

1                                   **NATIONWIDE PROGRAMMATIC AGREEMENT**  
2   **AMONG**  
3                                   **THE BONNEVILLE POWER ADMINISTRATION,**  
4                                   **THE SOUTHWESTERN POWER ADMINISTRATION,**  
5                                   **THE WESTERN AREA POWER ADMINISTRATION,**  
6                                   **THE TENNESSEE VALLEY AUTHORITY,**  
7                                   **THE NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS,**  
8                                   **AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
9   **REGARDING**  
10                                   **ROUTINE TRANSMISSION OPERATIONS AND MAINTENANCE UNDERTAKINGS**  
11                                   **ASSOCIATED WITH EXISTING TRANSMISSION FACILITIES AND ACCESS ROADS**  
12                                   **THROUGHOUT THE UNITED STATES**  
13

14   **WHEREAS**, the Bonneville Power Administration (BPA), Southwestern Power Administration (SWPA),  
15   Western Area Power Administration (WAPA), and the Tennessee Valley Authority (TVA), hereinafter  
16   referred to as the federal transmission utilities (FTUs), own, operate and maintain extensive electrical power  
17   transmission systems throughout a large portion of the United States (Appendix A - Map), which includes  
18   over 50,000 miles of transmission lines, over 1,000 substations, over 1,000 communication sites, buildings,  
19   transmission structures, storage/staging areas, and thousands of miles of access roads; and  
20

21   **WHEREAS**, the FTU's electricity transmission systems require regular and routine operations and  
22   maintenance in order to reliably and safely transmit electricity; these maintenance activities constitute  
23   "undertakings" that have the potential to affect historic properties (36 CFR § 800.16(y)) subject to Section  
24   106 of the National Historic Preservation Act (NHPA), 54 U.S.C. § 306108, and its implementing  
25   regulations, 36 CFR Part 800; and  
26

27   **WHEREAS**, the FTUs have determined that effects to historic properties from maintenance of their  
28   transmission systems as described above may be more efficiently addressed through the development and  
29   use of this Nationwide Programmatic Agreement (NPA), pursuant to 36 CFR § 800.14(b)(2); and  
30

31   **WHEREAS**, each FTU is responsible for Government-to-Government relations with Indian Tribes in their  
32   respective service areas; and  
33

34   **WHEREAS**, the area of potential effects (APE) for individual undertakings to be covered by this NPA will  
35   be defined separately; this NPA will include undertakings on fee owned lands, and rights-of-way (ROW)  
36   and/or easements across private, state, and federal lands throughout the FTU's collective service areas; and  
37

38   **WHEREAS**, this NPA does not invalidate existing program alternatives listed in Appendix B or any other  
39   applicable Section 106 agreements; and  
40

41   **WHEREAS**, this NPA does not apply on Tribal lands (36 CFR § 800.16(x)); and  
42

43   **WHEREAS**, the FTUs consulted with the National Conference of State Historic Preservation Officers  
44   (NCSHPO) and the Advisory Council on Historic Preservation (the Signatories) pursuant to 36 CFR §  
45   800.14(b)(2)(iii); and  
46

47   **WHEREAS**, the FTUs invited federally recognized Indian Tribes and Tribal Historic Preservation Officers  
48   to consult on the development of this NPA pursuant to 36 CFR § 800.14(f), (Appendix C – Tribal  
49   consultation list); and  
50

51   **WHEREAS**, the FTUs invited the National Association of Tribal Historic Preservation Officers, the

1 National Trust for Historic Preservation, and the National Alliance of Preservation Commissions to consult  
2 on the development of this NPA; and  
3

4 **WHEREAS**, the FTUs conducted a series of consultation meetings on a draft outline and a draft NPA and  
5 provided opportunities for consultation throughout the process of developing the NPA, and  
6

7 **WHEREAS**, the FTUs sought public input by creating a webpage specifically for the NPA initiative and  
8 updating the webpage with drafts and requesting public comment; and  
9

10 **WHEREAS**, the definitions at 36 CFR § 800.16 as well as in the attached Appendix D are applicable to this  
11 NPA;  
12

13 **NOW, THEREFORE**, The FTUs (BPA, SWPA, WAPA, TVA), NCSHPO, and ACHP agree that  
14 implementation of this NPA in accordance with the stipulations will allow the FTUs to meet their  
15 responsibilities under Section 106 of the NHPA for undertakings reviewed under the terms of the NPA.  
16

## 17 **STIPULATIONS**

18

19 The Bonneville Power Administration, Southwestern Power Administration, Western Area Power  
20 Administration, and the Tennessee Valley Authority will ensure that the following measures are implemented  
21 for any undertakings for which this NPA is used to comply with Section 106:  
22

### 23 **I. SCOPE AND APPLICABILITY**

- 24 A. Transmission operations and maintenance undertakings: The NPA applies to FTU operations  
25 and maintenance undertakings, which include but are not limited to, efforts focused on  
26 maintaining the safe and reliable operation of transmission related infrastructure including  
27 transmission lines, substations, communications facilities, and access roads within the  
28 geographic areas covered by that FTU's jurisdiction. The most common undertakings are  
29 further defined in Appendix E.
- 30 B. No applicability on Tribal lands
- 31 1. For undertakings that would be located on or affect historic properties located on Tribal  
32 lands (36 CFR § 800.16(x)), each FTU will comply with Section 106 by following the  
33 process at 36 CFR Part 800 for their respective undertakings.
- 34 C. Lead federal agency
- 35 1. Each FTU is the lead federal agency with respect to its own undertakings. In instances  
36 where a proposed FTU undertaking would result in another federal agency undertaking, the  
37 FTU would be the lead federal agency unless the other federal agency decides to comply  
38 separately with Section 106 for their own undertaking. Where an FTU is the lead federal  
39 agency, the processes described in the NPA would be followed to comply with Section  
40 106.
- 41 D. The NPA's relationship to other FTU Programmatic Agreements (PAs) as listed in Appendix B
- 42 1. TVA PA
- 43 a. TVA will continue to utilize the process described in its systemwide programmatic  
44 agreement as applicable.
- 45 2. WAPA PAs
- 46 a. WAPA will continue to utilize applicable WAPA PAs for operation and maintenance  
47 activities until each PA's termination or expiration.
- 48 3. FTU historic built environment PAs
- 49 a. When an FTU has an existing or creates a new applicable PA that addresses  
50 undertakings affecting historic properties associated with historic transmission

- 1 infrastructure, the FTU will use that PA in conjunction with this NPA.
- 2 E. National Historic Landmarks (NHLs)
- 3 1. This NPA does not apply to undertakings that could potentially affect NHLs. The FTUs will
- 4 follow 36 CFR § 800 Subpart B for undertakings that could potentially affect an NHL.
- 5 II. ROLES AND QUALIFICATIONS
- 6 A. The FTUs
- 7 1. Agency Official: Each FTU's agency official bears responsibility for fulfilling their agency's
- 8 Section 106 requirements consistent with 36 CFR § 800.2(a).
- 9 2. Agency Federal Preservation Officer (FPO): Where applicable, each FTU's FPO or for the
- 10 SWPA, the Environmental Health, Safety & Security (EHSS) Division Director, has
- 11 oversight over the application of the NPA. For the purposes of this NPA, each FTU FPO
- 12 and the SWPA EHSS Division Director will be the point of contact for their respective
- 13 agency and responsible for overall oversight for carrying out the terms of the NPA. When a
- 14 new point of contact is assigned, that FTU will notify all Signatories.
- 15 3. Agency Cultural Resources Specialist (CRS): Cultural Resources Specialists at each FTU
- 16 will be responsible for implementing the stipulations of the NPA for applicable
- 17 undertakings and must meet the relevant Secretary of the Interior's Professional
- 18 Qualification Standards (36 CFR § 61).
- 19 B. The ACHP
- 20 1. The ACHP will participate in consultation to resolve adverse effects when determined
- 21 appropriate by the ACHP (Stipulation III.F.1.a.) and participate in disputes (Stipulation
- 22 XI).
- 23 III. REVIEW AND CONSULTATION PROCESS
- 24 A. All transmission operations and maintenance undertakings will be reviewed by the CRS for
- 25 consideration under this NPA unless being reviewed under a different program alternative.
- 26 B. Historic Property Identification and Review
- 27 1. Define the APE. The CRS will define the APE to include the horizontal and vertical limits
- 28 of the undertaking.
- 29 a. For undertakings involving the replacement of existing transmission related
- 30 infrastructure, the APE will include the horizontal and vertical physical limits of the
- 31 undertaking
- 32 b. Consultation with State Historic Preservation Officers (SHPOs), Tribes, and other
- 33 consulting parties will occur on the APE when undertakings involve upgrading or
- 34 adding additional transmission equipment/infrastructure that would increase the
- 35 height of the current infrastructure by 25% or more.
- 36 2. Identify historic properties. The CRS will determine the level of effort necessary to
- 37 identify historic properties by considering past planning, research and studies, the
- 38 magnitude and nature of the undertaking, the degree of federal involvement, the nature and
- 39 extent of potential effects on historic properties, and the likely nature and location of
- 40 historic properties within the APE pursuant to 36 CFR § 800.4(b)(1).
- 41 a. Conduct background research/literature review.
- 42 i. The CRS may review appropriate existing cultural resources databases for any
- 43 information regarding prior cultural resources identification efforts, presence of
- 44 known cultural resources, that may be affected by the undertaking. Information
- 45 will also be reviewed with the goal of determining the presence of potential
- 46 historic properties and the need for additional identification.
- 47 ii. Prior efforts to identify historic properties. If prior efforts to identify historic
- 48 properties have been conducted in the APE, the CRS will review the existing
- 49 report(s) to determine if the prior effort(s) constitutes a reasonable and good
- 50 faith effort to identify historic properties pursuant to 36 CFR § 800.4(b)(1)
- 51 and is sufficient for the current undertaking. No further identification

effort, such as survey or inventory, would be conducted when the following criteria are met:

- (a) The prior report(s) is on file with the applicable SHPO and was accepted as meeting archaeological and/or historic preservation standards by the SHPO and federal land manager (if applicable) at the time it was submitted,
  - (b) The prior report(s) adequately describes the identification methods and results so the CRS can determine if the efforts to identify historic properties demonstrate a reasonable and good faith effort for the current undertaking, and
  - (c) The environmental conditions of the APE have not significantly changed since the prior identification effort was conducted.
- iii. No prior efforts to identify historic properties. The CRS will either proceed to Stipulation III.B.2.b. (Efforts to identify historic properties) or proceed to Stipulation III.E.4. (Implementation of conditions to avoid or minimize effects).
- b. Efforts to identify historic properties. The CRS will ensure that a reasonable and good faith effort is made consistent with 36 CFR § 800.4(b)(1) to identify historic properties.
- i. Areas within an APE where sufficient identification efforts have not occurred will be inventoried for cultural resources, except in areas heavily disturbed (i.e. mechanically modified by cut or fill or severe erosion); where steep slopes could preclude the presence of such resources; or where surface conditions would preclude physically accessing the APE such as inundated, unstable, or steep ground surface conditions, or extremely dense brush; or do not meet the criteria outlined in Stipulation III.B.2.a.ii.
  - ii. When visual assessments are necessary, examination of existing records and aerial imagery (if available) will occur for historic properties eligible under criteria A or C, and where setting and/or feeling are critical to eligibility. Potential field investigation or reconnaissance may be warranted.
- c. PTRCS to Indian Tribes.
- i. Special expertise and Indigenous Knowledge: Pursuant to 36 CFR § 800.4(c)(1) the FTUs recognize that Indian Tribes possess special expertise in evaluating properties for the NRHP that have religious and cultural significance to them. The FTUs will incorporate principles from the [“Advisory Council on Historic Preservation Policy Statement on Indigenous Knowledge and Historic Preservation”](#) consistent with the procedures described in the NPA.
  - ii. PTRCS Consultation: Each FTU will be responsible for Tribal consultation for its undertakings. Each FTU will maintain information regarding PTRCS within their respective databases for purposes of consulting on future undertakings consistent with Stipulations III.B.2.c.iv. and VIII (Confidentiality).
    - (a) At least annually, each FTU will consult with Tribes in its service area to identify PTRCS on an ongoing basis.
  - iii. Process for consideration of PTRCS:
    - (a) The CRS would consult with Tribes when:
      - (i) The undertaking would not be limited to the same, or similar, physical footprint as existing transmission related infrastructure,
      - (ii) The undertaking would increase the size of the existing infrastructure by 25 percent or more in height, and

- 1 (iii) The undertaking would include new transmission-related  
2 infrastructure outside of a substation parcel.
- 3 iv. Confidentiality. Each FTU will maintain any information regarding PTRCS  
4 within its respective service area and will not share information with other  
5 FTUs to the extent of applicable law. Information will be protected, pursuant  
6 to Section 304 of the NHPA (54 USC § 307103) and Section 9 of the  
7 Archaeological Resources Protection Act (16 USC § 470hh) when applicable  
8 (see Stipulation VIII).
- 9 d. Cultural resources identified within the APE
- 10 i. When results of background research and/or identification efforts identify  
11 cultural resources within the APE, the CRS would follow the process outlined  
12 in Stipulation III.C. below.
- 13 C. Assess NRHP Eligibility
- 14 1. The CRS may assume unevaluated cultural resources within the APE are eligible for the  
15 NRHP listing, for the purposes of the Section 106 review for the undertaking, when they can  
16 be avoided or other conditions to avoid or minimize effects as described in Stipulation  
17 III.E.4. can be applied.
- 18 2. When assessments of NRHP eligibility are made, the CRS will consult with appropriate  
19 land managers, SHPO, Tribes, and consulting parties.
- 20 a. Whenever appropriate, the FTUs will utilize Tribal Indigenous Knowledge (TIK) in  
21 the process of assessing NRHP eligibility.
- 22 D. Reporting
- 23 1. Documentation of identification efforts will be transmitted to the SHPO, Tribes, and other  
24 consulting parties upon completion. Reports and forms will provide documentation that  
25 the FTU made a reasonable and good faith effort to identify historic properties consistent  
26 with 36 CFR § 800.4(b)(1).
- 27 E. Findings of Effect
- 28 The FTUs' preference is to avoid adverse effects to historic properties. Whenever possible, the  
29 CRS will make every effort to avoid effects on historic properties. Undertakings reviewed under  
30 the terms of this NPA and their resulting findings of effects will be summarized in the annual  
31 report prepared pursuant to Stipulation IX.
- 32 1. No historic properties affected. The CRS may make a finding of no historic properties  
33 affected for the administrative record and proceed with the undertaking without  
34 consultation when the applicable conditions apply per Stipulation III.E.4.
- 35 2. No adverse effect. The CRS would make a finding of no adverse effect for the  
36 administrative record when historic properties would be affected by a proposed  
37 undertaking, but the effects of the undertaking would not alter the characteristics of the  
38 property that make it eligible for the NRHP in a manner that would diminish the integrity  
39 of the property (36 CFR § 800.5(a)(1)). The FTU would proceed with the undertaking  
40 without consultation only if conditions in Stipulation III.E.4. would be used to avoid or  
41 minimize adverse effects to historic properties.
- 42 a. If in the opinion of the CRS a finding of no adverse effect is appropriate for any  
43 undertaking where a Stipulation III.E.4. condition could not be applied, the CRS  
44 would consult pursuant to 36 CFR § 800.5(c).
- 45 3. Adverse effect. The CRS will make a finding of adverse effect if an undertaking would  
46 alter directly or indirectly any of the characteristics of a historic property that make it  
47 eligible for the NRHP listing in a manner that would diminish the integrity of the property  
48 consistent with 36 CFR § 800.5(a)(1).
- 49 a. The CRS would consult with the SHPO, Tribes, and other consulting parties, to  
50 endeavor to minimize effects and to develop a historic property treatment plan  
51 (HPTP) or a memorandum of agreement (MOA) to resolve adverse effects

- (Stipulation III.F.).
4. Implementation of conditions to avoid or minimize effects
    - a. When appropriately applied to specific undertakings, the conditions described in Appendix F will allow the CRS to make findings of no historic properties affected or no adverse effect. These findings will be summarized in annual reports (Stipulation IX).
    - b. For any known PTRCS that may be affected by an undertaking, the CRS will consult with the Tribe(s) and SHPO to apply the criteria of adverse effect pursuant to 36 CFR § 800.5(a).
    - c. For an undertaking where a condition described in Appendix F could not be applied, or application of the condition would not result in a finding of no historic properties affected or no adverse effect, the CRS would proceed to consult pursuant to 36 CFR § 800.5.
  - F. Resolution of adverse effects
    1. Following a finding of adverse effect (Stipulation III.E.3.) the CRS will propose resolving adverse effects through either a HPTP or MOA (in consultation with SHPO) and consult with Tribes and other consulting parties on appropriate treatment measures commensurate with the effects caused by the undertaking, and to lessen potential cumulative effects. Appropriate treatment measures could include onsite or offsite mitigation as well as incorporating TIK, when appropriate.
      - a. Prior to developing a HPTP or MOA, the FTU will notify the ACHP about any requested involvement by the SHPO, Tribe, or consulting party.
    2. A HPTP will describe each historic property that would be subject to adverse effects from the undertaking, identify specific treatment or treatment strategies for each historic property, and/or specific types of historic properties (e.g., archaeological sites, built resources, trails, etc.).
      - a. Each HPTP will include the following information at a minimum:
        - i. Name of property or site number
        - ii. Locational information
        - iii. A brief description of the property
        - iv. Land ownership
        - v. Description of the undertaking and summary of adverse effects
        - vi. Description of treatment and/or mitigation proposed for each property where adverse effects would occur.
        - vii. Statement describing NRHP significance and integrity
      - b. The CRS will send the HPTP to the consulting parties for a 30-calendar-day review and comment period. The CRS will consider all comments and revise the HPTP as necessary. The CRS will then submit the revised HPTP to the consulting parties for a 14-calendar-day review period, along with a matrix of the comments and how they were addressed.
      - c. A HPTP will be considered final if no objections are received within 14-calendar-days after distribution of the final HPTP, or if the SHPO concurs with the final HPTP.
    3. The procedures at 36 CFR § 800.6(b) will be followed if the CRS elects to prepare a MOA.
      - a. Comment periods for reviewing any draft MOA will be 30-calendar-days.
    4. If the FTU, SHPO, and ACHP (if applicable) are unable to resolve adverse effects then the FTU will follow the procedures at 36 CFR § 800.7.
  - IV. EMERGENCY SITUATIONS
    - A. Emergencies for the purposes of the NPA are defined in Appendix D.
    - B. During emergencies at the FTUs, immediate rescue and salvage actions necessary to protect

human health or property are not subject to Section 106 requirements consistent with 36 CFR § 800.12(d). For other emergency response undertakings, an FTU will notify the SHPO(s) and Tribes, and appropriate land managing agencies of the emergency, and staff will work with emergency responders, whenever possible, to minimize the overall effect of such activities on historic properties, should they be present. The CRS will assess any effects to historic properties and allow consulting parties seven business days to comment, if circumstances permit. The FTU will provide the consulting parties a letter report of actions taken after completion and will include these activities in the annual report (Stipulation IX).

#### V. POST REVIEW DISCOVERIES

- A. Each FTU will ensure that discoveries made or unanticipated effects found during the implementation of an undertaking are subject to the following measures:
1. The CRS will consult with the ACHP, the relevant SHPO(s) and Tribes, and appropriate land managing agencies, pursuant to 36 CFR § 800.13(b).
  2. All work within a minimum 50-foot buffer of the discovery will be immediately stopped and the discovery location secured against further disturbance, pending completion of the consultation.
  3. If the CRS determines that the discovery is an isolate that is not eligible for the NRHP, it will be documented according to SHPO standards, and the undertaking will proceed without consultation.
  4. If the post review discovery includes human remains, burials, or funerary objects, the FTU will follow Stipulation VI.

#### VI. TREATMENT OF HUMAN REMAINS, BURIALS, AND FUNERARY OBJECTS

- A. In any instance of FTU transmission activities disturbing or affecting human remains, burial sites, or funerary objects, the FTU will proceed consistent with the 13 principles described in the “[ACHP Policy Statement on Burial Sites, Human Remains, and Funerary Objects](#)” dated March 1, 2023. Due to the geographic diversity of the FTUs, a variety of statutes can have jurisdiction if human remains, burials, or funerary objects were encountered during the implementation of an undertaking. The FTUs will notify Tribes consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) or an applicable state burial statute.
1. When FTU undertakings are not located on federal land the applicable state burial statute and corresponding implementation process would have jurisdiction.
  2. For FTU undertakings on federal land, NAGPRA and its implementing regulations will be followed. The federal land manager will have responsibility for compliance with NAGPRA in the instance of a discovery (43 CFR § 10.5). However, each FTU would have responsibility to cease work and notify the appropriate land manager.

#### VII. TRAINING

- A. The FTUs will work together to develop initial training regarding the use and applicability of the NPA that will be provided to current and new staff collectively. Staff receiving the training will include the agency officials, agency FPOs, relevant supervisors, and CRS.
1. The training will be conducted within 120 days of execution of the NPA and will be recorded for use in training new FTU personnel.
  2. The FTUs will each conduct training for maintenance staff on an annual basis. Additional project-specific training may be held in the field for larger maintenance projects.
- B. FTU requirements
1. New FTU personnel responsible for transmission-related Section 106 compliance will receive training on the requirements and processes of the NPA within 90 days of their start date.
  2. The FTU points of contact for the NPA will meet virtually or in person annually to discuss the implementation of the NPA and any additional training that may be identified as necessary.

#### VIII. CONFIDENTIALITY

- 1 A. Cultural resources information utilized or developed for the NPA will be treated as confidential  
2 by each FTU. Information regarding the location, character, and ownership of historic properties  
3 will be protected from disclosure in consultation with the Secretary of the Interior pursuant to  
4 Section 304 of the NHPA (54 USC § 307103) as applicable; and Section 9 of the Archaeological  
5 Resources Protection Act (16 USC § 470hh) when applicable.
- 6 IX. ANNUAL REPORTING
- 7 A. The FTUs will collectively provide a letter report, coordinated by BPA, to the ACHP, NCSHPO,  
8 and Tribes by April 1 of each year following the first full fiscal year after the execution of the  
9 NPA. The letter report will summarize statistics for undertakings reviewed using the NPA  
10 during the prior fiscal year (October 1 to September 30), descriptions of any emergency  
11 situations (Stipulation IV), post review discoveries (Stipulation V), and a summary of training  
12 conducted (Stipulation VII). A table will be appended to the letter report summarizing each  
13 undertaking reviewed under the provisions of the NPA and its corresponding finding of effect  
14 and applicable stipulation. Additional information will include the location (state, county, and  
15 geographic coordinates) of the undertaking, applicable stipulations from the NPA, any  
16 consultation that was conducted, and references for any reports prepared or utilized (Stipulation  
17 III.B.2.a.ii.).
- 18 X. MONITORING IMPLEMENTATION OF THE NPA
- 19 A. For the first two years following execution of the NPA, the FTUs will solicit input regarding  
20 implementation of the NPA. Input will be sought annually from the ACHP, NCSHPO, and  
21 Tribes through electronic correspondence.
- 22 B. Signatories will hold one annual meeting (in person or virtual) to discuss the implementation of  
23 the NPA during the previous year and any issues identified by the Signatories or through the  
24 process described in Stipulation X.A. A second meeting may be held if requested by a Signatory.
- 25 C. Staff from FTUs with responsibility for implementing the NPA will meet annually for the  
26 duration of the NPA to discuss the implementation of the NPA and to ensure overall consistency  
27 in implementation.
- 28 XI. DISPUTE RESOLUTION
- 29 A. If a Signatory to this NPA objects at any time to any actions carried out to fulfill the stipulations,  
30 it will notify the other Signatories in writing.
- 31 B. Within 30 days of receiving the notification of dispute, the FTUs will convene a meeting of the  
32 Signatories to discuss and attempt to resolve the dispute.
- 33 C. If after thirty (30) calendar days from meeting, a Signatory determines that a resolution cannot  
34 be found and the objection remains, the FTUs shall distribute documentation relevant to the  
35 objection and attempts at resolution to all Signatories, including the ACHP. Signatories to this  
36 NPA and the ACHP will be given thirty (30) calendar days to submit to the FTUs a written  
37 statement regarding the dispute and whether they concur or disagree with any proposed  
38 resolution, which may include termination pursuant to 36 CFR § 800.7 should the dispute  
39 include a failure to resolve an adverse effect after following Stipulation III.F.
- 40 D. If none of the Signatories submit a written statement to the FTUs within the thirty (30) calendar  
41 day period of meeting per subparagraph B above, the FTUs will notify Signatories of their final  
42 decision and proceed accordingly.
- 43 E. During the time of the pending dispute, the FTU's responsibilities to carry out all other actions  
44 subject to the terms of the NPA that are not the subject of the dispute remain unchanged.
- 45 XII. AMENDMENTS
- 46 A. Signatories to this NPA may request that it be amended by submitting the request to the FTU  
47 points of contact (Stipulation II.A.2.). All Signatories will consult to consider such amendment.  
48 The FTUs will facilitate consultation, including notification of consulting parties, within 60  
49 calendar days of the request. The amendment will be effective on the date a copy of the  
50 amendment is signed by all Signatories. Any amendment will be filed with the ACHP.
- 51 B. The FTUs may also choose to update Appendix F at any time without a formal amendment. The



1 signatories would agree via email for any proposed update to Appendix F to take effect.

2 XIII. TERMINATION

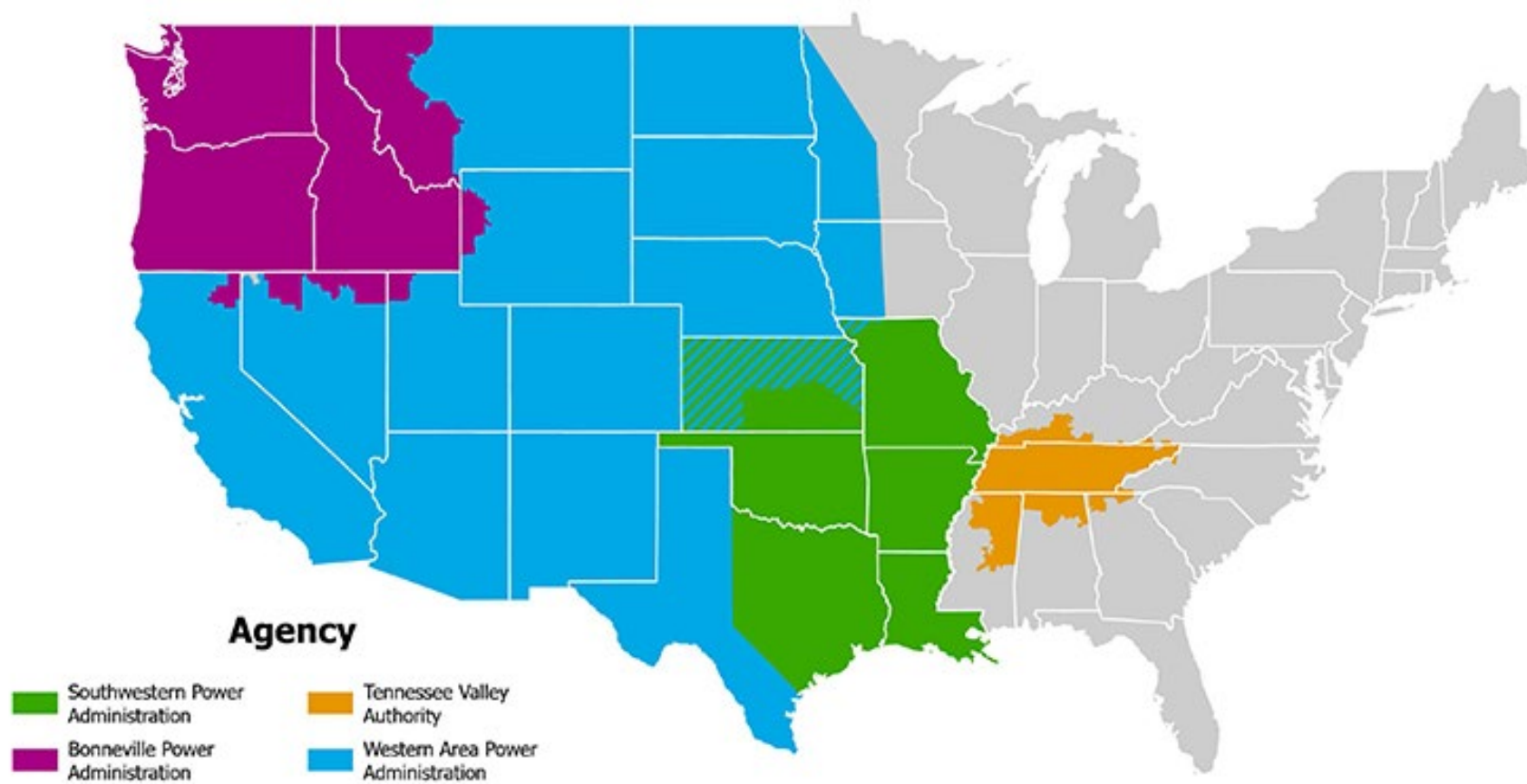
- 3 A. If a FTU, NCSHPO, or the ACHP find that the terms of the NPA cannot or will not be carried  
4 out, that Signatory shall immediately consult with the other Signatories to attempt to develop an  
5 amendment per Stipulation XII or other actions that would avoid termination. If within 90  
6 calendar days an amendment cannot be reached, any FTU, NCSHPO, or ACHP may terminate  
7 the NPA upon written notification to the other Signatories. If the NPA is terminated, prior to  
8 work continuing on any undertaking that would otherwise be covered by this NPA, the FTU  
9 must either:
- 10 1. Comply with 36 CFR Subpart 800 for each undertaking, or
  - 11 2. Execute a new NPA or FTU-specific PA pursuant to 36 CFR § 800.14(b).
- 12 B. An FTU Signatory may terminate its participation in NPA with respect to its applicability in its  
13 respective service area (Appendix A). Termination by one FTU would not terminate the NPA  
14 with respect to the other FTUs' service areas.

15 XIV. DURATION AND EXECUTION

- 16 A. This NPA shall take effect on the last date of signature by the FTUs, NCSHPO, and ACHP.  
17 This NPA shall continue to be in effect until 20 years after the last date of signature unless  
18 amended or terminated prior to that date.
- 19 B. This NPA may be executed in counterparts, each of which shall be deemed an original, but all of  
20 which together shall constitute one and the same NPA.

21  
22 Execution of the NPA by the FTUs, the ACHP, and the NCSHPO and implementation of its terms evidence  
23 that the FTUs have taken into account the effects of transmission operations and maintenance undertakings  
24 on historic properties and afforded the ACHP an opportunity to comment.  
25

Appendix A: Map of FTU Service Areas



Appendix B: Other FTU PAs

Bonneville Power Administration:

- 2024 Programmatic Agreement Among the Bonneville Power Administration, the Oregon State Historic Preservation Office, the Washington State Historic Preservation Office, the Idaho State Historic Preservation Office, the Montana State Historic Preservation Office, and the Advisory Council on Historic Preservation to Address Effects to BPA Transmission Lines

Tennessee Valley Authority:

- 2023 Programmatic Agreement Among the Tennessee Valley Authority, the Tennessee State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Operation of Existing Transmission Assets Throughout the State of Tennessee
- 2019 Programmatic Agreement Among the Tennessee Valley Authority, the Advisory Council on Historic Preservation, and the State Historic Preservation Officers of Alabama, Georgia, Kentucky, Mississippi, North Carolina, Tennessee, and Virginia, and Federally Recognized Indian Tribes, Regarding Undertakings Subject to Section 106 of the National Historic Preservation Act of 1966

Western Area Power Administration:

- 2021 Programmatic Agreement Among the U.S. Department of Energy – Western Area Power Administration, Arizona State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Maintenance and Minor Construction Activities at Existing WAPA Transmission Facilities and Access Roads in Arizona
- 2018 Programmatic Agreement Among the U.S. Department of Energy – Western Area Power Administration – Desert Southwest Region, Bureau of Land Management, and California State Historic Preservation Regarding Maintenance and Minor Construction Activities at Existing WAPA Transmission Lines, Facilities and Properties in California, Imperial, Riverside, and San Bernardino Counties
- 2015 Programmatic Agreement Among the Advisory Council on Historic Preservation, Western Area Power Administration, State Historic Preservation Officers of Colorado, Wyoming, New Mexico, Nebraska, and Utah, Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, National Park Service, Navajo Nation, Northern Arapahoe Tribe, Shoshone Tribe, State Land Department of New Mexico, Ute Mountain Ute, U.S. Army-Fort Carson, U.S. Fish and Wildlife Service, U.S. Forest Service, and the Wyoming Military Department Regarding Maintenance and Minor Construction Activities at Existing Western Transmission Lines, Facilities, and Properties in Colorado, Nebraska, New Mexico, Utah, and Wyoming.

## Appendix C: List of tribes invited to consult

Absentee Shawnee Tribe	Confederated Tribes and Bands of the Yakama Nation
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California	Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians
Ak-Chin Indian Community	Confederated Tribes of Siletz
Alabama-Coushatta Tribe of Texas	Confederated Tribes of the Colville Reservation
Alabama Quassarte Tribal Town	Confederated Tribes of the Goshute Reservation, Nevada and Utah
Alturas Rancheria of Pit River Indians	Confederated Tribes of the Umatilla Indian Reservation
Apache Tribe of Oklahoma	Confederated Tribes of the Warm Springs Reservation of Oregon
Assiniboiné & Sioux Tribes of the Fort Peck Indian Reservation, Montana	Coquille Indian Tribe
Augustine Band of Cahuilla Indians, California	Coushatta Tribe of LA
Big Pine Paiute Tribe of the Owens Valley	Cow Creek Band of Umpqua Tribe of Indians
Bishop Paiute Tribe	Cowlitz Indian Tribe
Blackfeet Nation	Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
Bridgeport Indian Colony	Crow Tribe
Burns Paiute Tribe	
Cabazon Band of Mission Indians, California	
Caddo Nation of Oklahoma	
Cahuilla Band of Indians	Delaware Nation
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California	Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California)	Eastern Band of Cherokee Indians
Cedarville Rancheria Northern Paiute Tribe	Eastern Shawnee Tribe of Oklahoma
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California	
Cherokee Nation	Eastern Shoshone Tribe of the Wind River Reservation, Wyoming
Cheyenne and Arapaho Tribes, Oklahoma	Ely Shoshone Tribe of Nevada
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota	Ewiiapaayp Band of Kumeyaay Indians, California
	Flandreau Santee Sioux Tribe of South Dakota
Chinook Indian Nation	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
Chippewa Cree Tribe of the Rocky Boy Reservation	Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
Cocopah Tribe of Arizona	Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
Coeur d'Alene Tribe	Fort McDowell Yavapai Nation, Arizona
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California	Fort Mojave Indian Tribe of Arizona, California & Nevada
Comanche Nation, Oklahoma	Fort Peck Assiniboiné & Sioux Tribes
Confederated Salish and Kootenai Tribes	

Fort Sill Apache Tribe of Oklahoma  
Gila River Indian Community of the Gila River Indian  
Reservation, Arizona  
Havasupai Tribe of the Havasupai Reservation,  
Arizona  
Ho-Chunk Nation of Wisconsin  
Hoh Indian Tribe  
Hoopa Valley Tribe  
Hopi Tribe of Arizona  
Hualapai Indian Tribe of the Hualapai Indian  
Reservation, Arizona  
Iipay Nation of Santa Ysabel, California  
Inaja Band of Diegueno Mission Indians of the Inaja  
and Cosmit Reservation, California  
Ione Band of Miwok Indians of California  
Iowa Tribe of Kansas and Nebraska  
Iowa Tribe of Oklahoma  
Jamestown S'Klallam Tribe  
Jamul Indian Village of California  
Jena Band of Choctaw Indians  
Jicarilla Apache Nation, New Mexico  
Kaibab Band of Paiute Indians of the Kaibab Indian  
Reservation, Arizona  
Kalispel Tribe of Indians  
Kaw Nation  
Keweenaw Bay Indian Community, Michigan  
Kialegee Tribe of Oklahoma  
Kickapoo Tribe of Indians, Kansas  
  
Kootenai Tribe of Idaho  
La Jolla Band of Luiseno Indians, California  
La Posta Band of Diegueno Mission Indians of the La  
Posta Indian Reservation, California  
Lac Vieux Desert Band of Lake Superior Chippewa  
Indians of Michigan  
Las Vegas Tribe of Paiute Indians of the Las Vegas  
Indian Colony, Nevada  
Lone Pine Paiute-Shoshone Tribe  
Los Coyotes Band of Cahuilla & Cupeno Indians,  
California  
Lovelock Paiute Tribe of the Lovelock Indian Colony,  
Nevada  
Lower Brule Sioux Tribe of the Lower Brule  
Reservation, South Dakota  
Lower Elwha Klallam Tribe

Lower Sioux Indian Community in the State of  
Minnesota  
Lummi Nation  
Makah Nation  
Manzanita Band of Diegueno Mission Indians of the  
Manzanita Reservation, California  
Menominee Indian Tribe of Wisconsin  
Mesa Grande Band of Diegueno Mission Indians of  
the Mesa Grande Reservation, California  
Mescalero Apache Tribe of the Mescalero  
Reservation, New Mexico  
Miami Tribe of Oklahoma  
Minnesota Chippewa Tribe - Leech Lake Band  
Minnesota Chippewa Tribe - Mille Lacs Band  
Minnesota Chippewa Tribe - White Earth Band  
Mississippi Band of Choctaw Indians  
Moapa Band of Paiute Indians of the Moapa River  
Indian Reservation, Nevada  
Monacan Indian Nation  
Morongo Band of Mission Indians, California  
Muckleshoot Indian Tribe  
  
Navajo Nation, Arizona, New Mexico & Utah  
Nez Perce Tribe  
Nisqually Indian Tribe  
Nooksack Indian Tribe  
Northern Arapaho Tribe of the Wind River  
Reservation, Wyoming  
  
Northern Cheyenne Tribe of the Northern Cheyenne  
Indian Reservation, Montana  
Northwestern Band of the Shoshone Nation  
Oglala Sioux Tribe  
Omaha Tribe of Nebraska  
  
Otoe-Missouria Tribe of Indians  
Paiute Indian Tribe of Utah (Cedar Band of Paiutes,  
Kanosh Band of Paiutes, Koosharem Band of Paiutes,  
Indian Peaks Band of Paiutes, and Shivwits Band of  
Paiutes)  
Paiute - Shoshone Tribe of the Fallon Reservation and  
Colony, Nevada  
Pala Band of Mission Indians  
Pascua Yaqui Tribe of Arizona

Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California  
Pawnee Nation of Oklahoma  
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California  
Peoria Tribe of Indians of Oklahoma  
Pit River Tribe  
Poarch Band of Creek Indians  
Ponca Tribe of Nebraska  
Ponca Tribe of Oklahoma  
Prairie Band Potawatomi Nation  
Prairie Island Indian Community in the State of Minnesota  
Pueblo of Acoma, New Mexico  
Pueblo of Cochiti, New Mexico  
Pueblo of Isleta, New Mexico  
Pueblo of Jemez, New Mexico  
Pueblo of Laguna, New Mexico  
Pueblo of Nambe, New Mexico  
Pueblo of Ohkay Owingeh, New Mexico  
Pueblo of Picuris, New Mexico  
Pueblo of Pojoaque, New Mexico  
Pueblo of San Felipe, New Mexico  
Pueblo of San Ildefonso, New Mexico  
Pueblo of Sandia, New Mexico  
Pueblo of Santa Ana, New Mexico  
Pueblo of Santa Clara, New Mexico  
Pueblo of Santo Domingo Pueblo  
Pueblo of Taos, New Mexico  
Pueblo of Tesuque, New Mexico  
Pueblo of Zia, New Mexico  
Pueblo of Zuni Tribe of the Zuni Reservation, New Mexico  
Puyallup Tribe of Indians  
  
Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada  
Quapaw Nation  
Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona  
Quileute Nation  
Quinault Indian Nation

Ramona Band of Cahuilla, California  
Red Lake Band of Chippewa Indians, Minnesota  
Reno-Sparks Indian Colony, Nevada  
Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California  
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota  
  
Sac and Fox Nation Oklahoma  
Sac and Fox Tribe of the Mississippi in Iowa  
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona  
Samish Indian Nation  
San Carlos Apache Tribe of the San Carlos Reservation, Arizona  
San Juan Southern Paiute Tribe of Arizona  
San Manuel Band of Mission Indians, California  
San Pasqual Band of Diegueno Mission Indians of California  
Santa Rosa Band of Cahuilla Indians, California  
Santee Sioux Nation, Nebraska  
Sauk-Suiattle Indian Tribe  
  
Seneca - Cayuga Tribe  
Shakopee Mdewakanton Sioux Community of Minnesota  
  
Shawnee Tribe of Oklahoma  
Shoalwater Bay Tribe  
Shoshone - Bannock Tribes of the Fort Hall Reservation  
Shoshone - Paiute Tribes of the Duck Valley Reservation  
Sisseton - Wahpeton Oyate of the Lake Traverse Reservation, South Dakota  
Skokomish Tribal Nation  
Skull Valley Band of Goshute Indians of Utah  
Snoqualmie Indian Tribe  
Soboba Band of Luiseno Indians, California  
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado  
Spirit Lake Tribe, North Dakota  
Spokane Tribe of Indians  
  
Squaxin Island Tribe

Standing Rock Sioux Tribe of North & South Dakota  
Stillaguamish Tribe of Indians  
Summit Lake Paiute Tribe  
Susanville Indian Rancheria  
Swinomish Indian Tribal Community  
Sycuan Band of the Kumeyaay Nation  
Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band and Wells Band)  
The Chickasaw Nation  
The Choctaw Nation of Oklahoma  
The Confederated Tribes of the Chehalis Reservation  
The Confederated Tribes of the Grand Ronde  
The Klamath Tribes  
The Muscogee (Creek) Nation  
The Osage Nation  
The Port Gamble S'Klallam Tribe  
The Seminole Nation of Oklahoma  
The Suquamish Tribe  
Thlopthlocco Tribal Town

Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota  
Timbisha Shoshone Tribe  
Tohono O'odham Nation of Arizona  
Tolowa Dee-ni' Nation (Smith River Rancheria)  
Tonto Apache Tribe of Arizona  
Torres Martinez Desert Cahuilla Indians, California  
Tulalip Tribes  
Tunica Biloxi Tribe of Louisiana  
Turtle Mountain Band of Chippewa Indians of North Dakota  
Twenty-Nine Palms Band of Mission Indians of California  
United Keetoowah Band of Cherokee Indians

Upper Sioux Community, Minnesota  
Upper Skagit Indian Tribe  
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah  
Ute Mountain Ute Tribe  
Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California

Walker River Paiute Tribe of the Walker River Reservation, Nevada  
Wanapum Band  
Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)  
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona  
Wichita and Affiliated Tribes  
Winnebago Tribe of Nebraska  
Winnemucca Indian Colony of Nevada  
Yankton Sioux Tribe of South Dakota  
Yavapai - Apache Nation of the Camp Verde Indian Reservation, Arizona  
Yavapai-Prescott Indian Tribe  
Yerington Paiute Tribe of the Yerington Colony and Campbell Ranch, Nevada  
Yomba Shoshone Tribe of the Yomba Reservation, Nevada

## Appendix D: Definitions

Access roads – Graveled or dirt roads maintained by an FTU for the purpose of accessing a transmission ROW or as a route of travel within a ROW. Can sometimes consist of an unimproved route designated for vehicular traffic.

Beam path – The area in which obstructions, typically trees, need to be removed to allow unobstructed transmission of a communication facility's microwave radio communications.

Construction matting – Thick (8-12 inches) wooden mats deployed to lessen ground pressure exerted by heavy equipment. Mats need to be in good condition to ensure proper installation, use, and removal. Mats are typically placed one at a time such that vehicle treads do not disturb the ground surface within environmentally sensitive areas. In some cases, mats could be placed along the travel area so that the individual boards are resting perpendicular to the direction of traffic.

Counterpoise – Method of grounding transmission structures in areas of higher ground resistivity to lessen effects from lightning. Can consist of small trenches at the base of a transmission structure where wires are laid to more efficiently conduct lightning to the ground.

Cultural resources specialist (CRS) – Individuals at each FTU responsible for day-to-day Section 106 compliance including use of the NPA to screen undertakings and reach findings of effect. These individuals meet the Secretary of the Interior's guidelines for professionals in the applicable field or rely upon personnel contracted by their respective agency.

Emergencies – According to the regulations (36 CFR § 800.12(a)) agencies are "encouraged to develop procedures for taking historic properties into account during operations which respond to a disaster or emergency declared by the President, a Tribal government, or the Governor of a State or which respond to other immediate threats to life or property." The FTUs also define the following as emergencies for the purposes of the NPA: hazardous materials spills; fires; unplanned/unscheduled power outages; imminent power outages that potentially threaten human life or property; and other immediate threats to life or property.

Federal preservation officer (FPO) – The FPO is the individual designated by the head of a federal agency to coordinate that agency's activities under the National Historic Preservation Act (36 CFR 65.3(f)).

Federal transmission utility (FTU) – One of the four federal agencies that owns, operates, and is responsible for maintaining transmission related infrastructure. These agencies include the Bonneville Power Administration, Southwestern Power Administration, Tennessee Valley Authority, and the Western Area Power Administration. Except for the Tennessee Valley Authority, which is a federal corporation, the other three agencies are all components of the United States Department of Energy.

Historic property treatment plan (HPTP) – A document drafted to define methods to resolve adverse effects to specific properties that would result from implementing a specific undertaking in lieu of a MOA.

Ice bridge – A support structure designed to protect transmission lines or other electronic components from ice loading.

Latchways – A safety system designed for fall protection attached to transmission structures or other structures where maintenance activities could pose a risk of falling.



1 Low ground pressure equipment – Construction equipment designed with the purpose of distributing  
2 weight over a larger ground area to minimize ground disturbance.

3  
4 Properties of traditional cultural and religious significance (PTCRS) – Cultural resources that are eligible  
5 for inclusion on the NRHP due to their traditional religious and cultural importance to a Tribe.

6  
7 Signatories – The Advisory Council on Historic Preservation, National Conference of State Historic  
8 Preservation Officers, Bonneville Power Administration, Southwestern Power Administration, Tennessee  
9 Valley Authority, and Western Area Power Administration are the agencies and organizations with  
10 responsibility for agreeing to and executing the NPA consistent with 36 CFR § 800.14(b)(2)(iii).

11  
12 Transmission Structure – Transmission structures are broadly grouped as either steel lattice or pole  
13 structures designed to support the conductor and other transmission infrastructure (insulators, overhead  
14 ground wire, fiber optic cable, etc.). Pole structures are typically wood or steel but can be occasionally  
15 concrete. Pole structures can vary between 1 and 3 pole structures. The number of poles refers to the  
16 vertical supports necessary to support the cross arms.  
17

## Appendix E: Transmission Operations and Maintenance Activities

The following is a list of transmission operations and maintenance activities which are associated with operating, maintaining, or improving the safe, reliable, and efficient function of existing transmission infrastructure. Transmission infrastructure is typically associated with substations, transmission lines, communication sites, and access roads.

### Substations

Activities associated with substations may include installation, modification, replacement; or removal of paving or curbs; wood pole, steel lattice, or steel monopole transmission structures and components; fencing, gates, or signage; lighting; security cameras; catch basins, drainage systems, or sumps; water, power, communication or ground electrical lines; ground mats; retaining walls; equipment associated with the operation or upgrade of a substation; HVAC or SCADA systems. Activities including geotechnical investigations; planting, maintenance, or removal of vegetation; ground water testing; and environmental remediation may also be proposed.

### Transmission Lines

Activities associated with transmission lines may include maintenance, repair, removal, or replacement of transmission line infrastructure including paint, coatings, preservatives, fire resistant wrap, cross arms, insulators, lightning arrestors, lightning systems, spacers, vibration dampers, marker balls, guy anchors, wildlife diverters, reflectors, navigation/aircraft warning lights/markings, counterpoise, fiber optic cable, fiber optic vaults, ground wires, markings, signage, structural knee braces, or other transmission structure components; wood pole, steel lattice, or steel monopole transmission structures and components and installation of counterpoise; overhead ground wire, conductor, armor rod, conductor sleeves, or fiber optic cable; structure footings, grillage, or anchors. Activities including use of and improving staging, stockpiling, work areas, pulling/tensioning sites, or helicopter landing areas; utilizing herbicides; brush hogs, mulchers, mowers, helicopter saws, hand tools (chainsaws), and other equipment to control or remove vegetation and establish or maintain right of way width and conductor clearance; stubbing, or removing and filling a transmission structure; constructing or repairing shoo flies; cutting corridor or danger trees; and geotechnical investigations may also be proposed. Transmission line impairments may be addressed by removal or by raising or modifying transmission structures to avoid impairments.

### Communication Sites

Activities associated with communication sites may include maintenance, repair, removal, or replacement of communication site infrastructure including facilities, ice bridges, latchways, antennae/dishes, fences/gates, structures, beam paths, monopoles, HVAC, or SCADA systems. In addition, geotechnical investigations may also be proposed. Planting, maintenance, or removal of vegetation (including trees) may also be proposed.

### Access Roads

Activities associated with communication sites may include installation, maintenance, repair, or replacement of ditches, culverts, and other water control features associated with access roads; construction, maintenance, or removal of pads and landings around transmission structures; utilization and improvement of gravel pits and staging areas; installation, maintenance, or replacement of cattle guards; improvement/maintenance of road surface; underground installation/trenching of water, power, communication, or ground electrical line; and planting, maintenance, or removal of vegetation (including trees) along and within access roads.

Appendix F: Conditions to avoid/minimize effects

A. Application of one or more of the following conditions would allow the CRS to make findings of **no historic properties affected** per Stipulation III.E.1. and III.E.2.

1. The APE has been surveyed, and no historic properties are within the APE or historic properties will be avoided within the APE.
2. Wood pole structures being replaced (no greater than 25% taller) are not within any known historic property or unevaluated cultural resource and will be replaced within a 5-foot disturbance area around the existing pole, and/or replaced on hillsides with slopes of greater than 20%.
3. Archaeological historic properties and unevaluated cultural resources within 50 feet of work areas will be flagged for avoidance by a qualified archaeologist.
4. Maintenance equipment or materials will not be stored within a historic property, unless the property is a historic in-use facility.
5. Low ground pressure equipment will be utilized.
6. Cultural resources monitoring will be conducted to ensure avoidance of historic properties.
7. Abandoned wood poles within historic properties will be cut and removed without heavy equipment.
8. Vegetation removal within historic properties will be conducted with hand tools (i.e. chainsaws, clippers) and brush will be lopped and scattered or inserted into a chipper or mulcher located on an existing access road or hand carried off site (not dragged).
9. The APE may or may not have been surveyed but is significantly disturbed from transmission line construction, prior pole installation and replacements, extensive access road maintenance, strip mining, extensive grading, trenching, major construction, heavy recreational use, or severe erosion, and is unlikely to retain significant intact cultural deposits.
10. Geological context and soil profiles within the APE indicate little potential for buried intact cultural deposits.
11. Herbicide use is limited to spot treatment using handheld equipment on invasive species or cut stumps of woody vegetation to prevent regrowth.

B. Application of one or more of the following conditions would allow the CRS to make findings of **no adverse effect** per Stipulation III.E.2.

1. Work is restricted to previously disturbed areas within historic properties, to include the horizontal and vertical extent of previously graded or bladed areas, access road prisms, locations of demonstrated direct impacts from previous construction, and areas that are washed out or eroded/undercut from water runoff.
2. Work within a historic property will be flagged by a qualified archaeologist for avoidance to include significant features and artifact concentrations and the property will be photographed before work is initiated and after work is completed.
3. Work within a historic property or unevaluated cultural resources, will be monitored by a qualified archaeologist during the maintenance activity.
4. Construction matting will be utilized to cover work areas prior to conducting work to limit subsurface disturbance.
5. Geotextile fabric and culturally sterile fill (capping) will be utilized to cover an archaeological historic property to provide a buffer between expected impacts and cultural deposits.
6. Modifications, repairs, and maintenance activities to historic properties will be "in-kind" (e.g., same material, design, appearance, texture) and consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties.
7. Restrict heavy vehicle use within a historic property to only when the ground surface is completely dry or frozen.