



MONTANA HISTORICAL SOCIETY

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RE: FCRPS PA draft

Dear Lynne, Gail and Kimberly:

Thank you for setting up the phone conference regarding the draft FCRPS PA on 01/08/2007 and the invitation to provide written comments thereafter. Frankly I had not planned to make written comment, and may have recommended to the MT SHPO that the agreement was signable as is (or was). Because of the wide range of issues and concerns highlighted during the phone conference among a relatively few participants of the proposed PA I decided to offer comment in support of the PA. My thoughts may be useful as a sort of a rambling sounding board – they are not intended to be hard and fast recommendations for change.

Interestingly enough the MT SHPO asked of the Missouri Main Stem PA – why? It is mostly just regular 106 stuff. The answer was the same I suppose as it is to those who ask why such a PA here. It is defining a new set of relationships among a number of parties, many of whom did not have equitable standing in all the old 106 stuff. Fair enough and important enough I think. What about the streamlining or lack thereof? Again I think the Main Stem PA has had the opposite effect to streamlining – at least up to this point – hard work consultation over very detailed and often “minor” actions – but necessary to overcome years of neglected or intentionally avoided communication among many of the interested parties. Here the payoff will be I think recognition of a more defensible use of the ACHP’s definition of APE and Undertaking. Pretty basic? Yes but how many years has that been an issue here in Montana (one state out of five) at just two of the 14 system projects – systemic and downstream effects notwithstanding. I’ll bet fifteen years at least. So yes I think an umbrella sort of PA that defines those key elements consistently across the system is useful. So...

Perhaps the “coordinated implementation” phrase (in the fifth where-as) is not clear to some but as I read it I can’t really see a better way to say it – the undertaking is the integrated system and all its purposes and operations large and small – which is what that where-as says. If there is a better way of saying it, well and good.

Under I.C. the word “discretion” might bother some for some of the same reasons mentioned in the first paragraph above. What is meant I think is the lead agencies have three options or alternatives under which they can implement their 106 responsibilities once the PA is executed? The first sentence in that clause will likely set up some misunderstandings and I suggest the streamlining reference be deleted there.



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Similarly stip. I.D. could create misunderstandings – since it appears that the project specific PA/HPMP are the only places where “categorical exclusions” or exemptions to consultation will be agreed upon. If so, that could be clarified. My own preference is to avoid catexs even in PAs if possible and define a protocol where such no properties actions are reviewed internally by a qualified and empowered specialist who reports on those decisions annually. If such a process is possible it should likely be defined in the specific PA/HPMP.

I think changing “adverse effect(s)” to effect(s) generally throughout the document would be very useful.

I think III.D. provides a good opportunity, with minor changes, to emphasize that the undertaking and its APE includes all system (and project) purposes and operations, and that all will be considered under the PA, specific PAs and or the HPMP or standard 106.

My clumsy and impromptu attempt during the phone conference to explain what I thought might the sources of other’s concern follow from the natural ambiguities of “undertaking” meaning all, and or any action in the FCRPS from coordinated water releases (and erosion) to minor/routine project maintenance actions (e.g. see fifth where-as) especially where others (e.g. NPS or USFS) are the land managing agencies. If there is any place in this system PA that leaves me uneasy it is cold reader’s or third hand parties’ ability, and maybe the forest or park service manager’s ability, to know when the FCRPS PA ends and the USFS R-1 PA begins. The mid tier roles of contracted agencies or other agents in some situations is unclear. I understand that specific PA/HPMP should clarify this – I’m not real sure that the draft Hungry Horse or Libby plans do so entirely. Is there a place here to make that issue clearer? I will definitely need to relook the draft HPMPs with that in mind. Certainly the eligibility issue is not clear or resolved in the Hungry Horse plan maybe as a related issue.

Is the handbook referred to at VII.C. built on the individual PA/HPMPs or is it systemic only? At some point there is clear utility it seems to me in having the handbook include specific project protocols.

Lastly, it might be useful to reiterate that lead agencies only have 106 authorities for eligibility, and other considerations, and that lead agencies should be consulting and notifying parties about those considerations above and beyond the cooperating group level (maybe at VIII.B.) That would apply to any contracted consultant work too I hope.

I extend to you all the same invitation to visit our conference table as you got from WA SHPO, and hope to see you all down the trail sometime,



Stan Wilmoth, Ph.D.
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