Organization	Comment	Stipulation	Page	Line	NPA updated	Response
Washington Department of Archaeology and Historic Preservation	The PA also seems to assume we all have the same information. Particularly with tribal resources this is often not true. The PA reads as though BPA and the tribes have the same data that they can cross check.	NA	0	0	No	The NPA uses a process for Tribes to provide information to the FTUs when the Tribes feel it is warranted. Tribal consultation would occur for any undertaking meeting certain parameters described in Stipulation III.B.2.c.iii.(a).
Washington Department of Archaeology and Historic Preservation	Even with prior coordination on previous studies and areas, the lack of SHPO consultation is a presumption that whatever BPA knows is the same as SHPO. Again, maybe some notice or expedited review period?	NA	0	0	No	The NPA utilizes a balanced approach relying on prior survey efforts along with conditions when warranted to reach findings of effect. In other instances cultural resources surveys would be conducted and any properties assumed eligible avoided or effects minimized to arrive at findings of no adverse effect. For other undertakings, that would increase the height of existing infrastructure by more than 25% or where properties assumed eligible could not be avoided, consultation would occur.
Washington Department of Archaeology and Historic Preservation	The agreement does not include SHPO/THPO consultation to discuss if prior background review is still sufficient for the current project timeline.	NA	0	0	No	The NPA relies on the criteria described in Stipulation III.B.2.a.ii to define the adequacy of a prior effort to identify historic properties relative to a proposed undertaking. Where a prior report does not meet the criteria, the CRS would proceed to conduct a cultural resources inventory.
Cherokee Nation	Consulting Party Status: The NPA fails to recognize Tribes as consulting parties as required under 36 C.F.R. § 800.2(c)(2). This exclusion undermines Tribal roles in dispute resolution, amendments, and consultation on activities added to Appendix F.	NA	0	0	No	Tribes are consulting parties to the development of the NPA. The 9th clause in the recitals notes that the agencies consulted with Tribes in the development of the NPA.
Chickasaw Nation	Please add appendices that include: o A glossary of the acronyms used throughout the PA. o A map of tribal lands exempt from the PA. o A flowchart outlining how the procedure will work.	NA	0	0	Yes	The NPA was reviewed to ensure all acronyms are spelled out. Each agency would be responsible for noting Tribal lands within its respective service area where the NPA could not be applied. The agencies may incorporate a flowchart in a future draft of the NPA depending on consulting party feedback.
Chickasaw Nation	There needs to be a whereas clause, expressing that the existing TVA PA is exempt from this separate PA.	NA	0	0	Yes	A whereas clause was not added. However, the relationship between TVA's existing PA and the NPA was clarified in Stipulation I.D.
Iowa State Historic Preservation Office	Does this PA need an anti-deficiency clause?	NA	0	0	No	An anti-deficiency clause isn't necessary.
Chickasaw Nation	Please identify who will be the signatories of the PA.		0	0	No	The signatories are the four FTUs along with NCSHPO and the Advisory Council on Historic Preservation. The first reference to the signatories is in the 8th clause in the recitals. The signatories are also defined in Appendix D.
Advisory Council on Historic Preservation	Page 1, line 35. As part of an established review process?	5th Whereas	1	35	Yes	Wording edited to note that APEs would be established individually during an established review process.
Montana State Historic Preservation Office	Page 1, line 38. Will FTU's be picking and choosing which agreement to follow when? Or is there a process (i.e. they must follow existing agreements if applicable before they can consider using this one)? Are there any existing agreements that go against this agreement in that an activity is exempted in one but requires consultation in another?	6th whereas	1	38	Yes	The wording in Stipulation I.D. was clarified to better explain how the NPA will work with existing FTU PAs.
Advisory Council on Historic Preservation	Page 1, line 39. And in effect?	6th whereas	1	39	Yes	The clause was edited to note that the NPA doesn't invalidate program alternatives in effect at time of the execution of the NPA.

Georgia Department of Community Affairs, Historic Preservation	Page 1, line 44. Added language - (NCSHPO) and the Advisory Council on Historic Preservation (Advisory Council on Historic Preservation) (together “the Signatories”) pursuant to 36 CFR §	8th Whereas	1	44	Yes	Edit adopted
Advisory Council on Historic Preservation	Page 2, line 4. I'd like this to be more detailed as consultation progresses.	11th Whereas	2	4	Yes	Updated the clause and added a second clause to describe NPA consultation to date.
Advisory Council on Historic Preservation	Page 2, lines 14 & 15 crossed out/deleted. Replace with "that all FTU undertakings to which the NPA applies will be implemented in accordance with the following stipulations to take into account the effect of the undertakings on historic properties"	Now, therefore	2	14	Yes	Edit adopted
Georgia Department of Community Affairs, Historic Preservation	Page 2, line 19-20. Added and deleted language - The Bonneville Power Administration, Southwestern Power Administration, Western Area Power Administration, and the Tennessee Valley Authority FTUs will ensure that the following measures are implemented for any undertakings for which this NPA is used to comply with Section 106:	NA	2	19	Yes	Edit adopted
Tennessee State Historic Preservation Office	Scope and Applicability: -I know it is the title, but can we add here that this only applies to existing and actively managed transmission infrastructure and does not apply to new elements or rebuilds just for further clarification within the document? -This section states that Appendix E only contains the most common undertakings, which seems to suggest more undertakings could apply. It would be helpful to make changes either to the Appendix or to this section so it is not so open-ended and therefore cannot be misinterpreted.	I. / Appendix E	2	23	Yes	Edited section to note NPA only applies on existing infrastructure. However, did not change noting it doesn't apply to new infrastructure or rebuilds since 'new' can be defined very broadly.
Advisory Council on Historic Preservation	Page 2, line 33. You mean Sub part B not just a blanket reference for the regulations. What about any existing program alternatives that include Tribal lands? Doesn't WAPA have some of these?	I.B.1.	2	33	Yes	Edited to add Subpart B. Did not address WAPA PA(s) specific to Tribal lands since they are independent of the NPA.
Cherokee Nation	Lead Federal Agency Roles: The NPA minimizes the involvement of other federal land management agencies (e.g., U.S. Army Corps of Engineers, U.S. Forest Service) in transmission projects. Their statutory responsibilities under NAGPRA and sacred sites law must be addressed clearly.	I.C.	2	34	No	Stipulation I.C. describes the lead federal agency role of each FTU in the operations and maintenance of its transmission system. The NPA does not preclude federal land managers from having a separate Section 106 undertaking related to their management of federal land. Stipulation VI. describes the responsibilities of a federal land managing agency for NAGPRA.
Chickasaw Nation	There needs to be a more detailed explanation on how this proposed PA will not interfere or will complement the PAs listed in Appendix B.	I.D / Appendix B	2	41	Yes	Edited to state that existing PA will be applied first, then NPA if existing PA doesn't apply

Arizona State Historic Preservation Office	As a result of our 8/28/2025 consultation meeting, SHPO understands that the TVA and WAPA intend to apply their existing PAs first, but that if the undertaking(s) aren't covered by the existing PAs (or are located in overlapping FTU service areas) the agencies would then use this NPA. Please include language that clarifies that intent.	I.D.	2	41	Yes	Edited to state that existing PA will be applied first, then NPA if existing PA doesn't apply
Montana State Historic Preservation Office	Page 2, line 41. Why doesn't this list all of the FTUs that have existing PAs? What is the purpose of calling out some entities here if all of the applicable PAs are listed in Appendix B?	I.D.	2	41	Yes	Updated Appendix B
Advisory Council on Historic Preservation	Page 2, line 43. Kind of vague on what this means. Who will determine this or evaluate conflicts between the two documents. When an undertaking is applicable for both TVA will...	I.D.1.a.	2	43	Yes	Edited to state that existing PA will be applied first, then NPA if existing PA doesn't apply
Georgia Department of Community Affairs, Historic Preservation	Page 2, line 44. changed "agreement" to agreements	I.D.1.	2	44	No	
Arizona State Historic Preservation Office	Page 3, line 1. This language currently indicates the FTUs could "a la carte" their S106 processes. Please revise to clarify that FTUs will select a singular S106 program alternative or default to the applicable 36 CFR 800 process.	I.D.3.	3	1	Yes	Updated wording to clarify how NPA would work in relationship to other PAs
Advisory Council on Historic Preservation	Page 3, line 1. What do you mean by in-conjunction? Do you mean programmatic mitigations under that PA will be used but this PA will be used for the rest of the review? There needs to be a little more detail here on the how any existing or new historic transmission PA could be utilized in coordination and to what extent.	I.D.3.a.	3	1	Yes	Updated wording to clarify how NPA would work in relationship to other PAs
Iowa State Historic Preservation Office	Since this PA includes NCSHPO as a signatory, does that organization have any roles applicable to Stipulation II that should be outlined?	II.B.	3	19	Yes	Added stipulation to describe NCSHPO role.
Advisory Council on Historic Preservation	Page 3, line 21. And other relevant administrative stipulations.	II.B.1.	3	21	Yes	Listed other administrative stipulations
Advisory Council on Historic Preservation	Page 3, line 24. FTU CRS' shall review	III.A.	3	24	Yes	Adopted edit
Montana State Historic Preservation Office	Page 3, line 24. Can language be added here that it will be clearly stated which agreement an FTU is following for a project within the cover letter for said project?	III.A.	3	24	No	In some situations a letter would be necessary in order to consult, but in other situations there would be no consultation, hence no letter

Washington Department of Archaeology and Historic Preservation	Page 3; Line 27 to 36. Define the APE. Comment: Add a Section 1.c. to include that consultation will occur when there is any proposed ground disturbance, addition of tensioning sites, lay down areas, landing pads, or other additions beyond the existing maintained transmission line prism.	III.B.1.	3	27	No	The agencies believe the framework described in the NPA provides for consultation at appropriate points in the process when undertakings possess specific characteristics or do not meet certain criteria or conditions.
Iowa State Historic Preservation Office	Are there instances where existing transmission related infrastructure caused an adverse effect but such activities were done before Section 106 consultation was necessary? Would it be a good time to rethink placement? How would the Agency address these types of circumstances?	III.B.1.a.	3	29	No	These types of undertakings would not be addressed by the NPA and would be addressed by another agency PA (if applicable) or the regular Section 106 process. Shifting the location of infrastructure would generally not fall under operations and maintenance.
Advisory Council on Historic Preservation	Page 3, line 29. No visual effect consideration?	III.B.1.a.	3	29	Yes	Clarified wording in III.B.1.b. to note that consultation would occur regarding APEs to take into account visual effects when undertaking would increase size more than 25%.
Advisory Council on Historic Preservation	Page 3, line 32. Would language regarding identifying the relevant SHPO, Tribes, and other consulting parties for each review be helpful to document?	III.B.1.b.	3	32	Yes	Added the word "appropriate" to the stipulation
Georgia Department of Community Affairs, Historic Preservation	Page 3, line 35. "by 25%"-Recommend changing this to 10% to be consistent with other NPAs and agencies	III.B.1.b.	3	35	No	The agencies believe that 25% is appropriate for existing transmission related infrastructure given the frequent location and nature of such infrastructure.
Tennessee State Historic Preservation Office	The Identification Section and Appendix F both mention not having to do more if the area had been previously surveyed and determined in consultation with SHPO that no historic properties were present. For above-ground resources, these areas would need to be re-evaluated after a certain amount of time as resources age and become 50 years old, integrity of buildings and structures may change, and new information may come to light. So perhaps concurred on within last 10 years?	III.B.2.a.ii / Appendix F	3	36	Yes	Edited Stipulation III.B.2.a.ii. to state potential need to re-evaluate/identify historic properties that have surpassed 50 years of age.
Georgia Department of Community Affairs, Historic Preservation	Page 3, line 37. Comment - As previously noted, the age of the previous identification efforts should also be taken into consideration or survey and identification longevity. If it's been more than 5 years, new surveys (particularly for above-ground resources) may be necessary. (which is why we recommend surveying properties that are 40 to 45 y/o when surveys are undertaken) - Also added "the age of said studies,"	III.B.2.	3	37	No	Stipulation II.B.2.ii. defines criteria a prior survey would need to meet in order to be adequate and any such survey would need to constitute a reasonable and good faith effort
Washington Department of Archaeology and Historic	Page 3; Line 42. 2.a.i. The CRS shall review....	III.B.2.a.i.	3	42	Yes	Changed wording to "will review"
Advisory Council on Historic Preservation	Page 3, line 42. Reviewing existing information is the one expected identification effort in 800.4, so the inclusion of may is concerning. Why not "will"?	III.B.2.a.i.	3	42	Yes	Changed wording to "will review"

Montana State Historic Preservation Office	Page 3, line 48. The below requirements should cover the entire APE.	III.B.2.a.ii.	3	48	No	Stipulation II.B.2.ii. defines criteria a prior survey would need to meet in order to be adequate and any such survey would need to constitute a reasonable and good faith effort
Iowa State Historic Preservation Office	We recommend setting criteria for the ages of reports that might still be useful for compliance purposes. For archaeological reports in Iowa, we use 1999 as a cutoff because that is when guidelines were established. For above ground resources, such documentation might have less shelf life. For above ground resources, specifying something like "if the report was produced and accepted within the last 5 (or 10) years" would lead to reevaluation of some properties that could have gained significance since the last review.	III.B.2.a.ii.	4	2	No	Stipulation II.B.2.ii. defines criteria a prior survey would need to meet in order to be adequate and any such survey would need to constitute a reasonable and good faith effort
Georgia Department of Community Affairs, Historic Preservation	Page 4, line 2. "are met"-Age of a historic resources survey is important. If more than 5 years old, there is most likely additional resources out there that need to be id'd.	III.B.2.a.ii.	4	2	Yes	Edited III.B.2.a.ii. to state potential need to re-evaluate/identify historic properties that have surpassed 50 years of age.
Arizona State Historic Preservation Office	Page 4, line 3. and was completed within the last 20 years	III.B.2.a.ii.(a).	4	3	No	Stipulation II.B.2.ii. defines criteria a prior survey would need to meet in order to be adequate and any such survey would need to constitute a reasonable and good faith effort
Georgia Department of Community Affairs, Historic Preservation	Page 4, line 3. Typically, for archaeological surveys, the survey is conducted on a project basis, so using a survey from other non-related projects may be problematic. While it may be able to inform the probability of sites being present in an APE, it may not be able to determine the total absence of all sites.	III.B.2.a.ii.(a).	4	3	No	Stipulation II.B.2.ii. defines criteria a prior survey would need to meet in order to be adequate and any such survey would need to constitute a reasonable and good faith effort
Montana State Historic Preservation Office	Page 4, line 5. Can this either be changed so that prior reports can be used only if they meet current standards or that only reports 10 years of age or newer can be used? The way this reads now, allows for any report no matter how old to potentially be used regardless of if the standards of that time were good or not.	III.B.2.a.ii.(a).	4	5	No	Stipulation II.B.2.ii. defines criteria a prior survey would need to meet in order to be determined adequate and any such survey would need to constitute a reasonable and good faith effort.

Georgia Department of Community Affairs, Historic Preservation	Page 4, line 5. Standards change and for archaeology specifically, old report may not have been as intensive as the current standards. Recommend adding language to incorporate the potential need to re-evaluate previous NRHP eligibility in accordance with 36 CFR 800.4(c)(1), “The passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible.“ Previously identified sites that were recommended ineligible may still be considered overall/unknown and follow the process in III.C.1	III.B.2.a.ii.(a).	4	5	Yes	Stipulation II.B.2.ii. defines criteria a prior survey would need to meet in order to be adequate and any such survey would need to constitute a reasonable and good faith effort. The agencies added specific reference to 36 CFR 800.4(c)(1). In addition, Stipulation III.C. was updated to note that consultation would occur on eligibility whenever unevaluated cultural resources could not be avoided or other Appendix F conditions applied.
Georgia Department of Community Affairs, Historic Preservation	Page 4 line 13-16. What is the determine [determining] factor(s) to go one way or the other?	III.B.2.a.iii.	4	13	Yes	Clarified section to note that CRS would proceed to apply conditions if they were applicable to the undertaking.
Montana State Historic Preservation Office	Page 4, line 15. Can this process be further clarified? III.E.4 primarily references activities in Appendix F. Many of those activities reference knowing that there is a historic property within the APE. How would those activities be applicable when there were no prior or current efforts to identify historic properties within the APE?	III.B.2.a.iii.	4	15	No	It's true that some conditions likely wouldn't be able to be applied without first conducting a survey. However, properties could be known without having first conducted a survey in some cases (historic documentation, aerial imagery, Tribal consultation, etc.). Also, one or more conditions may need to be applied including A.1 (survey effort).
Washington Department of Archaeology and Historic Preservation	Not sure I agree with you on steep slopes. I see human remains come out of slopes all the time. Maybe define steep slopes? I will leave that to Guy and Rob.	III.B.2.b.i.	4	20	Yes	Clarified that CRS would review areas to determine if inventory is necessary.
Washington Department of Archaeology and Historic Preservation	The proposed exemption of review for steep slopes assumes that there are no cultural resources present. We have found the opposite to be true in Washington. Perhaps a definition of steep slopes is needed here.	III.B.2.b.i.	4	20	Yes	Clarified that CRS would review areas to determine if inventory is necessary.
Iowa State Historic Preservation Office	We recommend providing a more robust definition of disturbance. Surface disturbance might not relate to subsurface preservation. We recommend considering disturbance in both horizontal and vertical aspects.	III.B.2.b.i.	4	21	Yes	Clarified that CRS would review areas to determine if inventory is necessary.
Montana State Historic Preservation Office	Page 4, line 21. "inventoried" - As in on the ground survey? Where a Class III report will be produced?	III.B.2.b.i.	4	21	No	The level of inventory would be related to the nature and location of the undertaking (reasonable and good faith effort), in many cases this would necessitate an intensive pedestrian inventory.
Georgia Department of Community Affairs, Historic Preservation	Page 4, line 21. added language to read - occurred, or the age of the efforts is over # years old, will be inventoried	III.B.2.b.i.	4	21	No	Stipulation II.B.2.ii. defines criteria a prior survey would need to meet in order to be adequate and any such survey would need to constitute a reasonable and good faith effort

Georgia Department of Community Affairs, Historic Preservation	Page 4, line 22. "heavily disturbed" - Georgia standards dictate that even if there is evidence of 'heavy disturbance', these areas are not automatically presumed devoid of archaeological potential. Previous disturbance may result in a low probability for archaeological resources, but these areas cannot be ruled out completely. Recommend altering the approach to classify these areas as low probability and utilize the applicable state standards for identification, in many cases this may include higher interval shovel testing and pedestrian surveying in lieu of standard shovel test intervals. This ensures that standards are adhered to a lessens the possibility for later inadvertent discoveries during project activities.	III.B.2.b.i.	4	22	Yes	Clarified that CRS would review areas to determine if inventory is necessary.
Iowa State Historic Preservation Office	It is unclear how a concept of "extremely dense brush" is determined. Also note that archaeological sites can occur in area of extremely dense brush and efforts should be made for historic property identification.	III.B.2.b.i.	4	25	Yes	Clarified that CRS would review areas to determine if inventory is necessary.
Montana State Historic Preservation Office	Page 4, line 27. What is meant by visual assessments? Is this referring to a Visual-APE?	III.B.2.b.ii.	4	27	Yes	Clarified that would occur when/if APE expanded to incorporate visual effects
Georgia Department of Community Affairs, Historic Preservation	Page 4, line 27. "visual assessments are necessary" - The APE discussion above notes nothing of visual impacts. Recommend including something there.	III.B.2.b.ii.	4	27	Yes	Clarified that would occur when/if APE expanded to incorporate visual effects
Georgia Department of Community Affairs, Historic Preservation	Page 4, line 29. "under criteria A or C" - Why just A and C? There are instances where under B, setting and feeling are key (like a painter who painted views from their house).	III.B.2.b.ii.	4	29	No	Because the NPA only addresses existing infrastructure, the agencies felt only criteria A and C would be applicable.
Montana State Historic Preservation Office	Page 4, line 30. If this is needed for an eligibility or effect determination photos will have to be from the site.	III.B.2.b.ii.	4	30	No	The agencies believe the statement "Potential field investigations or reconnaissance may be warranted." addresses this because we can't address every instance of a SHPO having a specific request for a property type/task.
Advisory Council on Historic Preservation	Page 4, line 31. PTRCS - I don't think this is defined above?	III.B.2.c.	4	31	Yes	Spelled out PTRCS
Cherokee Nation	Properties of Traditional Religious and Cultural Significance (PTRCS): The draft NPA uses non-standard terminology without grounding in statute or regulation. It inconsistently applies evaluation and treatment standards to THPOs and SHPOs, and it assumes Tribes will share sensitive information outside their policies.	III.B.2.c.	4	31	No	The agencies used Properties of Traditional Religious and Cultural Significance because it is very close to the wording in the NHPA (54 § 302706(a)).
Georgia Department of Community Affairs, Historic Preservation	Page 4, line 31. PTRCS - not previously defined.	III.B.2.c.	4	31	Yes	Spelled out PTRCS

Cherokee Nation	the NPA's reliance on annual consultation with Tribes cannot substitute for project-level consultation, particularly where undertakings may affect sites of cultural or religious significance. A nationwide agreement risks normalizing incremental harm to Tribal resources, a risk only Tribes can adequately assess through case-specific review.	III.B.2.c.ii.(a).	4	44	No	The provision in Stipulation III.B.2.c.ii.(a) would be one method of Tribal consultation. However, other opportunities for Tribal consultation would occur through implementation of the NPA when undertakings increase the height of existing infrastructure by more than 25%, when undertakings meet the criteria in Stipulation III.B.2.c.iii.(a)., and when conditions in Appendix F could not be applied to minimize or avoid effects to historic properties. In addition, undertakings that do not fall into the definition of operations and maintenance would typically progress through the regular Section 106 process unless subject to another agency PA.
Advisory Council on Historic Preservation	Page 4, line 47. Consult how? Is this directing back to the regulation or a process in the NPA?	III.B.2.c.iii.(a).	4	47	Yes	Clarified that CRS would consult with tribe to identify PTRCS
Montana State Historic Preservation Office	Page 4, line 49. "physical footprint' - Does this include depth?	III.B.2.c.iii.(a).(i).	4	49	Yes	Added reference to APE stipulation regarding 'footprint'
Montana State Historic Preservation Office	Page 5, line 2. "outside of a substation parcel"-Are there concerns for any potentially deeply buried component within the substation parcel? Were substations surveyed prior to construction? What are the full dimensions of disturbance within substations including depth? What is parcel defined as?	III.B.2.c.iii.(a).(iii).	5	2	Yes	Changed wording to "outside of a developed substation".
Advisory Council on Historic Preservation	Page 5, line 14-16. There are some significant pros and cons for assuming eligibility, especially if there is not agreement of the types of effects or the characteristics that contribute to the property's eligibility. What is the threshold or process for an agency or consulting party seeking a more formal determination	III.C.1.	5	14	No	The agencies updated the stipulation to clarify that consultation would occur for any unevaluated cultural resources when they could not be avoided or Appendix F conditions applied, but could not otherwise update the Stipulation without additional context regarding the comment.
Iowa State Historic Preservation Office	What happens if this cannot be applied?	III.C.1.	5	17	Yes	Added a sentence to state that CRS would proceed to assess eligibility if conditions could not be applied.
Arizona State Historic Preservation Office	Page 5, line 18. Prior determinations of eligibility that were made 20+ years ago may warrant re-evaluation.	III.C.2.	5	18	Yes	Added "regarding the NRHP eligibility of all cultural resources in the APE." to clarify that we wouldn't use old determinations for new/current undertakings, but would consult on eligibility for all resources.
Georgia Department of Community Affairs, Historic Preservation	Page 5, line18. Added language to read - When assessments, or re-assessments, of NRHP eligibility are made	III.C.2.	5	18	Yes	The agencies didn't directly adopt this edit. However, the stipulation was reworded to note that assessment of eligibility would be conducted for all cultural resources in the APE, meaning agencies wouldn't rely on prior determinations, but would reevaluate each time there was an undertaking that could affect a particular cultural resource.
Washington Department of Archaeology and Historic Preservation	Also, I am concerned with not seeing No Effect and an NAE only in an annual report. If we or a THPO disagree then by the time we comment the resource is destroyed or damaged. Maybe an expedited response time?	III.E.	5	27	No	Findings of no historic properties affected and no adverse affected would only be made when the CRS assumed any properties present were eligible for the NRHP and was able to apply conditions. If conditions could not be applied, then CRS would consult to reach finding of effect.
Chickasaw Nation	Appendix F needs to be referenced in Stipulations III.E.1 and III.E.2.	III.E.1, III.E.2	5	27	Yes	Added reference to Appendix F to III.E.1. and III.E.2.
Advisory Council on Historic Preservation	Page 5, line 28. This should be the FTU - the CRS might advise on avoidance but the FTU and agency official typically have final say.	III.E.	5	28	Yes	Edit adopted

Advisory Council on Historic Preservation	Page 5, line 32. No historic properties affected. *Italicize*	III.E.1.	5	32	Yes	Italicized.
Montana State Historic Preservation Office	Page 5, line 33. Does language need to be added that specifies if a project does not fall under III.E.4, then it will be consulted on? Similar to III.E.2(a)	III.E.1.	5	33	Yes	Suggestion adopted
Iowa State Historic Preservation Office	How are the agencies defining "previously disturbed areas"? Please see our previous comment above that is similar in nature.	Appendix F	F	33	No	The agencies believe the remainder of the statement "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" adequately describes previously disturbed areas as they apply to the condition. However, the agencies did clarify how heavily disturbed areas in Stipulation III.B.2.b.i. would be defined/assessed.
Iowa State Historic Preservation Office	It is our opinion that SHPOs should be consulted on No Adverse Effect determinations.	III.E.2.	5	35	No	Findings of no historic properties affected and no adverse affected would only be made when the CRS assumed any properties present were eligible for the NRHP and was able to apply conditions. If conditions could not be applied, then CRS would consult to reach finding of effect.
Advisory Council on Historic Preservation	Page 5, line 35. No adverse effect. *Italicize*	III.E.2.	5	35	Yes	Italicized.
Tennessee State Historic Preservation Office	III.E: The no adverse effect section (section 2) specifies that if III.E.4 condition could not be applied it would follow normal consultation. Should this not also be specified in the no historic properties affected section (section 1)?	III.E.2.	5	35	Yes	Suggestion adopted
Washington Department of Archaeology and Historic Preservation	Page 5; Line 35-41. Comment: This section assumes that BPA has the same information as SHPO and Tribes, which is not always the case. We request an expedited review period instead of no consultation at all.	III.E.2.	5	35	No	The NPA is structured so that a finding of no adverse effect could only be reached without consultation in circumstances when the Appendix F conditions could be applied.
Iowa State Historic Preservation Office	In our opinion, monitoring alone would not necessarily result in no adverse effect. While monitoring can be useful in some circumstances, monitoring can sometimes lead to an adverse effect happening in real-time. It might be helpful to have detailed conditions on the applicable circumstances when monitoring is employed.	Appendix F			No	The expectation is that in many instances more than one condition would need to apply in order to reach a finding of no historic properties affected or no adverse effect. The introductory sections in Appendix F were edited to better communicate this.
Advisory Council on Historic Preservation	Page 5, line 45. Adverse effect. *Italicize*	III.E.3.	5	45	Yes	Italicized.
Advisory Council on Historic Preservation	Page 6, line 2. I would suggest folding these into D.1 and 2 above instead of a separate stipulation.	III.E.4.	6	2	Yes	Suggestion adopted
Advisory Council on Historic Preservation	Page 6, line 7. Some logic confusion here – the above sections are for no consultation needed, but this seems to say the FTU would consult with the Tribe/SHPO thereby meaning the above process for the FTU to reach a NHPA or NAE finding would require consultation?	III.E.4.b.	6	7	Yes	Adjusted wording and changed location in document.

Washington Department of Archaeology and Historic Preservation	Page 6; Line 14. Comment: A HPTP will only be used when the SHPO and consulting parties agree it is appropriate in lieu of an MOA.	III.F.	6	14	No	The suggestion was not adopted, but the stipulation was reworded to clarify the circumstances when an HPTP would be utilized in lieu of an MOA.
Cherokee Nation	Resolution of Adverse Effects: The NPA contains conflicting language: some provisions include Tribes in mitigation planning, while others appear to limit resolution to SHPOs. This ambiguity must be corrected.	III.F.	6	14	Yes	This stipulation was reworded to more clearly note that SHPOs, Tribes, and other consulting parties would be engaged on appropriate treatment measures.
Arizona State Historic Preservation Office	Page 6, line 16. If the intent of the "either" and "or" is to allow use of this NPA to resolve adverse effects via an HPTP in lieu of MOA development (in consultation with SHPO), please state that plainly. Otherwise, revise to include additional details on when and why either HPTP or MOA development may occur.	III.F.1.	6	16	Yes	Clarified that the agencies would use HPTP as default unless in CRS opinion due to undertaking/effect complexity a MOA is warranted.
Advisory Council on Historic Preservation	Page 6, line 16. the relevant or applicable SHPO? Delete "consult with"	III.F.1.	6	16	Yes	Rephrased this section
Iowa State Historic Preservation Office	What are the standards/conditions used that direct the FTU to select an HPTP over an MOA?	III.F.	6	21	Yes	Clarified that agencies would use HPTP as default unless in CRS opinion due to undertaking/effect complexity a MOA is warranted
Arizona State Historic Preservation Office	Page 6, line 21. Same as above: please reconsider and clarify the "or"	III.F.1.a.	6	21	Yes	Clarified that agencies would use HPTP as default unless in CRS opinion due to undertaking/effect complexity a MOA is warranted
Advisory Council on Historic Preservation	Page 6, line 21. You need a call out for a SHPO, Tribe or CP to request this. (e.g. Any FTU, SHPO, Tribe, or CP may request the Advisory Council on Historic Preservation be invited to participate in the development of a HPTP or MOA. Unless requested, the Advisory Council on Historic Preservation's non-participation will be assumed in the development of a HPTP or MOA. If requested, the FTU shall notify the Advisory Council on Historic Preservation of the adverse effect finding by providing the documentation specified in § 800.11(e). The Advisory Council on Historic Preservation hall advise the FTU and all consulting parties whether it will participate within 15 days of receipt of notice and adequate documentation.	III.F.1.a.	6	21	Yes	Updated stipulation with Advisory Council on Historic Preservation language
Georgia Department of Community Affairs, Historic Preservation	Page 6, line 40. Added language to read - were addressed, clearly noting the reduced review period.	III.F.2.b.	6	40	No	There is no standard review period for MOAs. Suggesting that time period is reduced would imply otherwise.
Montana State Historic Preservation Office	Page 6, line 41. How will objections/disputes be handled for these? Is it the same as the Dispute Resolution stipulation?	III.F.2.c.	6	41	Yes	The agencies updated the Stipulation III.F.4. wording based on an Advisory Council on Historic Preservation comment which should address this comment.
Georgia Department of Community Affairs, Historic Preservation	Page 6, line 44. When would one versus the other be selected? Seems like all would need an MOA, and the HPTP would be mitigation within.	III.F.3.	6	44	Yes	Clarified that agencies would use HPTP as default unless in CRS opinion due to undertaking/effect complexity a MOA is warranted

Advisory Council on Historic Preservation	Page 6, line 47. Suggest if there is disagreement, the FTU first invite the Advisory Council on Historic Preservation, if were not participating as well as consider developing a MOA if it is an HPTP, then if the MOA is unsuccessfully and the Advisory Council on Historic Preservation is involved we move to 800.7	III.F.4.	6	47	Yes	Updated stipulation based on Advisory Council on Historic Preservation recommendation
Georgia Department of Community Affairs, Historic Preservation	Page 7, line 2. "800.12(d)" - And these actions will be accounted for in the annual report, correct?	IV.B.	7	2	No	This is addressed in Stipulation IX
Georgia Department of Community Affairs, Historic Preservation	Page 7, line 2. "other emergency response" - What types of actions might this entail? Defined by governor and presidential declaration?	IV.B.	7	2	No	This covered in Stipulation IV.A. (reference to Appendix D).
Georgia Department of Community Affairs, Historic Preservation	Page 7, line 6. "if circumstances permit" - What's the procedure if circumstances don't permit? A shorter consultation window? Recommend specifying so that it's clear what types of emergencies require which consultation timeframe? Or post-review?	IV.B.	7	6	No	We'd follow regulatory procedures/timelines here
Georgia Department of Community Affairs, Historic Preservation	Page 7, line 7. "a letter report" - For all instances above? Maybe make this a separate substip if so, and note as such, for clarity.	IV.B.	7	7	No	Only would apply if circumstances permit
Georgia Department of Community Affairs, Historic Preservation	Page 7, line 14. "50-foot" - We typically recommend a minimum of 100-feet	V.A.2.	7	14	No	It's a minimum of 50 feet, but could be larger depending on specific circumstances.
Iowa State Historic Preservation Office	Will the CRS have qualifications needed to make determinations on discoveries of human remains, burials, or funerary objects? It is unclear to us if this is the case.	V.A.3.	7	17	No	CRS would either be qualified, or coordinate with someone who is qualified.
Cherokee Nation	Post-Review Discoveries: Section V(A)(3) permits FTUs to unilaterally determine that discoveries are "isolates" not eligible for the National Register, without notifying Tribes. This is inconsistent with the NHPA, which requires Tribal consultation under 36 C.F.R. § 800.13(b)(3).	V.A.3.	7	17	Yes	The agencies incorporated a definition for isolate into Appendix D and referenced it in the stipulation.
Georgia Department of Community Affairs, Historic Preservation	Page 7, line 18. Change "SHPO" to "applicable state"	V.A.3.	7	18	Yes	Changed wording to "applicable state"
Georgia Department of Community Affairs, Historic Preservation	Page 7, line 18. Standards are not necessarily of the SHPO's doing, but rather a professional org within the state.	V.A.3.	7	18	Yes	Changed wording to "applicable state"
Iowa State Historic Preservation Office	In our opinion, SHPOs should be consulted on determinations of eligibility.	V.A.3.	7	19	Yes	The agencies incorporated a definition for isolate into Appendix D and referenced it in the stipulation.
Chickasaw Nation	In Stipulation VI, the different applicable state burial laws need to be listed.	VI	7	22	No	The state laws are adequately referenced by referring to "applicable state burial statute".

Washington Department of Archaeology and Historic Preservation	I 100% agree with the NAGPRA section but Interior NAGPRA believes that anything with a drop of federal funds is subject to NAGPRA. Sara Bronin's burial piece is somewhat similar. You may want to cross check with the NAGPRA office or you can just leave it alone. But the whole issue of NAGPRA off federal lands is confusing.	VI.	7	22	No	This section is specific to inadvertent discoveries on federally managed lands.
Georgia Department of Community Affairs, Historic Preservation	Page 7, line 22. "TREATMENT OF HUMAN REMAINS, BURIALS, AND FUNERARY OBJECTS" - Is there additional notification stipulations, or does the V.A.1 stipulation apply here? Recommend clarifying timelines of identification and who will be notified	VI.	7	22	No	Notification would follow applicable state law or NAGPRA/ federal land managing agency procedures.
Montana State Historic Preservation Office	Page 7, line 23-25. While this policy statement is helpful it is not regulation and therefor should be listed after discussion on NAGRPA and state burial statutes.	VI.A.	7	23	No	The agencies prefer having policy statement as umbrella statement.
Georgia Department of Community Affairs, Historic Preservation	Page 7, line 27. Change "were" to "are". - objects are	VI.A.	7	27	Yes	Changed wording
Washington Department of Archaeology and Historic Preservation	Page 7; Line 36. Training. Comment: THE FTU will work in cooperation with the SHPO and consulted tribes on the training agenda. The FTU shall invite the SHPO and consulted Tribes to participate in the training.	VII.	7	36	No	The training is for agency staff to consistently implement the NPA.
Iowa State Historic Preservation Office	Continued/recurring training might be useful after initial training. We recommend a refresher training every two years.	VII.	7	36	No	Training is for agency staff to familiarize themselves with consistent implementation of the NPA and for onboarding new staff who would work under terms of the NPA.
Georgia Department of Community Affairs, Historic Preservation	Page 7, line 37. SHPOs are available to help with training, if desired...	VII.A.	7	37	No	The agencies appreciate the offer, but the training is for internal purposes.
Advisory Council on Historic Preservation	Page 7, line 48. This seems to be both Training and a monitoring stipulation. Do you want to direct to that stipulation for reporting and reviewing training?	VII.B.2.	7	48	Yes	Deleted this section and added statement regarding reviewing training implementation to Stipulation X.C.
Washington Department of Archaeology and Historic Preservation	Page 8; Annual Reporting. Comment: The FTU shall provide annual reports to the respective SHPOs and consulted tribes. The FTU shall, for the first three years provide quarterly reports to the respective SHPO and consulted tribes. The FTU shall host an in person or virtual meeting of the SHPO and consulted tribes to review the annual report.	IX.	8	6	No	The agencies believe the annual report should remain as an annual report rather than a quarterly report.
Advisory Council on Historic Preservation	Page 8, line 7. Is this assuming NCSHPO will distribute to SHPOs?	IX.A.	8	7	Yes	This was addressed by updating Stipulation II to add a section for NCSHPO role including distribution of annual report via their portal.
Georgia Department of Community Affairs, Historic Preservation	Page 8, line 12. Contact changes as well? For FPOs, CRS etc.?	IX.A.	8	12	Yes	Added FTU contacts to the listed contents of the annual report.

Montana State Historic Preservation Office	Page 8, line 19. "first two years"-Can we add "and every 3 years after"? Or some other interval. Given the amount of turnover everywhere, it could be beneficial to continue to check in to really make sure this PA is continuing to work.	X.A.	8	19	No	The purpose of the monitoring is to ensure the NPA is implemented consistently from the beginning. Once it's up and running inconsistencies are not anticipated. However, the annual reporting, dispute resolution, and amendment stipulations provided avenues for making adjustments as the NPA progresses.
Iowa State Historic Preservation Office	We recommend replacing "one" with "an". Please also specify when such meeting will occur (e.g., September).	X.B.	8	22	No	Language was reviewed and discussed, but decided to leave as written.
Montana State Historic Preservation Office	Page 8, line 22. 'Signatories"-Will there be a meeting opportunity for SHPOs/THPOs to attend?	X.B.	8	22	No	No, the meeting itself would be between the signatories. However, the preceding section (X.A.) was edited to note that NCSHPO would solicit feedback from SHPOs.
Montana State Historic Preservation Office	Page 8, line 22. "one annual meeting"-Does this mean 1 meeting during the duration of this NPA or 1 meeting every year?	X.B.	8	22	No	After the first year of implementing the NPA there would be an annual meeting to discuss the implementation and any feedback received from consulting parties.
Montana State Historic Preservation Office	Page 8, line 22. "(in person or virtual)"-We would suggest changing or to and/or so that way a virtual option is always included.	X.B.	8	22	Yes	Changed to "hybrid"
Georgia Department of Community Affairs, Historic Preservation	Page 8, line 28. "Dispute Resolution" - What about disputes regarding the carrying out of a specific project - elig and effect determinations from such? Or if the public has a concern.	XI.	8	28	No	The stipulation was edited to use standard Advisory Council on Historic Preservation template language. Determinations of eligibility would result in consultation. The annual reporting/monitoring provides an opportunity for feedback which could include carrying out of a specific project.
Washington Department of Archaeology and Historic Preservation	Page 8; Dispute Resolution. Comment: The FTU shall informally seek to resolve any disagreement in a determination of effect, eligibility, or undertaking classification or FTU analysis and research prior to invoking XI.	XI.	8	28	No	Replaced draft NPA dispute resolution language with Advisory Council on Historic Preservation template dispute resolution language
Washington Department of Archaeology and Historic Preservation	Page 8; Line 28. Comment: Any SHPO or consulted tribe can dispute at any time to any actions carried out under this NPA.	XI.	8	28	No	Replaced draft NPA dispute resolution language with Advisory Council on Historic Preservation template dispute resolution language
Advisory Council on Historic Preservation	Page 8, line 28. This is non-traditional dispute language, there are only six signatories, if there is a dispute, why would it not just go to the Advisory Council on Historic Preservation for comment as is proposed in our boilerplate?	XI.	8	28	Yes	Replaced draft NPA dispute resolution language with Advisory Council on Historic Preservation template dispute resolution language
Montana State Historic Preservation Office	Page 8, line 28. "Dispute Resolution"-What if a non-signatory entity has a dispute? If a SHPO was having issues, would they need to bring it to NCSHPO who is a signatory?	XI.	8	28	No	Yes, in order to raise as a dispute would need to bring to the attention of NCSHPO. Could also raise the issue with the Advisory Council on Historic Preservation.
Washington Department of Archaeology and Historic Preservation	Page 8; Line 45 Amendments. Comment: The SHPO or any consulted tribes can request an amendment.	XII.	8	45	No	Signatory parties are responsible for amending the NPA consistent with the Advisory Council on Historic Preservation template language.
Montana State Historic Preservation Office	Page 8, line 45. "AMENDMENTS"-What about the other appendices? Appendix B should be able to be updated without a formal amendment because it is a list of existing PAs with each FTU.	XII.	8	45	Yes	Added Appendix B as an appendix that could be modified without amending the NPA.

Montana State Historic Preservation Office	Page 8, line 51. Updating this appendix (F) should require consultation	XII.B.	8	51	Yes	Updated to clarify t hat FTUs would first need to consult before updating Appendix F
Washington Department of Archaeology and Historic Preservation	Page 9. Line 15 Duration. Comment: This NPA will be in effect for 10 years, with a substantive review involving all consulting parties after 5 years.	XIV.	9	15	Yes	Duration of the NPA was shifted to 10 years with the provision for two additional 5 year periods if agreed to by the FTUs, NCSHPO, and Advisory Council on Historic Preservation.
Iowa State Historic Preservation Office	20 years is a long time for a PA duration. Our office has the opinion that 10 years might be more reasonable, with the potential to extend the duration after 10 years.	XIV.A.	9	17	Yes	Duration of the NPA was shifted to 10 years with the provision for two additional 5 year periods if agreed to by the FTUs, NCSHPO, and Advisory Council on Historic Preservation.
Montana State Historic Preservation Office	Page 9, line 17. "20 years"-Would the FTU's consider moving this down to 10 years?	XIV.A.	9	17	Yes	Duration of the NPA was shifted to 10 years with the provision for two additional 5 year periods if agreed to by the FTUs, NCSHPO, and Advisory Council on Historic Preservation.
Montana State Historic Preservation Office	Appendix B: Line 3. Update with the new Built Resources PA	Appendix B.	B	3	Yes	Added additional PAs to Appendix B
Montana State Historic Preservation Office	Appendix B: Line 22. Update with new Maintenance Road PA	Appendix B	B	22	Yes	Added additional PAs to Appendix B
Iowa State Historic Preservation Office	In other consultations, we learned that construction matting placement sometimes requires grading for perpetration [preparation]. Please specify that site preparation (grading) is not needed for placement.	Appendix D	D 1	8	Yes	The definition in Appendix D was not changed, but the agencies did update Appendix F to note that construction matting would be utilized "without grading".
Georgia Department of Community Affairs, Historic Preservation	Appendix D: line 20. Added language to read "the Interior's (SOI) guidelines standards for "	Appendix D	D 1	20	Yes	Edit incorporated
Georgia Department of Community Affairs, Historic Preservation	Appendix D, line 21. upon SOI-qualified personnel	Appendix D	D 1	21	Yes	Edit incorporated
Advisory Council on Historic Preservation	Appendix D, line 23 - Emergencies - This should actually be 800.12(b)(1). The procedures cited here are completely different.	Appendix D	D 1	23	Yes	Updated reference
Advisory Council on Historic Preservation	Appendix D, page 2, line 4 - See earlier comment	Appendix D	D 2	4	No	Agencies prefer to use PTRCS as more consistent with the statute.
Montana State Historic Preservation Office	Appendix E: What is the point of this appendix? Are these the only activities applicable under this PA?	Appendix E	E	0	No	Appendix E is a list of common undertakings that the NPA would apply to.
Georgia Department of Community Affairs, Historic Preservation	Appendix E: line 3. Improving has not been mentioned anywhere in the NPA, recommend keeping language consistent.	Appendix E	E	3	Yes	Added "or improving" to Stipulation I.A.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: capitalize all words - Avoid/Minimize Effects	Appendix F	F	0	Yes	Changed capitalization

Georgia Department of Community Affairs, Historic Preservation	Appendix F: - For archaeological sites in areas of previous development there is often disturbance within the site, but that does not automatically result in a lack of data potential or the necessary aspects of integrity. Any assumptions of previous disturbance within a previously recorded site would likely need to be confirmed through archaeological investigations. Also note that depending on the age and level of previous survey work, sites may not always be fully delineated and therefore establishing boundaries based on previous information may not result in fully avoidance. It may require the qualified archaeologist to do additional survey work to establish boundaries. Additionally, when the geological context suggest “little potential for buried intact cultural deposits” low probability is a more accurate terminology, but that determination is not always a means to negate some level of identification effort.	Appendix F	F	0	Yes	Edited introductory language for sections A and B to clarify intent and usage of the conditions.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: added language - "Cultural resources monitoring will be conducted to ensure avoidance of historic properties." and commented - And results of monitoring accounted for in the annual report?	Appendix F	F	0	No	The agencies would draft monitoring reports but would not be included in annual report. However, annual report would note that monitoring occurred for specific undertakings.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: line 3. "conditions" - These conditions are very archaeology heavy. What about visual or other above ground concerns?	Appendix F	F	3	No	If the height of existing infrastructure increased by 25% or more then FTU would consult on APE and potential visual effects.
Advisory Council on Historic Preservation	Appendix F, line 4, "no historic properties affected"-The effectiveness or scope of some of these vary on if they will result in a NHPA or NAE finding. No historic properties in the APE vs low pressure equipment are very different levels of consideration and one may not guarantee no effect while the other is more all-encompassing. Recommend further discussion and refinement of how these conditions are applied or tiered to ensure consistent application.	Appendix F	F	4	Yes	Shifted conditions A. 5., A.7., A.8., A.11. to section B (no adverse effect). Also added introductory statement to each finding to better explain intent and usage of conditions.
Montana State Historic Preservation Office	Appendix F: line 6. "historic properties"-Add definition (should reference the regs)	Appendix F	F	6	Yes	Added definition of historic properties to Appendix D.
Arizona State Historic Preservation Office	Appendix F, line 6. within the past 20 years	Appendix F	F	6	No	Stipulation II.B.2.ii. defines criteria a prior survey would need to meet in order to be adequate
Washington Department of Archaeology and Historic Preservation	Appendix F line 6. Comment: Limit to “No historic properties within the APE.”	Appendix F	F	6	No	Avoidance of historic properties within the APE would result in a finding of no historic properties affected so it makes sense to include in condition A.1.

Montana State Historic Preservation Office	Appendix F: line 7. "avoided"-Can a minimum buffer area be provided?	Appendix F	F	7	No	Buffers would vary depending on the APE and the undertaking.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: line 8. As previously mentioned, recommend changing this to 10% to be consistent with other NPAs and agencies	Appendix F	F	8	No	Agencies feel 25% should be acceptable given typical structure heights.
Montana State Historic Preservation Office	Appendix F: line 8. "Wood pole structures being replaced"-In-kind? Or by anything?	Appendix F	F	8	Yes	Edited this section to clarify that transmission structures are what is meant. The condition is not specific to replacing wood pole structures with wood pole structures, but most often structures are replaced in kind.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: line 14. "facility" - Designed to store maintenance equipment/materials?	Appendix F	F	14	Yes	Added the word "maintenance" to clarify the nature of the facilities.
Montana State Historic Preservation Office	Appendix F: line 15. "Low ground pressure equipment will be utilized"-Potentially only applicable during part of the year? Would this still be low impact in spring?	Appendix F	F	15	Yes	Added wording to clarify that low ground pressure equipment would be utilized to avoid rutting when rutting would otherwise occur if normal pressure equipment was utilized.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: line 16. Deleted 6. Cultural resources monitoring will be conducted to ensure avoidance of historic properties.	Appendix F	F	16	No	Added an introductory statement to clarify the intent and use of the conditions. In many instances monitoring would be utilized with other conditions to arrive at a finding of no historic properties affected or no adverse effect.
Montana State Historic Preservation Office	Appendix F: line 16. "Cultural resources monitoring will be conducted to ensure avoidance of historic properties"-By an SOI-qualified person	Appendix F	F	16	No	Monitoring would not always be conducted by an SOI qualified person, but an SOI qualified person would be supervising.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: line 17. Added "or ground disturbance."	Appendix F	F	17	No	This edit was not incorporated. However, the condition was shifted to section B (no adverse effect).
Montana State Historic Preservation Office	Appendix F: line 17. "Abandoned poles...."-Are there any instances where these abandoned wood poles contribute to a historic property or district? Or are we talking about abandoned modern poles?	Appendix F (A.7.)	F	17	No	If the poles were abandoned there was already some undertaking that resulted in them being left. So would have previously considered potential historic nature of the poles.
Montana State Historic Preservation Office	Appendix F: line 18-19. "Vegetation removal..."-Piles should not be placed on historic properties (i.e. archaeological site, ditch, adit, etc.)	Appendix F (A.8.)	F	18	Yes	Clarified condition to note that vegetation would not be piled.
Montana State Historic Preservation Office	Appendix F: line 21, APE - This would only count if 100% of the APE was significantly disturbed - any part not "disturbed" would need to be surveyed	Appendix F (9)	F	21	Yes	Clarified condition to note that only portions may be significantly disturbed. However, some other condition would need to address portion that was not significantly disturbed.
Montana State Historic Preservation Office	Appendix F: line 21, "significantly disturbed" - Add definition	Appendix F (A.9.)	F	21	No	Significantly disturbed areas would be reviewed by the CRS in order to appropriately apply the condition. The undertaking would be compared to the disturbance of the APE in order to appropriately apply the condition.
Montana State Historic Preservation Office	Appendix F: line 25, Determined by what means? STPs, excavation units?	Appendix F (A.10.)	F	25	Yes	The wording was updated to state need for existing documentation regarding geological context/soil data
Advisory Council on Historic Preservation	Appendix F, line 30 - see above comment.	Appendix F (B.)	F	30	Yes	Added introductory statement to each finding to better explain intent and usage of conditions.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: line 37. "historic property" - Does this refer to historic properties as defined in 36 CFR 800.16(l)(1)? Or just generally properties/sites that are considered 'historic'?	Appendix F	F	37	Yes	Added definition of historic properties to Appendix D.

Montana State Historic Preservation Office	Appendix F: line 37, "will be flagged"-Will this include a buffer?	Appendix F (B.2.)	F	37	Yes	Added language to note that a buffer would be utilized when feasible.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: line 39-42. Formatted, deleted, added.... initiated and after work is completed. a)Work within a historic property or unevaluated cultural resources, will be monitored by a qualified archaeologist during the maintenance activity. b)Construction matting will be utilized to cover work areas prior to conducting work to limit subsurface disturbance. c)Restrict heavy vehicle use within a historic property to only when the ground surface is completely d)dry or frozen.)e)	Appendix F	F	39	No	Added an introductory statement to clarify the intent and use of the conditions. In many instances monitoring would be utilized with other conditions to arrive at a finding of no historic properties affected or no adverse effect.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: line 40. "maintenance activity" - And the results of the monitoring reported in the annual report?	Appendix F	F	40	No	FTUs would draft monitoring reports but would not be included in annual report. However, annual report would note that monitoring occurred for specific undertakings
Montana State Historic Preservation Office	Appendix F: line 41. "the maintenance activity"-Is "maintenance activity" defined by the list in Appendix E? I'm not sure just having a monitor would take some of those activities to a No Adverse Effect determination	Appendix F (B.3.)	F	41	Yes	Changed "maintenance activity" to "undertaking".
Montana State Historic Preservation Office	Appendix F: line 42. Applicability year round? Would this still protect areas in the spring? Would this be covering sites?	Appendix F (B.4.)	F	42	Yes	Clarified that construction matting would be used within historic properties in order to arrive at finding of no adverse effect. Conceivably could be used year round, but would be implemented only when conditions warrant.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: line 43-45. While capping can sometimes be a viable way to protect a site, for some this may not be an appropriate method for avoidance and may require additional consultation and therefore may not be applicable for a PA.	Appendix F	F	43	No	Added clarifying introductory statement regarding usage and intent of conditions. Given the expense, capping would only be utilized when warranted.
Montana State Historic Preservation Office	Appendix F: line 44. Is this generally always appropriate? What happens when the project is over? Will they remove the fill? And how? Will that be monitored?	Appendix F (B.5.)	F	44	No	No, fill would not be removed upon completion. Added clarifying language regarding usage and intent of conditions.
Montana State Historic Preservation Office	Appendix F: line 46. Can it be added that these activities will not include any ground-disturbance?	Appendix F (B.6.)	F	46	No	Added clarifying introductory statement regarding usage and intent of conditions. This condition would be utilized in concert with another condition if ground disturbance were associated with the undertaking.
Georgia Department of Community Affairs, Historic Preservation	Appendix F: line 48. - deleted 7. Restrict heavy vehicle use within a historic property to only when the ground surface is completely dry or frozen.	Appendix F	F	48	No	Added clarifying language regarding usage and intent of the conditions.
Montana State Historic Preservation Office	Appendix F: line 49. In any historic property? This should be monitored and potentially restricted to not include archaeological sites.	Appendix F (B.7.)	F	49	No	Added clarifying language regarding usage and intent of the conditions.
Osage Nation Historic Preservation Office	Would like "And The Osage Nation" added		1	8	No	According to the regulations (36 CFR 800.14(b)(2)) the NPA is a program PA. Signatories for program PAs consist of the agency official(s), the Advisory Council on Historic Preservation, and the NCSHPO (36 CFR 800.14(b)(2)(iii).

Osage Nation Historic Preservation Office	State signatories and concurring parties	1st Whereas	1	20	No	There are no concurring parties since the PA is a program PA. Signatory parties are listed at the end of the recitals ("Now, therefore"). The signatories are also defined in Appendix D.
Osage Nation Historic Preservation Office	Define APE	5th Whereas	1	34	No	APEs for individual undertakings will be defined separately as mentioned in the 5th whereas clause and in Stipulation III.B.1.
Osage Nation Historic Preservation Office	CRS is an industry-wide acronym for Cultural Resources Survey. To change it in this PA is very confusing for professionals.	II.A.3.	3	15	No	The agencies adopted CRS as the acronym for Cultural Resource Specialist from the Tennessee Valley Authority PA.
Osage Nation Historic Preservation Office	When undertakings involve ground disturbing activities	III.B.1.b.	3	32	No	The agencies believe APEs can be defined without consultation when the undertakings do not include increasing the height of existing infrastructure by more than 25%.
Osage Nation Historic Preservation Office	When the prior efforts occurred within the last 10 years, and the survey meets standards of current good faith effort	III.B.2.a.ii.	3	47	No	In some situations older reports may be outdated and would not support a reasonable and good faith effort to identify historic properties, but in other instances they could. The agencies believe the criteria defined in Stipulation III.B.2.a.ii. are sufficient to establish if a prior report constitutes a reasonable and good faith effort.
Osage Nation Historic Preservation Office	The APE is three dimensional and involves depth. “Heavily disturbed” often does not have the same meaning to tribal governments as it does to federal agencies.	III.B.2.b.i.	4	20	No	The definition of the APE is intended to include all three dimensions "the APE will include the horizontal and vertical physical limits of the undertaking."
Osage Nation Historic Preservation Office	Investigations (testing) should be commensurate to proposed depth; risk of deeper deposits being overlooked due to superficial surface disturbance. Plenty of significant archaeology has been found beneath plow-zones, parking lots, etc. Technically mounds are previously “disturbed” contexts. Need nuanced consideration, here.	III.B.2.b.i.	4	21	Yes	This section was reworded to note that the CRS would review these areas within the APE to determine if inventory is necessary.
Osage Nation Historic Preservation Office	In cases where this can be shown with supporting data. Define heavily disturbed.	III.B.2.b.i.	4	21	Yes	This section was reworded to note that the CRS would these areas within the APE to determine if inventory is necessary as part of an inventory.
Osage Nation Historic Preservation Office	Define steep slopes.	III.B.2.b.i.	4	23	Yes	This section was reworded to note that the CRS would these areas within the APE to determine if inventory is necessary as part of an inventory.
Osage Nation Historic Preservation Office	Alcoves and cave entrances are often located along “steep slopes”. Such should be visually inspected to confirm absence of such features, and tested when present if could be adversely affected. Consulted and avoided.	III.B.2.b.i.	4	23	Yes	This section was reworded to note that the CRS would these areas within the APE to determine if inventory is necessary as part of an inventory.
Osage Nation Historic Preservation Office	If brush precludes ability to visually inspect or shovel test, construction should be monitored at such places if potential exists for significant buried cultural deposits.	III.B.2.b.i.	4	25	Yes	This section was reworded to note that the CRS would these areas within the APE to determine if inventory is necessary as part of an inventory.
Osage Nation Historic Preservation Office	Would be helpful to introduce new acronyms	III.B.2.c.	4	31	Yes	Edited to spell out acronym
Osage Nation Historic Preservation Office	In professional writing, you spell out everything the first time and then define the acronym	III.B.2.c.	4	31	Yes	Edited to spell out acronym
Osage Nation Historic Preservation Office	The Osage Nation and other Tribes	III.B.2.c.ii.a.	4	44	No	The stipulation is inclusive of all Tribes.

Osage Nation Historic Preservation Office	And undertakings that include ground disturbing activities	III.B.2.c.iii.a.	4	47	No	This stipulation would trigger consultation for some ground disturbing undertakings as well, but only when the undertaking increases the size of existing infrastructure by 25% or more. Other provisions of the NPA could also necessitate Tribal consultation.
Osage Nation Historic Preservation Office	What identification efforts are being taken, does this include consultation with tribes in identifying cultural resources?	III.B.2.d.i.	5	10	No	The CRS would determine what identification efforts would be undertaken in order to make a reasonable and good faith effort to identify historic properties. In certain circumstances (e.g. Stipulation III.B.2.c.iii.) the CRS would consult with Tribes.
Osage Nation Historic Preservation Office	Identification efforts need to include tribal consultation to ensure that cultural resources that are not listed on state databases/not available to the CRS without consulting with tribes can be properly protected.	III.C.1.	5	10	No	The NPA includes a process for obtaining information from Tribes if Tribes are amenable to providing information. In other stipulations, Tribal consultation would result if an undertaking meets certain parameters as described in the NPA.
Osage Nation Historic Preservation Office	Consultation with tribes should occur prior to identification of cultural resources	III.C.2.a.	5	20	No	Consultation with Tribes would occur if an undertaking met certain parameters as described in the NPA.
Osage Nation Historic Preservation Office	add "and THPOs."	III.F.1.	6	16	No	The CRS would consult with Tribes/THPOs on the proposed resolution of adverse effects, but not on whether an MOA or HPTP would be utilized.
Osage Nation Historic Preservation Office	Hold a meeting with consulting parties before considering comments	III.F.2.b.	6	36	Yes	Stipulation III.F.1. was reworded to state "Prior to moving forward with the undertaking, the CRS will consult with the SHPO, Tribes, and other consulting parties on appropriate treatment measures commensurate with the effects caused by the undertaking, and to lessen potential cumulative effects."
Osage Nation Historic Preservation Office	Change from 14 calendar day review period to 30	III.F.2.b.	6	39	No	Two 14 calendar day review periods total nearly 30 days.
Osage Nation Historic Preservation Office	Change from 14 calendar days after distribution to 30	III.F.2.c.	6	41	No	Two 14 calendar day review periods total nearly 30 days.
Osage Nation Historic Preservation Office	ONHPO offers cairn and mound identification training.	VII.B.2.	7	49	No	Thank you, the agencies will keep that in mind.
Osage Nation Historic Preservation Office	What will be done to apply the tribal input?	X.A.	8	19	Yes	Reworded Stipulation X.B. to note that the signatories would meet to discuss any input received in Stipulation X.A.
Osage Nation Historic Preservation Office	Change from 20 years to 5 years	XIV.A.	9	17	Yes	The agencies changed the duration to 10 years, with the possibility of two 5 year additions if the signatories agreed.
Osage Nation Historic Preservation Office	changed by a qualified archaeologist to "by an SOI qualified archaeologist"	Appendix F		12	No	Monitoring would not always be conducted by an SOI qualified person, but an SOI qualified person would be supervising.
Osage Nation Historic Preservation Office	Refer to earlier comments	Appendix F		21	No	The APE would be evaluated in three dimensions relative to the area of previous disturbance.
Osage Nation Historic Preservation Office	Should be consulted upon with tribes. Soil profiles are something that have to be ground truthed.	Appendix F		25	No	The agencies would utilize existing information/documentation of soil profiles.
Osage Nation Historic Preservation Office	Refer to earlier comments	Appendix F		33	No	The APE would be evaluated in three dimensions relative to the area of previous disturbance.
Osage Nation Historic Preservation Office	changed by a qualified archaeologist to "by an SOI qualified archaeologist"	Appendix F		37	No	Monitoring would not always be conducted by an SOI qualified person, but an SOI qualified person would be supervising.
Osage Nation Historic Preservation Office	changed by a qualified archaeologist to "by an SOI qualified archaeologist"	Appendix F		40	No	Monitoring would not always be conducted by an SOI qualified person, but an SOI qualified person would be supervising.
Osage Nation Historic Preservation Office	Be more specific about conditions in which this will be utilized	Appendix F		42	Yes	The agencies reworded the condition to note that it would be applied without grading.

National Association of Tribal Historic Preservation Officers	Recommends that the NPA replace all references to “Tribal Indigenous Knowledge (TIK)” with “Indigenous Knowledge (IK)”, consistent with the terminology used by the Advisory Council on Historic Preservation, CEQ, and OSTP. • The NPA explicitly cite the Advisory Council on Historic Preservation’s characterization of Indigenous Knowledge as articulated in its 2024 policy and recognize that this understanding, not a new definition, should guide implementation. • The NPA clarify that Indigenous Knowledge informs all aspects of Section 106 implementation, including identification, evaluation, assessment of effects, and resolution, and should be engaged through government-to-government consultation with Tribes.	III.B.2.C.i.	5	10	Yes	The agencies updated TIK to Indigenous Knowledge throughout the document. Although the draft did reference the Advisory Council on Historic Preservation's definition in Stipulation III.B.2.c.i., it was referenced specifically to PTRCS. In the updated draft the agencies clarified the reference and intent by shifting the reference to the Advisory Council on Historic Preservation policy statement to a new clause in the recitals.
National Association of Tribal Historic Preservation Officers	The draft limits the Area of Potential Effects (APE) to the horizontal and vertical limits of work. The APE should be defined consistent with 36 CFR 800.16(d), ensuring that it includes both direct and indirect effects on setting, feeling, association, and visual, audible, and atmospheric elements and is not limited to areas of physical disturbance.	5th Whereas/Appendix F	1	34	Yes	The agencies clarified Stipulation III.B.1.b. to note that consultation would occur in certain circumstances to define an APE to take into account potential visual effects. However, because undertakings addressed through the NPA would be focused on existing infrastructure, rather than new infrastructure, APEs would be correspondingly limited. Current APEs defined for agency undertakings like those described in the NPA where there is no existing PA very rarely are expanded past the horizontal and vertical limits of the undertaking.
National Association of Tribal Historic Preservation Officers	Revise the identification and prior survey criteria to require that the CRS’s background research and literature review include a review of prior consultation records. The CRS should determine whether consultation associated with prior identification efforts: 1. Included all Indian Tribes that may attach religious and cultural significance to properties within the APE; 2. Provided Tribes a meaningful opportunity to review, comment, and identify additional properties or changed conditions; and 3. Addressed an undertaking of comparable type, scope, and potential effects.	III.B.2.a.	4	14	No	The agencies referred to 36 CFR 800.4(b)(1) to develop the criteria by which a prior survey would be judged to constitute a reasonable and good faith effort to identify historic properties.

National Association of Tribal Historic Preservation Officers	Recommended adding a new sub-criterion to III.B.2.a.ii(following a-c): (d) There is a verifiable consultation record with all Indian Tribes that may attach religious and cultural significance to properties within the APE; that Tribes were given a meaningful opportunity to review, comment; and that the scope of consultation addressed an undertaking of comparable type, scope, and potential effects. If these conditions are not met, the FTU will conduct renewed identification and consultation before proceeding.	III.B.2.a.ii.	4	21	No	The agencies referred to 36 CFR 800.4(b)(1) to develop the criteria by which a prior survey would be judged to constitute a reasonable and good faith effort to identify historic properties.
National Association of Tribal Historic Preservation Officers	Requests that this stipulation (III.B.2.c.i) be revised as follows to explicitly recognize that Indian Tribes are the appropriate subject matter experts in the identification, documentation, evaluation, and assessment of effects related to properties that may be of religious and cultural significance to them: Special Expertise and Indigenous Knowledge: Pursuant to 36 C.F.R. § 800.4(c)(1), the FTUs recognize that Indian Tribes possess special expertise in identifying, documenting, evaluating, and assessing effects on properties that may be of religious and cultural significance to them. Consistent with the Advisory Council on Historic Preservation's Policy Statement on Indigenous Knowledge and Historic Preservation (2024), the FTUs will treat Indian Tribes as the appropriate subject matter experts for such properties and will integrate Indigenous Knowledge throughout all stages of the Section 106 process, including identification, evaluation, and resolution of effects, in consultation with affected Tribes.	III.B.2.c.i.	5	10	Yes	The agencies added a clause to the recitals to better address the application of Indigenous Knowledge to the process described in the NPA. Specific to stipulation III.B.2.c.i. the agencies edited the sentence to clarify that identification and evaluation both benefit from the application of Tribe's special expertise and Indigenous Knowledge.
National Association of Tribal Historic Preservation Officers	1. Define "similar" and "same footprint" in measurable and objective terms, such as defined spatial boundaries, depth of disturbance, or nature of the activity. These determinations must not rely solely on agency or contractor judgment. 2. Clearly define "previously disturbed," including how disturbance will be assessed, and by whom. The FTUs should clarify whether "disturbance" refers to surface alteration, soil compaction, prior infrastructure installation, or other physical factors. 3. Explicitly state that prior disturbance does not negate the potential eligibility of properties of religious and cultural significance to Indian Tribes.	III.B.2.c.iii.a.i.	5	26	No	1. Need an answer here, or to change language in PTRCS section re: similar/same. 2. The agencies updated the language in Appendix F to be more consistent describe previously disturbed areas as they related to the NPA. 3. While the NPA does not explicitly state that prior disturbance does not negate the eligibility of PTRCS, it is not part of the process of considering PTRCS in the application of the NPA (Stipulation III.B.2>c.iii.).

National Association of Tribal Historic Preservation Officers	Clarify that consultation cannot be compressed or bypassed. Consultation with Indian Tribes under 54 U.S.C. 302706(b) is a statutory requirement that cannot be waived, limited, or replaced by any regulation or process, including any expedited review approach similar to 36 CFR 800.3(g). Public involvement under 36 CFR 800.2(d) does not substitute for government-to-government consultation under 36 CFR 800.2(c)(2).				No	The process of reviewing undertakings would result in consultation with Tribes at several points in the NPA including the identification, evaluation, assessment of effects, and resolution of effects depending on the particular circumstance of an undertaking, prior identification efforts, and specific conditions that could be applied to minimize or avoid effects. Moreover, the process of developing the NPA has, and will continue to have opportunities for Tribal consultation.
National Association of Tribal Historic Preservation Officers	Require verifiable consultation records or a documented history of comparable consultation. Before proposing a finding of "no historic properties affected" or "no adverse effect," each FTU must demonstrate that prior consultation or survey documentation meets a comparable standard of adequacy in type, scope, and potential effects. Reliance on prior information is appropriate only when the following conditions are met: a. The FTU possesses verifiable written records that clearly document consultation conducted for an undertaking of similar type, scale, and potential effects, consistent with 36 C.F.R. § 800.4(b)(1); b. The prior record includes evidence that affected Tribes were notified and had a reasonable opportunity to provide input at that time; c. The documentation provides sufficient detail on the nature of properties considered, the consultation conducted, and the resulting findings to demonstrate that a reasonable and good faith identification effort occurred; and d. Environmental conditions and the scope of potential effects have not materially changed since that prior consultation. If these criteria are not fully met, the FTU must conduct new or supplemental consultation to achieve compliance.				No	Stipulation III.B.2.a.ii. describes the process and criteria the agencies would use to determine if a prior survey effort was sufficient to meet the standards of a reasonable and good faith effort to identify historic properties consistent with 36 CFR § 800.4(b)(1). Rather than examining prior consultation records, the NPA uses a process to evaluate individual undertakings to determine if consultation is warranted at specific steps in the Section 106 process including defining the APE, identification, evaluation, and assessing effects. Resolution of adverse effects would always result in consultation. Only if an undertaking meets certain requirements as described in the NPA would consultation not occur at one or more steps.
National Association of Tribal Historic Preservation Officers	Establish time limits for reliance on prior data. Consultation records and survey data older than five years should be presumed outdated unless reconfirmed through renewed consultation, consistent with 36 CFR 800.4(c)(1). Reliance on outdated or incomplete data undermines the reasonable and good faith identification standard.				No	Stipulation II.B.2.ii. defines criteria a prior survey would need to meet in order to be determined adequate and any such survey would need to constitute a reasonable and good faith effort.

National Association of Tribal Historic Preservation Officers	Add a clarifying statement to Stipulation III.E. “Consultation with Indian Tribes pursuant to 54 U.S.C. 302706(b) is a statutory requirement and cannot be waived or limited by this agreement. The FTUs will ensure that consultation occurs for all undertakings that may affect properties of religious and cultural significance to Indian Tribes, regardless of programmatic conditions, expedited review procedures, or prior survey data. Findings of no historic properties affected or no adverse effect shall not be proposed without documented consultation with affected Tribes, unless a Tribe has explicitly waived consultation in writing for that specific undertaking.”				No	The process of reviewing undertakings would result in consultation with Tribes at several points in the NPA including the identification, evaluation, assessment of effects, and resolution of effects depending on the particular circumstance of an undertaking, prior identification efforts, and specific conditions that could be applied to minimize or avoid effects. Moreover, the process of developing the NPA has, and will continue to have opportunities for Tribal consultation.
National Association of Tribal Historic Preservation Officers	Recommended replacement for “Resolution of adverse effects” paragraph (III.F.1): “Following a finding of adverse effect (Stipulation III.E.3), the CRS will, in consultation with the SHPO, affected Indian Tribes, and other consulting parties, develop measures to resolve adverse effects through either an HPTP or an MOA. For properties of traditional religious and cultural significance to Indian Tribes, Indigenous Knowledge shared through consultation should guide how adverse effects are avoided, minimized, and, only when unavoidable, mitigated. Resolution should prioritize avoidance and preservation in place, then minimization, and then mitigation. Treatment measures may include onsite or offsite actions and must be culturally appropriate, as determined by the affected Tribe. The FTUs should provide fair compensation when Tribes contribute Indigenous Knowledge, participate in monitoring, or otherwise support implementation of treatment measures.”	III.F.1.	6	44	Yes	The agencies did not adopt the recommended wording verbatim, but did edit the stipulation to note that "Indigenous Knowledge, if shared with the CRS, should inform potential options to avoid and/or minimize adverse effects and guide potential options to resolve adverse effects whenever applicable." The NPA focuses on the process and consultation steps necessary for the agencies to comply with Section 106 for undertakings addressed by the NPA, rather than funding of activities necessary for the agencies to meet the terms of the NPA including identification of historic properties, evaluation, and resolution of effects.

National Association of Tribal Historic Preservation Officers	1. Incorporate by reference the Advisory Council on Historic Preservation Burial Policy's implementation guidance. 2. Identify how specific principles will be applied in planning, budgeting, discovery response, and treatment. 3. Affirm preservation in place as the preferred treatment. 4. Require FTUs to fund and support actions needed to protect or respectfully relocate remains or burial sites as part of project management, not only as mitigation. 5. Clarify that these responsibilities apply regardless of land status or jurisdiction. 6. Develop internal procedures with Tribes and NATHPO addressing early notification, Tribal decision roles, budgeting for protective actions, and annual reporting metrics.	VI	8	9	Yes	1. Stipulation VI.A. states that the FTU "will proceed consistent with the 13 principles described in the" Policy." 2. In many cases the underlying property where the agencies own and operate transmission infrastructure is subject to an easement and is owned by private individuals, states, or a federal land managing agency. Thus a variety of laws, guidelines, and policies could be applicable. The agencies have committed to following the principles in the Advisory Council on Historic Preservation policy document, but may not be the ultimate decision maker due to the requirements of a state statute or a federal land managing agency taking responsibility under NAGRPA. But whenever the agencies are in the role of a decision maker, they will proceed consistent with the 13 principles. 3. The agencies updated the stipulation to note that preservation in place is the preferred treatment. 4. The agencies would fund actions associated with the stipulation as necessary. 5. The agencies' responsibilities could vary due to different jurisdictions, land manager responsibilities, and differences in state statutes. 6. Again, the agencies responsibilities and decision making are limited in this area due to different jurisdictions, land manager responsibilities, and differences in state statutes.
National Association of Tribal Historic Preservation Officers	Requests that the FTUs clarify what is meant by "confidential" within the context of this NPA, including whether such information will be withheld from public disclosure under 54 U.S.C. § 307103 (NHPA § 304) or 16 U.S.C. § 470hh (ARPA § 9), exempt from disclosure under FOIA pursuant to 5 U.S.C. § 552(b)(3), and restricted from internal or contractor distribution to personnel without a need to know.	VIII	8	35	No	Both stipulations III.B.2.c.iv. and VIII mention the application of Section 304 of the NHPA (54 USC § 307103) and Section 9 of the Archaeological Resources Protection Act (16 USC § 470hh) to the NPA. Stipulation VIII further clarifies that confidential information for NPA purposes is information regarding the location, character, and ownership of historic properties (Section 304 of the NHPA) or archaeological sites (Section 9 of ARPA). The agencies did update Stipulation VIII to note that the agencies would coordinate with applicable Tribes in the event a request made pursuant to the Freedom of Information Act were made that could result in the release of any Tribally provided information not protected under from release under Section 304 of the NHPA or Section 9 of ARPA.
National Association of Tribal Historic Preservation Officers	Requests that the FTUs describe how sensitive information will be identified, labeled, and tracked internally to ensure consistent protection and appropriate use. This should include standard metadata or document-marking conventions, requirements for maintaining separate, access-controlled databases, and protocols for handling information obtained directly from Tribes through consultation or Tribal monitors.	VIII	8	35	No	The agencies would continue to manage information consistent with applicable federal law.
National Association of Tribal Historic Preservation Officers	FTUs must commit to consulting with affected Tribes prior to any internal, inter-agency, or public disclosure of information about PTRCS, including in response to FOIA requests or data-sharing agreements.	VIII	8	35	Yes	The NPA was edited to add note that the agencies would coordinate with Tribes in the event of a FOIA request.

National Association of Tribal Historic Preservation Officers	Require joint FTU and Tribal training that includes THPO and Tribal cultural staff perspectives and practice-based scenarios that apply the NPA. Include orientation on IK, confidentiality, APE setting for cultural landscapes, and Advisory Council on Historic Preservation's IK and Burial Policies. Provide periodic refreshers and onboarding for new CRS staff.	VII			Yes	The training is described specifically for agency staff with roles in implementing the NPA. Stipulation VII.A.1. notes that new agency personnel would receive NPA training as well. A new section was added to the stipulation to better explain subjects that would be addressed by the training to include the major processes described in Stipulation III as well as the administrative stipulations with particular emphasis on Indigenous Knowledge and confidentiality of information.
National Association of Tribal Historic Preservation Officers	Ensure Indian Tribes and NATHPO are explicitly provided roles in Annual reporting (IX) and Monitoring and Implementation review (X.A-B).	IX			Yes	Stipulations IX and X have roles for Tribes in receiving the annual report as well as providing feedback on the implementation of the NPA during the monitoring. However, both stipulations were updated to add NATHPO as a consulting party receiving the report and participating in the monitoring of the NPA.
National Association of Tribal Historic Preservation Officers	Add NATHPO as a reviewing party, distinct from the signatories, for any NPA amendment and any Appendix F update. Provide NATHPO written notice and an opportunity to review and comment on any proposed revision to appendix F.	XII			Yes	As with other NPAs, the process of proposing amendments is limited to the signatories. However, NATHPO could approach any of the agencies, Advisory Council on Historic Preservation, or NCSHPO to request that they propose an amendment. The stipulation was edited to note that consulting parties would be invited to comment on any proposed amendments.
National Association of Tribal Historic Preservation Officers	1. Add an introductory condition that the CRS may recommend no historic properties affected only where the FTU has documented consultation with all Tribes that may attach religious and cultural significance to properties within the APE for undertakings of similar scope and effects. 2. Set a five-year threshold for prior surveys or consultation records used to support findings, subject to confirmation through renewed consultation where conditions have changed. 3. Acknowledge that absence of surface evidence does not justify a no effect finding. Identification and documentation of PTRCS, and pother sites with intangible characteristics, require consultation and Tribal expertise. 4. Require that conditions be met before applying Appendix F: a. Verifiable written record of consultation with each relevant Tribe. b. Prior consultation addressed a comparable or broader undertaking. c. Confirmation that landscape conditions have not materially changed.	Appendix F			No	The process of reviewing undertakings would result in consultation with Tribes at several points in the NPA including the identification, evaluation, assessment of effects, and resolution of effects depending on the particular circumstance of an undertaking, prior identification efforts, and specific conditions that could be applied to minimize or avoid effects. Moreover, the process of developing the NPA has, and will continue to have opportunities for Tribal consultation.

National Association of Tribal Historic Preservation Officers	PTRCS - The current definition reads narrowly and risks excluding property types that Tribes recognize as holding religious and cultural significance. The definition should be expanded to guide FTU application: “For purposes of this agreement, Properties of Traditional Religious and Cultural Significance (PTRCS) to Indian Tribes include, without limitation, traditional cultural places, archaeological sites, structures, sacred sites, burial areas (including the area around the burial, and the general place where burials are), cultural landscapes, and other historic property types that Tribes identify as holding religious and cultural significance. PTRCS may be located on or off Tribal lands and may include resources with tangible or intangible attributes, including places whose significance is expressed through use, ceremony, stories, songs, or other cultural relationships.”	Appendix D			No	The agencies believe the definition is consistent with the statute and is actually more broad than the definition proposed by NATHPO.
Cherokee Nation	The Nation urges FTUs to pursue regional programmatic agreements rather than a nationwide framework. Regional agreements, developed in genuine consultation with Tribes, better reflect local contexts and ensure meaningful protection of cultural resources.				No	For a variety of reasons the agencies believe a nationwide approach is an appropriate programmatic alternative for undertakings that would be addressed by the agreement.
Cherokee Nation	The Nation encourages TVA to withdraw from the proposed NPA, which adds no value to its existing framework.				No	Thank you for your comment.
Cherokee Nation	the NPA as drafted would diminish Tribal consultation, weaken protections, and disrupt established relationships. The Nation urges the FTUs to abandon a nationwide approach and instead develop regional agreements in full partnership with Tribes and State Historic Preservation Offices.				No	Thank you for your comment.
Osage Nation Historic Preservation Office	SWPA’s Oklahoma State Programmatic Agreement was apparently abandoned with no notice that the FTU Nationwide PA was in development as an alternative under consideration. This news, concurrent with previous consultation interactions, is alarming. The Osage Nation was not made aware of on-going finalization of the Arkansas nor the drafting of the Missouri State Programmatic Agreements				No	Thank you for your comment.

Osage Nation Historic Preservation Office	The U.S. Department of Energy's American Indian Policy (DOE Order 144.1) claims that "this effort will include timely notice to all potentially impacted Indian nations in the early planning stages of the decision-making process, including pre-draft consultation, in the development of regulatory policies on matters that significantly or uniquely affect their communities," (US DOE 2009:4). The Osage Nation has taken notice of the flagrant violation of this policy, and the negligence to uphold it causes grave concern for the Nation's cultural resources. The policy includes the requirement that the DOE will comply with the Consultation and Coordination with Tribal Governments Executive Order 13084 of 1998, and the Government to Government Relations with Native American Tribal Governments Executive Memorandum of 1994. In addition, the DOE was most recently a signatory to the 2021 Memoranda of Understanding regarding the Protecting Tribal Treaty and Reserved Rights and the Coordination and Collaboration for Protection of Indigenous Sacred Sites, respectively. In accordance with these policies, an opportunity to provide comments on the state- and national-level Programmatic Agreement documents at all stages of development should have been given. Instead, the Osage Nation was not consulted regarding the finalized Arkansas Programmatic Agreement or the Missouri Programmatic Agreement, and the FTU Nationwide Programmatic Agreement has not been appropriately consulted upon.				No	Thank you for your comment. The agencies consulted on a draft outline of the agreement with affected Tribes in July 2024.

Osage Nation Historic Preservation Office	Executive Order 13084 §3(a) states that "each agency shall have an effective process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities," (Exec. Order No. 13084, 1998). The previously referenced Executive Memorandum states that "each executive department and agency shall consult, to the greatest extent practicable and permitted by law, with tribal governments prior to taking actions that affect federally recognized tribal governments. All such consultations are to be open and candid so that all interested parties may evaluate for themselves the potential impact of relevant proposals," (Exec. Order No. 13084, 1998). SWPA has stated that their abandonment of the "single state" PA in favor of the Nationwide FTU PA was determined after "a joint meeting between Southwestern principals (EHSS and GC), the Advisory Council on Historic Preservation (Chris Wilson), and the OK SHPO (Lynda Ozan)". Where are the Tribes or other affected SHPO's in this decision making? How were Tribes afforded the opportunity to provide meaningful and timely input on this decision?				No	Thank you for your comment. The agencies will continue to consult on the agreement with affected Tribes.
Osage Nation Historic Preservation Office	At the May 24, 2024 consultation meeting, the Osage Nation was under the impression that a good faith consultation was underway with a scheduled in person meeting on August 27, 2024. This abrupt alteration, with a last-minute cancelation of the scheduled meeting, clearly demonstrates the Osage Nation is not being considered, nor included, in negotiations. The Advisory Council on Historic Preservation, the OK SHPO, and the OAS continued consultation with SWPA, while excluding tribes, to develop a Nationwide Programmatic Agreement. The Osage Nation has still not received an explanation for the lack of consultation during the development for the Arkansas State PA or the Missouri State PA that is now being abandoned. This grievous failure to include sovereign nations has caused extreme concern regarding the safety of the Osage Nation's ancestral lands and cultural resources.				No	On August 8, 2024 SWPA emailed consulting parties to advise that it was pursuing the NPA instead of statewide agreements. SWPA considers the NPA to be a more consistent approach for its transmission O&M undertakings.

Osage Nation Historic Preservation Office	At the August 21, 2025 meeting, it was made obvious that what should have been an open consultation process had become an opaque process. The call was one sided and lacked proper consultation. Participants could not see who was on the call and all were muted. Additionally, the Osage Nation has not even been invited to have signatory status.				No	Thank you for your comment. The agencies will continue to consult with affected Tribes on the agreement. Signatory status is limited consistent with 36 CFR 800.14(b)(2)(iii)