidential information to the extent permitted by federal laws including Section 304 of NHPA (54 U.S.C. 307103); Section 9 of the Archaeological Resources Protection Act (16 U.S.C. 470hh); Section 8106 of the Food, Conservation, and Energy Act of 2008 (25 U.S.C. 3056); and Section 552(b) of the Freedom of Information Act (5 U.S.C. 552).

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The Forest Service shall ensure the following provisions are met:

I. Area of Potential Effects (APE) Overview

For each action that meets the definition of an “undertaking” as defined in 36 CFR 800.16 (y) and is the type of activity that has the potential to cause effects to a historic properties, the SHF shall establish the Area of Potential Effect (APE) as defined in 36 CFR 800.16 (d), in accordance with the criteria of effect in 36 CFR 800.5.

A. APE Description

1. The Project APE (see Appendix A) is approximately 289,000 acres and encompasses the entire SHF. The Project will be accomplished in a phased approach with areas divided into manageable burn units. In any given year the Forest would burn between 8,000 to 25,000 acres in 15-35 different burn units scattered across the Forest. Project implementation could occur on National Forest System lands in the Illinois counties of Alexander, Gallatin, Hardin, Jackson, Johnson, Massac, Pope, Pulaski, Saline, Union, or Williamson.
2. There are approximately 4000 previously identified historic properties on lands managed by the Shawnee National Forest. These consist of both pre-contact Native American sites, as well as Native American, Euro-American, and Afro-American historic sites. Pre-contact sites present on the Forest include short- and long-term habitations (both open-air and sheltered), resource procurement activity areas, mortuary sites, and rock imagery. There are also two tribally designated Sacred Sites (per EO 13007) present on the Forest, Fountain Bluff and the Trail of Tears. As well, though not formally designated, additional sites of tribal significance have been identified through consultation and are located on lands managed by the Shawnee National Forest. Historic sites present on the Forest include farmsteads/habitations, industrial/commercial sites, cemeteries, Forest Service administrative and Civilian Conservation Corps related sites, rock imagery, and historic infrastructure in the form of buildings, dams, and structures.
3. Cultural resource surveys have been carried out on lands managed by the Forest since the early 1970s, though many older surveys did not employ survey methodologies that meet current standards. In these cases, areas are resurveyed according to current survey methodologies when an effect to historic properties may occur.

B. Refining APE Post Project Decision

1. The Agency Official will provide early notice to the Heritage Professional as Project activities are being planned, and the Heritage Professional will be

involved in the annual program of work planning meeting for the SHF Fire Program.

2. The Heritage Professional shall advise the Agency Official on the APE for the Project activities considering the potential direct and indirect effects of the activities.

II. Project Activities

- A. Project activities will include the application of fire to the landscape, the construction and/or maintenance of fire lines, staging areas, and mop-up activities which involve extinguishing or removing burning material near control lines and felling snags.

III. Process to Complete a Reasonable and Good Faith Identification Effort

The following section commits the Agency Official to complete a reasonable and good faith effort to identify historic properties in the planned burn units (e.g., identification strategies) before beginning Project activities in an area where historic properties may be affected.

- A. Identification strategies. The Agency Official in conjunction with the Heritage Professional shall complete the following identification methods where historic properties may be affected before beginning Project activities.
 1. The Heritage Professional will first consider the burn unit and proposed Project activities, as well as background information available to determine identification needs.
 - (i) Background research to include literature and database reviews (e.g. Illinois Inventory of Archaeological Sites database, Forest Service NRM Heritage database, historic atlases and maps, LiDAR, aerial photographs, etc.), and tribal consultation (e.g. oral histories, ethnographic studies, traditional knowledge) if appropriate, will be conducted to identify any known historic properties within the defined unit.
 - (ii) For those portions of the unit where only surface treatment and no ground disturbance will occur, specifically, the application of prescribed fire and/or construction of handline, leaf blower line, or mower line; a systematic pedestrian survey will be conducted consistent with the appropriate professional standards in Forest Service Manual 2360, and to the extent prudent and feasible with the guidelines of the Illinois State Historic Preservation Office's Phase I Field Methodology protocol.
 - (iii) For those portions of the unit where ground disturbance is possible but not definite, specifically the use of masticator lines and planned staging

areas where resources gather prior to and after the burn, subsurface testing will be at the discretion of the Heritage Professional. Various factors/conditions influence whether these activities result in ground disturbance and these will be considered on a case-by-case basis in determining the appropriate type of identification method.

- (iv) For those portions of the unit where ground disturbance is proposed, such as bulldozer control lines or where concentrations of fuel may result in higher-than-normal fire temperatures, a systematic archaeological survey to include subsurface testing will be completed consistent with the appropriate professional standards in Forest Service Manual 2360, and to the extent prudent and feasible with the guidelines of the Illinois State Historic Preservation Office's Phase I Field Methodology protocol.
- (v) The SHF will consult with Tribes to assist in identifying sites within the APE which may be of religious or cultural significance.

B. Areas that do not require inventory. The Agency Official in consultation with HIP consulting parties has determined the following areas do not require field survey (pedestrian or subsurface).

1. Areas where, according to the Heritage Professional's determination, existing survey data meets current standards and is sufficient to indicate that additional field survey would not likely result in the identification of historic properties. The criteria for considering previous survey adequate will be documented in the annual report provided to HIP consulting parties.
2. Areas of steep slope (e.g. 30%) where sites are not expected to occur, based on local knowledge of the types of historic properties in a given area.
3. Areas that are inaccessible due to hazardous conditions or where the FS does not have permission to enter to survey. If the Heritage Professional determines the area is inaccessible due to hazardous conditions or lack of permission, the Heritage Professional will rely on remote strategies, such as but not limited to literature and existing data review, predictive modeling, LiDAR, and available historic contexts to identify the likelihood or presence of historic properties remotely. Justification for inaccessible areas will be documented in the annual report provided to HIP consulting parties.

C. Qualifications. The Forest will ensure that all activities conducted pursuant to this HIP are implemented under the supervision and oversight of trained and qualified Forest Service Heritage Professionals that meet, at a minimum, the qualifications required by the Secretary of the Interior's Standards and Guidelines for Professional Qualifications found in 36 CFR 61. Consultants, cooperators, and/or contractors will be given a copy of this document and trained in applicable protocol.

IV. Determination of Eligibility Process

- A. The Agency Official shall acknowledge that Tribes possess special expertise in assessing the eligibility of historic properties that may have religious or cultural significance to them.
- B. Where the Forest identifies historic properties, the Forest will define horizontal and vertical boundaries of the extent of historic properties and contributing features or, in consideration of confidentiality concerns, the Forest may elect to identify an avoidance area that encompasses multiple historic properties in a given geographic area.
- C. Only Heritage Professionals that meet, at a minimum, the qualifications required by the Secretary of the Interior's Standards and Guidelines for Professional Qualifications found in 36 CFR Part 61 may make management recommendations to an Agency Official regarding National Register of Historic Places eligibility.
- D. If the Heritage Professional identifies properties within a burn unit, the Agency Official shall complete the following:
 - 1. Apply the National Register criteria found at 36 CFR Part 63 to unevaluated properties identified in accordance with 36 CFR 800.4(c), acknowledging that Tribes possess special expertise in assessing the eligibility of historic properties that may have religious or cultural significance to them and/or
 - 2. Treat unevaluated properties as eligible in accordance with FSM 2363.22 or current direction/subsequent updates.
- E. Historic properties that do not require a determination of eligibility. Due to the nature of some historic properties, no further evaluation is needed past recording locational data. These types of historic properties are listed in Appendix B and will automatically be considered as not eligible and require no protection.
- F. Reporting.
 - 1. After each identification effort is complete, the Heritage Professional will prepare documentation in the form of an annual report to notify consulting parties about the results of the identification and assessment of effect, following the requirements in Section V of this HIP.
- G. Disagreement. Upon review of the annual report, if the FS and SHPO or THPO cannot agree on the eligibility of a property, or if the ACHP so requests, e.g. after receiving a disagreement notification from a Tribe that attaches religious and cultural significance to a property off Tribal lands, the FS will obtain a formal determination of eligibility from the Keeper of the National Register, whose decision shall be final (36 CFR 800.4(c)(2)). No project activities with the potential to affect historic properties may begin in an area of the Project where there are known cultural resources until a determination of eligibility has been made or until

the Agency Official elects to avoid cultural resources in that portion of the Project regardless of eligibility determination.

V. Assessment of Effects Process

When the presence of historic properties is determined through field survey, the Heritage Professional will assess whether Project activities may affect, directly or indirectly, any characteristics that qualify the resource for National Register of Historic Places eligibility. For the purposes of effects assessment, historic properties not previously evaluated for the NRHP will be considered and treated as eligible in accordance with FSM 2363.22 until they are fully evaluated.

- A. No Historic Properties Affected. The Agency Official shall propose a finding of No Historic Properties Affected, when the Heritage Professional finds that one of the following conditions applies:
1. There are no historic properties present, or
 2. There is low probability of properties being affected due to the nature of the Project activities

The Agency Official may proceed with the undertaking and notify HIP consulting parties in the HIP annual report about the finding with supporting documentation, consistent with 36 CFR 800.11.

- B. No Adverse Effect to Historic Properties. When the Heritage Professional finds that historic properties will be affected, the Agency Official shall use one or more methods below to reach a finding of No Adverse Effect
1. Altering Project activity boundaries, establishing exclusion areas marked for avoidance of Project activities (application of fire, ground disturbance, or both), or altering design of Project activities where historic properties, unevaluated properties that may be National Register eligible, or sites of tribal significance may be affected.
 2. Develop and implement a monitoring plan that describes monitoring procedures to ensure avoidance of historic properties and unevaluated properties that may be National Register eligible.

When the Agency Official utilizes one of these methods, they shall notify HIP consulting parties of a finding of No Adverse Effect in the annual report and provide HIP consulting parties thirty (30) days from receipt to review and comment on documentation supporting the finding consistent with 36 CFR 800.11.

- C. Adverse Effect to Historic Properties. When historic properties cannot be avoided, the Heritage Professional, in consultation with HIP consulting parties, will apply the criteria of adverse effect consistent with 36 CFR 800.5(a).

1. Resolution of Adverse Effects. The timelines and protocols for consultation and implementing mitigation measures for the resolution of adverse effects will follow 36 CFR 800.6, unless otherwise negotiated on an individual case basis.
2. Project activities that could have an effect on historic properties may not proceed until mitigation measures to resolve adverse effects have been determined in consultation with HIP consulting parties, and the Agency Official has committed to the implementation of those measures.
 - (i) The age, function, existing condition, data potential, and other attributes of the adversely affected site will be used to determine the appropriate scale and nature of the mitigation measures.
3. The Agency Official will notify consulting parties of the proposed measure, specify the timeline for implementation and provide 30 days for parties to respond. Based on comments received, the Agency Official will confirm and commit to the measure and specify timeline for implementation in a letter to consulting parties.

VI. Project Implementation Process

- A. Interdisciplinary Coordination. After findings of identification, eligibility determinations, and findings of project effects have been completed, an internal process will be established to ensure that historic properties within the burn units are adequately protected from Project activities and that persons involved in implementation are notified about the potential for post-review discoveries of historic properties and/or the inadvertent discovery of human remains.
 1. Project leads will be provided with information about the location and type, if appropriate, of historic properties or tribally significant areas within each burn unit sufficiently in advance to plan implementation so that methods listed in Section V.B.1. may be employed to ensure no adverse effect to historic properties. The Heritage Professional shall use best efforts to protect sensitive information from disclosure.
- B. Site Protection Measures. Site protection measures (e.g. site buffers, monitoring) must be approved by the Heritage Professional and will be carried out prior to Project implementation.
 1. NRHP eligible or unevaluated historic properties will utilize a 15-meter buffer for any ground disturbance.
 2. Specific site protection measures for the following historic property types shall include:
 - i. Sites that contain above ground combustible materials – measures will be at the discretion of the Heritage Professional and may include

- activities such as brushing, fuel removal, hazard tree removal, or exclusion of fire.
- ii. Mortuary or potential mortuary (graves, cairns, mounds) – measures will include a 30-meter buffer for any type of ground disturbance. No activity with the exception of fire application will be allowed within the site boundary. Hand line or leaf blower line will be allowed within the buffer zone, but implementation will be monitored by a Heritage Professional.
 - iii. Historic cemeteries – measures will be at the discretion of the Heritage Professional and may include activities such as brushing, fuel removal, hazard tree removal, or exclusion of fire.
 - iv. Rock imagery – measures will include a 15-meter buffer for any ground disturbance and fuel will be removed by hand from the immediate vicinity. If necessary, additional measures may be recommended at the discretion of the Heritage Professional.
 - v. Rock shelters/caves – measures will include a 15-meter buffer for any ground disturbance. If necessary, additional measures may be recommended at the discretion of the Heritage Professional.
3. Site protection measures for Sacred Sites and/or sites identified by tribes as religious or culturally significant not specifically mentioned above will be consulted upon in a case-by-case basis prior to implementation.

VII. HIP Annual Reporting Process

- A. The Heritage Professional is responsible for entering information regarding any Project activity initiated under the HIP and NPA into the internal FS Heritage NPA electronic system of record. The Heritage Professional will rely on the annual report to communicate Project updates.
- B. In the second quarter of each fiscal year (Jan.-Mar.) the Heritage Professional shall provide an annual report on the use of the HIP in the previous fiscal year to HIP consulting parties, the Agency Official, and Regional Heritage Program Manager. The annual report that follows the completion of the Project will be the final annual report. If unforeseen circumstances prevent the FS from delivering the annual report to HIP consulting parties, the Agency Official will notify HIP consulting parties at the time the report is due to inform them of the delay and provide opportunities for updating HIP consulting parties on HIP implementation in another forum such as verbally, in person, or virtually. The other opportunities for updating HIP consulting parties do not substitute for the annual report, and the Heritage Professional will provide the annual report at the soonest possible date after the original due date, but not more than six months after the due date.
- C. The annual report will include:

1. a summary of the program of work for the Project in the previous fiscal year
2. a list and maps of Project activities initiated and completed in the previous fiscal year to include the nature of review, historic properties within the APE and any necessary design criteria implemented to avoid adverse effects to historic properties
3. a summary of any post burn monitoring and results, to include both direct and indirect effects
4. a list of Cultural Resource Stewardship Opportunities (see Section XII) initiated and completed, if applicable

VIII. Unanticipated Effects and Post-Review Discoveries

- A. Any discovery of a historic property or unanticipated effect to a historic property made by any Forest employee during the implementation of any Project activity will be treated in accordance with 36 CFR 800.13. At a minimum, the Agency Official will consult with SHPO and consulting Tribe THPOs in the event of an unanticipated effect or post-review discovery.

IX. Inadvertent Discovery and Treatment of Human Remains

- A. If Project activities have a likelihood of encountering Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony the Agency Official shall follow the Project-specific Plan of Action (See Appendix C). A Plan of Action may be updated after the HIP is finalized by following the amendment process of this HIP.
- B. If human remains, funerary objects, sacred objects, or objects of cultural patrimony are encountered at any time during the implementation of the Project, work will stop immediately in the area of the discovery, and the agency shall follow the provisions of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.) and its implementing regulations (43 CFR 10), as applicable, and State and local laws as appropriate. These laws are separate from Section 106 of the NHPA, which is the only law applicable to this NPA, and therefore these laws apply to all agency actions and undertakings regardless of whether or not they use this NPA to comply with Section 106 of the NHPA. In addition, The Forest may consider the principles within the ACHP's Policy Statement on Burial Sites, Human Remains, and Funerary Objects dated March 1, 2023, when relevant and appropriate.

X. Emergency Situations

- A. The Agency Official shall follow the provisions at 36 CFR 800.12 for emergency situations. Should an emergency situation occur which represents an imminent threat to public health or safety, or creates a hazardous condition, the FS shall respond to the

emergency or hazardous condition and immediately notify the SHPO/THPO, Tribes, and the ACHP of the emergency situation and the measure the FS has taken to respond to the emergency situation. Should the SHPO/THPO, Tribes, or the ACHP desire to provide technical assistance to the FS, they shall submit comments within seven (7) calendar days from notification, if the nature of the emergency or hazardous condition allows for such coordination.

XI. Required Administrative Provisions

A. Dispute Resolution Process

1. If HIP consulting parties raise disputes during the implementation of the HIP, the Agency Official will convene a meeting between all HIP consulting parties to consider their views and seek agreement regarding matters arising in the implementation of the HIP. If disputes cannot be reconciled between the FS and consulting parties of the HIP, the Agency Official or Heritage Professional will refer the matter to the ACHP for their input. Within thirty (30) days of receipt of all pertinent documentation, the ACHP will provide the FS recommendations regarding the dispute. The FS shall respond in each instance. The Agency Official shall consider any recommendations provided in reaching a decision and notify ACHP and HIP consulting parties of the final decision.

B. Anti-Deficiency Act

1. The FS's responsibilities under the HIP are subject to the availability of funds, and the stipulations of the HIP are subject to the provisions of the Anti-Deficiency Act. The FS shall make reasonable and good faith efforts to secure the necessary funds to implement this HIP in its entirety. If compliance with the Anti-Deficiency Act alters or impairs the FS's ability to implement the stipulations of the HIP, the FS shall consult in accordance with the amendment procedures found in this HIP. In the meantime, all work on the Project will cease.

C. HIP Amendment Process

1. When any consulting party proposes an amendment, the Agency Official will consider amending the HIP in coordination with the Heritage Professional and will notify and consult with HIP consulting parties. Upon receipt of notification, HIP consulting parties will have ten (10) days to comment on whether an amendment to the HIP is necessary.
2. When an amendment is warranted, the Agency Official will provide the HIP consulting parties fifteen (15) days to review the drafted amendment, upon

receipt of the draft. If there is a dispute about an amendment, the Agency Official and HIP consulting parties will follow the dispute resolution process in XI.A.

3. An amendment of the HIP will go into effect upon signature of the Agency Official, and the FS will provide a copy to HIP consulting parties within thirty (30) days of signing.

D. Confidentiality Concerns

1. If a HIP consulting party expresses confidentiality concerns in regards to the HIP development, issuance or implementation, the Agency Official and FS Heritage Professional shall use best efforts to protect sensitive information from disclosure as requested by HIP consulting parties to the extent permitted by federal law, including Section 304 of NHPA (54 U.S.C. 307103); Section 9 of the Archaeological Resources Protection Act (16 U.S.C. 470hh); Section 8106 of the Food, Conservation, and Energy Act of 2008 (25 U.S.C. 3056); and Section 552(b) of the Freedom of Information Act (5 U.S.C. 552). These statutes have different standards according to the type of resource at issue.

E. Duration and Termination

1. The HIP will remain active for the duration of the Project which is expected to be approximately ten years. An Agency Official with jurisdiction over the Project may terminate the HIP by providing ninety (90) days' notice to HIP consulting parties, provided the Agency Official consults with HIP consulting parties in good faith and considers their input prior to termination.
2. If termination of the HIP or nationwide NPA occurs while individual HIP activities are ongoing for a specific Project area, the HIP consulting parties will continue those individual HIP activities to completion. Prior to continuing work on other Project areas, the Agency Official shall develop and execute a Programmatic Agreement (per 36 CFR 800.14(b)(3)) to incorporate the terms of the HIP. Once the new PA is executed, that PA will govern the Section 106 activities for the Project.
3. If the Project is cancelled, the HIP will be terminated.

XII. Cultural resources stewardship opportunities (CRSOs) integrated

- A. To encourage stewardship outcomes from an early consultation process, the Agency Official has sought HIP consulting party input to identify any CRSO(s) that recognize, preserve, protect, and enhance cultural and/or traditional resources for the

- greatest benefit to the public and Tribes that may be integrated into the Project design.
- B. The Agency Official has not incorporated any CRSOs for this HIP, but any proposals brought forward by consulting HIP parties will be taken into consideration by the Agency Official.

References

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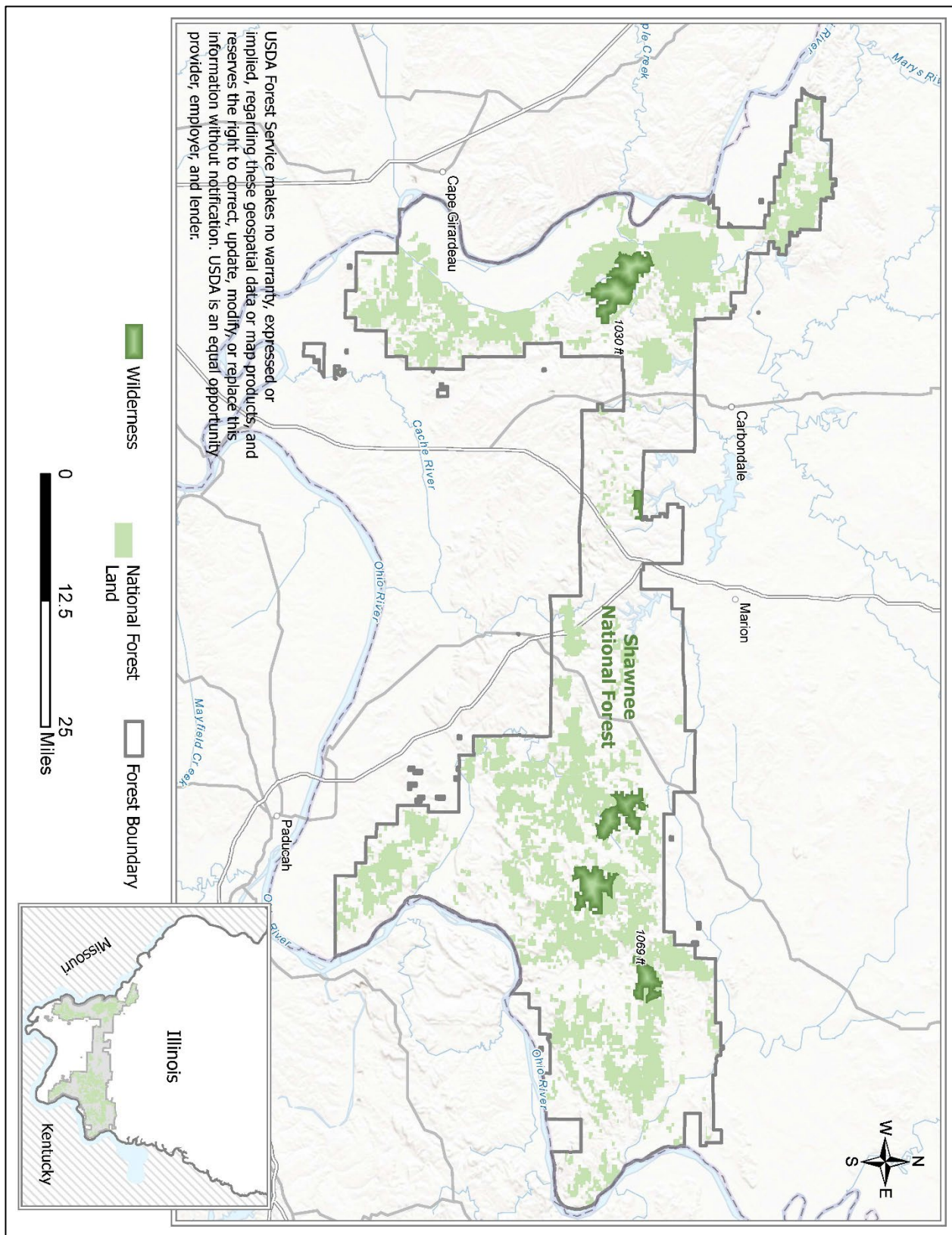
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APPENDIX A: Area of Potential Effect (APE) Map



APPENDIX B: Historic Properties That Do Not Require A Determination of Eligibility

Due to their nature, a number of historic property site types routinely do not meet NRHP criteria. They do not contain archaeological information significant enough to contribute to the current knowledge of Illinois prehistory or history, and therefore, are considered not eligible for the NRHP. Recording the location of these types of sites exhausts any research potential they may contain. The following site types are considered not eligible but only in instances where they are isolated features or artifacts and are not identified in association with a related historic property, historic district, traditional cultural property, or cultural landscape.

1. Abandoned road corridors, unless part of an early historic trace or tribally significant transportation system
2. Railroad grades without architectural features
3. Isolated find – a transportable artifact representing a single activity
4. Discard/refuse dumps
5. Isolated wells/cisterns
6. Historic agricultural field clearing piles

APPENDIX C: Inadvertent Discovery and Treatment of Human Remains Plan of Action

If human remains, funerary objects, sacred objects, or objects of cultural patrimony, are inadvertently discovered during project implementation, all activities within 100 meters (~330 ft.) of the discovery shall immediately cease.

Should suspected human remains be encountered, such person making the discovery shall refrain from further disturbing, removing, or photographing the human remains and shall immediately protect the exposed portions of the human remains from inclement weather and vandalism using natural canvas materials. The individual shall immediately notify the line officer, SHF Forest Supervisor, and Heritage Program Manager. The SHF shall immediately notify the County Sheriff/Coroner and Tribes. Any assessment of the remains will be conducted on site by qualified Coroner/Medical Examiner, Law Enforcement staff, or certified skeletal analyst registered with the state of Illinois.

If the remains are Native American, the SHF will follow the Native American Graves Protection and Repatriation Act (25 U.S.C. §§ 3001 et seq) and its regulations (43 CFR Part 10) governing the discovery and disposition of Native American human remains on Federal Lands. If the remains are non-Native, the County Sheriff may have jurisdiction.

No photographs will be taken of human remains. If necessary, only hand-drawn illustrations or plan notes may be used in documentation and other communication. Should unforeseen, unusual circumstances arise, law enforcement may require that photographs be taken in the case of a crime scene per ARPA (Archaeological Resources Protection Act). In this case, Tribal permission will be requested. If granted, any documentation will be restricted to law enforcement personnel only.

When the investigators determine that the inadvertent discovery of human remains or cultural items has occurred under NAGPRA, immediate telephone notification must be provided to the Tribal POCs within twenty-four (24) hours. This telephone notification will be followed immediately by written notification that contains all information regarding the current status of the discovery.

The Tribes shall be given the opportunity to visit the location and be provided an on-site orientation of the location where the human remains were discovered prior to any further disturbance or excavation in the location.

It is the preference of the Tribes that, wherever possible, burials are left in place and any further project activities avoid the burial with an appropriate buffer area, to be determined by the Tribes on a case-by-case basis.

The Tribes and SHF will consult to develop a Plan of Action that will address the requirements of Discovery (43 CFR § 10.5) and Plan of Action (43 CFR § 10.4) regulations:

- a) A description of the planned activity or discovery and its geographical location by County and State;
- b) A list of all consulting parties;

- c) A record of consultation;
- d) The preference of consulting parties for:
 - a. Stabilizing, securing, and covering human remains or cultural items *in situ*, or
 - b. Protecting, securing, and relocating human remains or cultural items, if removed;
- e) The duty of care for any human remains or cultural items determined by Tribal consensus in consultation:
 - a. the detailed plans for treatment, care, custody, access, and handling of human remains, funerary objects, sacred objects, or objects of cultural patrimony if recovered; and
- f) The timeline and method for:
 - a. Informing all consulting parties of a discovery;
 - b. Evaluating the potential need for an excavation; and
 - c. Completing disposition, including publication of a notice of intended disposition.

Neither SHF staff, nor any personnel working on behalf of the SHF, will conduct excavation, handling, or removal of any human remains without Tribal consent. Project activities in the area of the discovery may only resume upon receipt of written authorization from the SHF Forest Supervisor.

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PURSUANT TO THE 2021 NATIONAL PROGRAMMATIC AGREEMENT
AMONG THE U. S. DEPARTMENT OF AGRICULTURE FOREST SERVICE, THE
ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND THE NATIONAL
CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS
FOR PHASING SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
FOR LARGE-SCALE MULTI-YEAR UNDERTAKINGS

I approve the Shawnee National Forest Prescribed Fire Environmental Assessment
Heritage Implementation Plan and commit the Forest to fulfillment of its terms.

**FELIPE
CANO** Digitally signed
by FELIPE CANO
Date: 2026.03.10
10:38:14 -05'00'

Felipe Cano

Forest Supervisor

Shawnee National Forest

Date