

DRAFT

10/21/05

**PROGRAMMATIC AGREEMENT
AMONG THE
U.S. ARMY CORPS OF ENGINEERS, NORTHWESTERN DIVISION,
BUREAU OF RECLAMATION, PACIFIC NORTHWEST REGION,
BONNEVILLE POWER ADMINISTRATION, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION AND OTHER
SIGNATORY PARTIES
REGARDING HISTORIC PROPERTIES AFFECTED BY
THE MULTI-PURPOSE OPERATIONS OF THE FOURTEEN PROJECTS OF
THE FEDERAL COLUMBIA RIVER POWER SYSTEM FOR COMPLIANCE
WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT**



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INTRODUCTION

Congress authorized the U. S. Army Corps of Engineers, Northwestern Division (Corps) and the Bureau of Reclamation, Pacific Northwest Region (Reclamation) to take lands within the Columbia River basin for 12 Corps Projects (Libby, Albeni Falls, Chief Joseph, McNary, John Day, The Dalles, Bonneville, Dworshak, Lower Granite, Lower Monumental, Little Goose, and Ice Harbor Dams and their lakes or reservoirs) and two Reclamation Projects (Grand Coulee and Hungry Horse Dams and their reservoirs). Congress also defined the purposes for which each of those dams and associated lakes or reservoirs (hereafter called Projects) would be operated and associated lands managed (hereafter called Project purposes). One Project purpose common to all 14 Projects is to generate electrical power. Congress authorized the Bonneville Power Administration (BPA) to market electrical power generated at the Projects. The 14 Projects are operated by the three agencies as a coordinated system, which is called the Federal Columbia River Power System (FCRPS).

In November 1991, the Corps, Reclamation, and BPA (hereafter called the Lead Federal Agencies) and other affected parties signed the Programmatic Agreement for the Federal Columbia River Power System, more commonly known as the Intertie Development Unit Programmatic Agreement (IDU PA). The IDU PA identified commitments by BPA to address the effects on historic properties from reservoir water operations implemented to generate electrical power at the five FCRPS storage reservoirs (Libby, Albeni Falls, Dworshak, Grand Coulee, and Hungry Horse Projects). Actions implementing the IDU PA commenced in 1992. In 1997, the Lead Federal Agencies completed the System Operation Review (SOR), which

47 analyzed the effects of water operations for all authorized Project purposes at all 14 of the
48 FCRPS Projects. One outcome of the SOR analysis was that the Lead Federal Agencies
49 determined they are jointly responsible for addressing the effects of Project purpose water
50 operations on historic properties. At the close of SOR, in the Records of Decision for the
51 Columbia River System Final Environmental Impact Statement (SOR RODs), the Lead Federal
52 Agencies committed to address the effects of Project multi-purpose water operations on historic
53 properties and to pursue completion of a Programmatic Agreement. SOR RODs were signed by
54 the Corps on February 20, 1997, by Reclamation on February 7, 1997, and by BPA on February
55 21, 1997. The Lead Federal Agencies have been actively implementing historic property
56 management activities consistent with commitments in the SOR RODs since 1998 at the
57 Reclamation Projects and since 1999 at the Corps Projects. The IDU PA remains in effect at the
58 storage reservoirs, although actions to implement its commitments have largely been integrated
59 into the larger program defined in the SOR RODs.

60
61 The Lead Federal Agencies offer this PA, entitled "Programmatic Agreement Regarding
62 Historic Properties Affected by the Multi-Purpose Operations of the Fourteen Projects of the
63 Federal Columbia River Power System for Compliance with Section 106 of the National Historic
64 Preservation Act" (hereafter, the FCRPS System-wide PA) as an umbrella agreement for the 14
65 FCRPS Projects. The FCRPS System-wide PA is being enacted pursuant to 36 CFR 800.14(b),
66 which allows for preparation of a programmatic agreement to "govern the implementation of a
67 particular program or the resolution of adverse effects from certain complex project situations or
68 multiple undertakings." The Corps, Reclamation, and BPA will act as Co-Lead Federal
69 Agencies when implementing the terms of the FCRPS System-wide PA. Each of the 14 Projects
70 will have a subsidiary PA or other form of agreement, or modify an existing PA or agreement, to
71 address Project-specific implementation of commitments defined in the FCRPS System-wide
72 PA. Hereafter, these will be called Project-specific Agreements. As Co-Lead Federal Agencies,
73 the Corps, Reclamation, and BPA will each be equally and jointly responsible for system-wide
74 actions, such as developing a system-wide research design, seeking resolution to management or
75 technical issues that impact all Projects, and preparing annual reports. At the specific Project
76 level, BPA will be involved in planning and implementation at each reservoir in partnership with
77 the Lead Federal Agency with jurisdiction. Corps and Reclamation jurisdiction is identified in
78 Attachment 1.

79
80 The Lead Federal Agencies are committed to addressing all ongoing and reasonably foreseeable
81 future adverse effects of multi-purpose Project operations on National Register eligible historic
82 properties within the Area of Potential Effect (APE). However, because of the very large
83 number of acres and properties involved, it will be necessary to implement the compliance
84 program over a potentially lengthy period of time. Historic Property Management Plans
85 (HPMPs) and Five-year Action Plans will provide a structure for incremental implementation of
86 compliance actions at each Project.

87
88 Several times since the SOR was completed, policy that defines the operating regime at some of
89 the FCRPS reservoirs has been altered in response to Endangered Species Act biological
90 opinions, a power emergency, and other public needs. In recognition that operating regimes
91 can change frequently and sometime change with limited advance warning, the FCRPS System-
92 wide PA is designed to address the anticipated effects of the full range of Project operations.

93 This includes present and future effects, both direct and indirect. It also addresses the anticipated
94 effects of minor construction, maintenance, or other ground disturbing actions that may be
95 necessary to meet authorized Project purposes and can adapt to operational changes. Hereafter,
96 these potential associated actions are implicit when operations are discussed.

97
98 The FCRPS System-wide PA is specific to Section 106 of the National Historic Preservation
99 Act. It does not contain commitments or processes pertinent to other sections of NHPA or to
100 other Federal law, nor does it implement Agency policy other than that specific to Section 106.
101 However, the Lead Federal Agencies expect that other mandates may be incorporated into
102 Project HPMPs and Project-specific Agreements. These other mandates may include Section
103 110 of NHPA, the Archaeological Resources Protection Act, Section 3(d) of the Native
104 American Graves Protection and Repatriation Act addressing inadvertent discovery or intentional
105 recovery, and Executive Order 13007 (Indian Sacred Sites).
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WHEREAS, Congress authorized the Corps and Reclamation to take lands for Project purposes for the 12 Corps Projects and two Reclamation Projects, and authorized BPA to market electrical power from those 14 FCRPS Projects; and

WHEREAS, Congress authorized construction of the Projects to achieve multiple purposes, including hydropower generation, navigation, flood control, irrigation water supply, municipal and industrial water supply, recreation, and fish and wildlife and other natural resources management (see Attachment 1 for Project authorizations); and

WHEREAS, operation of the 14 FCRPS Projects for those authorized Project purposes and implementation of land-based minor construction, maintenance, or other ground disturbing activities to support those authorized purposes collectively comprise the “undertaking” for the purposes of Section 106 of the National Historic Preservation Act (NHPA) (P.L. 89-665, as amended; 16 U.S.C. § 470f); and

WHEREAS, the undertaking causes or may cause adverse effects, both direct and indirect, to historic properties included in or eligible for the National Register of Historic Places (National Register) through inundation, erosion, exposure, and other factors; and

WHEREAS, to comply with Section 106 of NHPA, the Lead Federal Agencies are responsible for the effects of the undertaking on historic properties as defined in 36 C.F.R part 800, and have documented their intent to address adverse effects in the IDU PA and the SOR RODs; and

WHEREAS, in addition to Section 106 of NHPA, the Lead Federal Agencies are responsible for compliance with other applicable legal authorities that may overlap with or be supportive of the goals and purview of Section 106 of the NHPA; and

WHEREAS, pursuant to 36 CFR § 800.14(b), the Lead Federal Agencies wish to streamline implementation of the FCRPS historic properties management program (hereafter FCRPS HP Program) through development of a programmatic agreement; and

153 **WHEREAS**, the Lead Federal Agencies have provided the opportunity to consult on the
154 development of and to become a signatory party to this PA to the Advisory Council on Historic
155 Preservation (ACHP) and to other parties with regulatory jurisdiction over Section 106
156 implementation on Project lands, including the State Historic Preservation Officers (SHPO) of
157 Idaho, Montana, Oregon, and Washington; to the National Park Service, the Bureau of Indian
158 Affairs, and the U.S. Forest Service; and to the Confederated Tribes of the Colville Indian
159 Reservation, the Nez Perce Tribe, and the Spokane Tribe of Indians; and where the U.S. Forest
160 Service chose instead to sign as a concurring party; and

161
162 **WHEREAS**, the Lead Federal Agencies have provided the opportunity to consult on the
163 development of and to become a concurring party to this PA to the Coeur d'Alene Tribe, the
164 Confederated Salish and Kootenai Tribes of the Flathead Nation, the Kalispel Tribe, the
165 Kootenai Tribe, the Confederated Tribes of the Umatilla Indian Reservation, The Confederated
166 Tribes of the Warm Springs Reservation of Oregon, and the Confederated Tribes and Bands of
167 the Yakama Nation;

168
169 **NOW THEREFORE**, the U. S. Army Corps of Engineers, the Bureau of Reclamation, and
170 Bonneville Power Administration, the ACHP, other signatory parties, each within the limits of
171 their jurisdiction, and the concurring parties agree that, pursuant to 36 CFR § 800.14(b)(iii),
172 management of the effects of the undertaking in accordance with the following stipulations and
173 completion of the terms of this agreement shall satisfy the Lead Federal Agencies' Section 106
174 responsibilities for addressing the effects of the FCRPS program.

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STIPULATIONS

181 **The Lead Federal Agencies shall implement the following stipulations and shall act in**
182 **accordance with the following procedures and consistent with the schedule identified in**
183 **Attachment 4:**

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186

Stipulation 1. Area of Potential Effect of the FCRPS System

187 The APE includes those lands either directly or indirectly affected by operations for all Project
188 purposes of the 12 Corps and two Reclamation Projects. This includes lands identified as being
189 affected at the date of final signature of this agreement, lands where adverse effects are identified
190 in the future, and lands where Project operational effects are reasonably foreseeable.

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Within Project boundaries, the APE encompasses both Federal fee lands and other real property
where the U.S. Government has a current and future legal interest, as well as non-Federal lands
where there is an adverse effect caused by Project purpose operations. The APE also includes
lands in downstream reaches outside of Project boundaries where there is no current Federal
ownership or legal interest, but where adverse effects occurring to historic properties have been
determined or are determined in the future to be a result of the Federal undertaking. The Lead

198 Federal Agencies will implement actions on non-Federal lands only with the approval of the fee-
199 title holder, and only when consistent with Agency authorities.

200
201 The APE for each Project will be more specifically defined in Project-specific Agreements.

202
203

204 **Stipulation 2. FCRPS System-wide Program Implementation Actions**

205

206 The Lead Federal Agencies have identified three priority FCRPS historic properties management
207 goals:

- 208 Goal 1: Federal Agency compliance with Section 106,
- 209 Goal 2: Long term historic property management planning, and
- 210 Goal 3: Public benefit from resource management.

211

212 The Lead Federal Agencies shall implement the following actions, as needed, to achieve these
213 goals.

214

215 A. *Goal 1: Agency Compliance with Section 106*

216

217 FCRPS System-wide PA compliance actions will build upon those that have occurred or are on-
218 going to address commitments made in the IDU PA and the SOR RODs. First priority for
219 implementation will typically be Federal fee lands within Project boundaries that are affected by
220 multipurpose Project operations, and then other lands within Project boundaries. When provided
221 written notification by an appropriate authority, assessment of effects occurring to a site on non-
222 Project lands will be addressed on a case-by-case basis to the extent possible. An appropriate
223 authority would be a SHPO/THPO, Federal Land Manager, or signatory or consulting party to
224 the FCRPS System-wide PA or the associated Project-specific Agreement. When BPA and
225 either the Corps or Reclamation determine effects to a site on non-Project lands result from the
226 undertaking, then impacts will be treated in accordance with Section 106 processes, consistent
227 with any constraints that might be posed by the landowner.

228

229 Consistent with these limitations, the Lead Federal Agencies shall:

230

231 i. Identify historic properties within the APE.

232

233 ii. Evaluate potentially affected historic properties for eligibility to the National Register.

234

235 iii. Analyze impacts and conduct consultations to determine the effects of FCRPS Project
236 operations on National Register eligible or listed historic properties.

237

238 iv. Provide appropriate treatment to protect National Register eligible properties from
239 continued or new adverse effects, or mitigate for unavoidable adverse effects. Selection of sites
240 for treatment actions will be prioritized based upon consideration of an array of factors,
241 including the potential to yield important new information about or insight pertinent to a defined
242 research objective or historic context, historical or cultural significance, physical integrity,
243 degree of endangerment, and land ownership. Where there are many sites, the processes to

244 define priority will be determined in Project-specific HPMPs. The widest range of treatment
245 options will be considered for diverse property types.
246

247 v. Curate collections and associated documents resulting from HP Program activities in
248 accordance with 36 C.F.R. part 79 and other applicable agency policy.
249

250 vi. Require specific research designs for technical investigations.
251

252 vii. Identify general standards for field work, analysis, and technical report preparation.
253 Standards used will conform to the *Secretary of the Interior's Standards and Guidelines for*
254 *Historic Preservation Projects* and the Secretary's professional standards. Additional standards
255 and guidelines may apply on State or tribal lands.

256 viii. Complete new or update existing Project-specific Agreements.
257

258 ix. Report upon annual accomplishments.
259

260
261 **B. Goal 2: Long Term Historic Property Management Planning**
262

263 i. Prepare a baseline of compliance status at all FCRPS Projects to aid in prioritizing fund
264 allocation and planning actions to meet Goal 1 objectives. This baseline will be updated
265 annually as part of the annual report for accomplishments under this PA.
266

267 ii. Prepare Project-specific HPMPs. See further discussion in Stipulation 3.B and see
268 Attachment 2 for components.
269

270 iii. Maintain a handbook for internal use amongst the Lead Federal Agencies that
271 describes interagency communication and coordination protocols, defines processes they will use
272 to implement the HP Program, and defines means to measure and report upon progress. See
273 Stipulation 4.A.
274

275 iv. Complete a system-wide research design to aid in developing research objectives in
276 the Project-specific HPMPs and 5-year Action Plans. The system-wide research design is
277 expected to:
278

- 279 • Identify research domains or historic themes that may be applicable across the Columbia
280 Basin or might pertain to subset areas within the basin.
- 281 • Define temporal range, geographic scope, and property types for each theme.
- 282 • Synthesize theoretical models presented in the past.
- 283 • Identify data gaps and research opportunities.
- 284 • Identify public outreach and education opportunities.
285

286 The research design will be prepared with input and assistance from ACHP, State Historic
287 Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), Indian tribes,
288 other affected agencies, and professional researchers. Opportunity for review and comment on
289 the draft research design will be afforded to the interested public. It will build upon existing

290 materials, such as State Historic Context statements or planning documents such as the Bureau of
291 Land Management's Interior Columbia Basin Ecosystem Management Plan. At a minimum it
292 will address archeological, ethnographic (Traditional Cultural Properties), and historic period
293 research domains.

294
295 The Lead Federal Agencies will review the system-wide research design at no greater than 10-
296 year intervals to determine if it requires amendment. The above-listed entities will be invited to
297 participate in the review and any subsequent revisions.

298
299 v. Prepare Five-Year Action Plans and Annual Work Plans. See Stipulation 3.C and
300 Attachment 2.

301
302 vi. Complete treatment plans for National Register eligible properties as determined in
303 Project-specific HPMPs or subsidiary action plans. Priority for treatment will be determined by
304 consideration of a variety of factors as outline above for Goal 1.iv. The full array of treatment
305 options will be considered, not limited to site protection or stabilization, scientific data recovery,
306 or historic or oral history research to document characteristics and cultural value.

307
308 C. *Goal 3: Public Benefit from Resource Management*

309
310 i. Accumulate and disseminate information to tribal communities, scientific communities,
311 and the general public. Information will be disseminated to comply with federal mandates to
312 distribute information to the public while addressing the responsibility to protect sites through
313 restricting access to some categories of information. Objectives are to illustrate HP Program
314 accomplishments and to foster understanding of the history and cultural heritage of the Pacific
315 Northwest. Each HPMP will include a public education component. Information sharing will
316 occur through report distribution to regional and local libraries and schools and to interested
317 groups and individuals. It will also be provided to the general public through interpretive venues
318 such as web-sites, video productions that can be generally available for off-site educational use,
319 or on-site or regional interpretive displays.

320
321 ii. Promote use of collections for educational and research purposes.

322
323 iii. Define, plan, and implement programs that seek to protect sites so that the resources
324 remain available for future generations.

325
326
327 **Stipulation 3. Project-specific Implementation Instruments**

328
329 Because of the diversity of conditions at each Project, the FCRPS System-wide PA addresses
330 only the common elements for each Project program. Specific implementation processes shall be
331 defined in project-specific agreements and plans identified below.

332
333 A. *Project-specific Agreements*

334

335 The Federal Agencies shall prepare a new or update an existing Section 106 agreement for each
336 Project consistent with the schedule outlined below. Project-specific Agreements are needed
337 because of unique combinations of factors that shape issues and processes at each locality,
338 including setting, authorities defined for each Project, parties involved in land management,
339 affected tribal lands, tribal concerns unique to a location, existing agreements, and status of past
340 investigations. Preparation of Project-specific Agreements will occur in consultation with parties
341 with an interest in the Project area, at a minimum including the ACHP, appropriate
342 SHPO/THPO, tribes, and affected or cooperating agencies. All commitments in the FCRPS
343 System-wide PA shall be incorporated into the Project-specific Agreements and these
344 agreements shall:

- 345
- 346 • Address effects of operations authorized for the Project consistent with processes and
- 347 limitations defined in this System-wide PA.
- 348 • Define the Project APE consistent with Stipulation 1, above, and provide maps that
- 349 illustrate the Project APE.
- 350 • Identify consultation procedures appropriate for the SHPO, tribes, and other parties
- 351 involved. The objective is to streamline Section 106 consultations for actions
- 352 implemented under the terms of the System-wide PA.
- 353 • Define thresholds for when change in operational strategy at the Project would trigger
- 354 reassessment of treatment strategies already in place under this PA or other FCRPS
- 355 agreements. Also define the assessment and consultation processes that will be
- 356 implemented when that threshold is reached.
- 357 • Outline a schedule for completion of compliance actions, which will be further developed
- 358 in Project HPMPs, 5-Year Action Plans, and Annual Work Plans.
- 359 • Define notification processes for potential adverse effects on non-Project lands and
- 360 define how the managing agencies will determine if Project actions are causing adverse
- 361 effects to historic properties.
- 362

363 The Lead Federal Agencies shall implement actions to amend existing or draft new Project-
364 specific Agreements at the FCRPS Projects consistent with the schedule in Attachment 4.
365 If it appears that a Project-specific Agreement cannot be drafted within 4 years of final signature
366 of the FCRPS System-wide PA, then the Lead Federal Agencies will notify the consulting parties
367 with an interest in that Project area, identify an alternative schedule, and outline interim
368 processes to be implemented to fulfill the terms of the FCRPS System-wide PA at that Project.
369 In the unlikely event that it is not possible to draft any Project-specific Agreement within 6 years
370 of final signature of the System-wide PA, then the processes defined in Stipulation 8, Dispute
371 Resolution, or Stipulation 9, Amendment, will apply.

372
373 *B. Project-specific Historic Property Management Plans*

374
375 The Lead Federal Agencies shall prepare a new or update, as necessary, existing HPMPs at each
376 Project. An update would be necessary if an existing HPMP lacked any of the common elements
377 for an HPMP defined in Attachment 2. This shall occur in consultation with parties with an
378 interest in the Project area, at a minimum including the appropriate SHPO/THPO, affected or
379 interested tribes, and affected or cooperating agencies. Each HPMP will define processes to
380 address the effects of all types of operations authorized for the Project within the Project APE. It

381 will also define processes to accomplish the goals and objectives identified in Stipulation 2. See
382 Attachment 2 for further HPMP components. See footnote below for status of HPMPs as of July
383 2005.¹ See schedule for completion of HPMPs in Attachment 4.

384
385 *C. Five-year Action Plans and Annual Work Plans*

386
387 The Lead Federal Agencies, with the assistance of the Cooperating Groups, shall prepare a Five-
388 Year Action Plan for each Project to identify and prioritize actions to be accomplished during
389 that period. Activities in the action plan must reflect the priorities identified in the Project-
390 specific Agreement and HPMP, and must contribute toward completion of priority basin-wide
391 goals and objectives outlined in Stipulation 2 above. The Five-Year Action Plan will be updated
392 annually to reflect recent accomplishments, new information, and changes in priorities based
393 upon accomplishments and information. See Attachment 2 for further discussion of plan
394 components.

395
396
397 **Stipulation 4. System-wide Coordination**

398
399 Communication and coordination is integral to the FCRPS HP Program's success at both system-
400 wide and local Project levels. To achieve this, HP Program participants need clear, agreed-upon
401 roles and responsibilities that are consistent across staff transfers and replacements.

402 Communication and coordination will be achieved at the system-wide level through the Cultural
403 Resources Subcommittee and achieved at the Project level through the Cooperating Groups.

404
405 *A. Internal Communication and Coordination between the Lead Federal Agencies*

406
407 The principal forum for communication between the Lead Federal Agencies shall be the Cultural
408 Resources Subcommittee (CRSC). Formally chartered by Lead Agency managers in 2004, the
409 CRSC is a forum in which Corps, Reclamation, and BPA HP Program technical personnel meet
410 to identify, discuss, and resolve FCRPS HP Program implementation issues at the system level.
411 It operates using processes and protocols defined in the Handbook discussed under Stipulation 2,
412 Goal 2.ii. The principal functions of the CRSC are to:

- 413
- 414 • Define long term goals and objectives for the HP Program.
 - 415 • Implement a system-wide historic properties management program which ultimately
416 achieves compliance with Section 106.
 - 417 • Establish system-wide standards for work performance and products.
 - 418 • Develop and manage performance indicators and tracking systems.
 - 419 • Address unresolved Project-level program management issues.
 - 420 • Recommend to the Joint Operating Committee the allocation of annual funding for
421 system-wide and Project-level HP Program implementation, and then distribute approved
422 allocations to Projects.

¹ As of 2005, Dworshak, Lower Granite, Little Goose, Lower Monumental, Ice Harbor, McNary, and John Day Projects have finalized HPMPs. Some or all of those may need updating or need revisions to fulfill requirements outline above and in Appendix 2. HPMPs are presently in draft form for Libby, Hungry Horse, Albeni Falls, Grand Coulee, Chief Joseph, The Dalles, and Bonneville Projects.

- 423 • Monitor annual HP Program accomplishments, and report on accomplishments.
424

425 **B. *Communication between the Lead Federal Agencies and Consulting Parties***
426

427 Consulting parties that represent affected SHPOs/THPOs, the ACHP, or other Federal, state,
428 local, or tribal governments shall be provided the opportunity to participate in the development
429 and implementation of agreements, management plans, and activities developed under this PA.
430 The principal mechanism for their participation will be the Cooperating Groups. These groups
431 were established by Lead Agency managers following signature of the SOR RODs in 1997. The
432 existing Cooperating Groups are identified in footnote.²
433

434 The Cooperating Groups will serve as a regular forum in support of intergovernmental
435 communications for the purpose of exchanging views, technical information, and planning
436 advice relating to the FCRPS HP Program at the Project level. Each group will prepare
437 Operating Guidelines and meet no less than four times per year on a schedule agreed upon by
438 that group. The Cooperating Groups assist the Lead Federal Agencies in the following areas:
439

- 440 • Providing suggestions and perspectives as to planning and management priorities at the
441 associated FCRPS Project.
- 442 • Provide input to aid with determining the APE for the Project.
- 443 • Participate in drafting plans and schedules for activities to meet HP Program goals and
444 objectives.
- 445 • Helping to draft or review HPMPs, Five-year Action Plans, and Annual Work Plans for
446 the associated Project.
- 447 • Draft or review other plans that may be needed to conduct interim HP Program historic
448 properties management.
449

450 Determinations as to contracting matters or fiduciary responsibilities are generally not within the
451 scope of the Cooperating Groups, and final decisionmaking authority remains with the Lead
452 Federal Agencies.
453

454
455 **Stipulation 5. Annual Progress Reporting**
456

457 **A. *Annual Report***
458

459 The Lead Federal Agencies shall prepare and distribute an annual report to all consulting parties
460 or other parties upon request. The reporting period will be the Federal fiscal year (from October
461 1 to September 30). The report will be provided to recipients by March 31 of the following year.
462 The first report submitted after signature of the FCRPS System-wide PA will present baseline

²The Cooperating Groups active at time of signature are:

- One group for Bonneville, John Day, and The Dalles Projects (“Wana Pa Koot Koot”)
- One group for Dworshak, McNary, Little Goose, Lower Granite, Lower Monumental, and Ice Harbor Projects (“Payos Kuus Cuukwe”)
- One group each for Hungry Horse, Grand Coulee, Chief Joseph, Libby, and Albeni Falls Projects.

463 data that will be used to demonstrate annual accomplishment in succeeding reports. The data
464 sets will include a narrative highlights section supported by tabular data on acres surveyed, sites
465 evaluated, sites treated, and materials curated.

466

467 *B. Annual Progress Review Meeting*

468

469 The Lead Federal Agencies will continue to organize an annual meeting that serves as a forum
470 for reporting annual accomplishments, sharing information, and discussing common issues to
471 seek solutions. The meeting will occur in the spring, roughly concurrent with submittal of the
472 annual report, and will usually be 1 to 2 days in duration. Participants will typically be all parties
473 involved in the FCRPS HP Program and the interested public.

474

475

476 **Stipulation 6. Schedule to Implement Actions under the PA**

477

478 The Lead Federal Agencies shall implement commitments consistent with schedules identified
479 under the Stipulations to this agreement and summarized in Attachment 4.

480

481

482 **Stipulation 7. Advisory Council Participation**

483

484 The ACHP will be involved consistent with the terms of this PA as defined in Stipulations 8
485 through 12. The ACHP will be offered the opportunity to be a consulting party to follow-on
486 Project-specific Agreements. The Lead Federal Agencies will also provide the ACHP with draft
487 copies of all Project-specific Agreements and HPMPs developed under the umbrella of this
488 FCRPS System-wide PA to afford the ACHP the opportunity to review and comment.

489

490

491 **Stipulation 8. Dispute Resolution**

492

493 A. Should a signatory raise an objection to or have a dispute regarding fulfillment of the terms
494 of the FCRPS System-wide PA, they will file a written objection with the Lead Federal
495 Agencies. If the objection/dispute is specific to a Project, and not have system-wide program
496 implications, then the dispute will be resolved using processes defined in the Project-specific
497 Agreements. If the dispute has system-wide program implications, or when no Project-specific
498 Agreement is yet in place, then the objection/dispute shall be addressed using the following
499 processes.

500

501 Upon receipt of a written objection, the Lead Federal Agencies will consult with the disputant to
502 resolve the objection or dispute. The Lead Federal Agencies will also notify the other consulting
503 parties of the objection or dispute. If the Lead Federal Agencies cannot resolve the objection or
504 dispute, then within 60 calendar-days of that determination they will forward to the ACHP
505 documentation of the objection or dispute, a written proposal for its resolution, and request the
506 ACHP's comment. Within 30 calendar-days of receipt of the written submittal, the ACHP shall
507 exercise one of the following options:

508

- 509 1. Notify the Lead Federal Agencies that it will not consider the dispute or provide
510 recommendations, in which case the Agencies' may proceed with the proposed action; or
511
- 512 2. Concur with the Lead Federal Agencies' proposed response to the objection/dispute,
513 whereupon they may proceed in accordance with the agreed-upon response; or
514
- 515 3. Provide the Lead Federal Agencies with recommendations, which those Agencies' will take
516 into account in reaching a final decision regarding response to the object/dispute. Upon reaching
517 their final decision, the Lead Federal Agencies will notify the objecting party, the ACHP, and the
518 other consulting parties under the PA of that decision and proceed with their action; or
519
- 520 4. Notify the Lead Federal Agencies that the objection will be referred for comment pursuant to
521 36 C.F.R. § 800.7(b), and respond in accordance with that subsection.
522

523 Should the ACHP not exercise one of the foregoing options within 30 days of receipt of the
524 written submittal, the Lead Federal Agencies may assume that the ACHP concurs with their
525 proposed response to the objection, advise the objecting party of that response, and proceed with
526 their action in a manner consistent with that response.
527

528 B. Should, at any time during the implementation of the FCRPS System-wide PA, a written
529 objection be filed by a concurring party to the Agreement, the Lead Federal Agencies will notify
530 the other signatories of the objection, and take the objection into account. The Lead Federal
531 Agencies will render a decision regarding the objection, taking into account the views of the
532 signatories with jurisdiction.
533

534 C. Should, at any time during the implementation of the FCRPS System-wide PA, a written
535 objection be filed by a member of the public, the Lead Federal Agencies will notify the other
536 signatories, then will render a decision regarding the objection, taking into account the views of
537 the signatories with jurisdiction.
538

539 D. If the ACHP or SHPO/THPO is contacted by a consulting party or member of the public to
540 discuss a concern or objection about implementation of the terms of the PA, the contacted entity
541 will notify the Lead Federal Agencies of the issue so that they can work to resolve it.
542

543 E. As indicated in part A, if a dispute should arise that is specific to a Project, then those
544 disputes will be resolved using processes defined in associated Project-specific Agreements.
545 Disputes at the Project level shall not be a basis for termination of the FCRPS System-wide PA.
546 If the outcome of dispute resolution resulted in changes that affect the terms of the System-wide
547 PA, then the FCRPS System-wide PA would be amended in accordance with the following terms
548 of Amendment.
549

550 **Stipulation 9. Amendment** 551

552
553 Any signatory party to this PA may request in writing to the Lead Federal Agencies that the PA
554 be amended. If the Lead Federal Agencies determine that the request is pertinent to the FCRPS

555 System-wide PA, as opposed to a Project-specific Agreement, then the Lead Federal Agencies
556 will consult to consider such amendment. If the Lead Federal Agencies decide to propose an
557 Amendment to this PA, the Lead Federal Agencies will consult with the signatory and
558 concurring parties in accordance with the procedures of 36 C.F.R. § 800.14(b)(2) for developing
559 PAs. If the request is determined to be specific to a Project, then the requesting party will be
560 directed to use the Amendment process defined in the appropriate Project-specific Agreement.
561

562

563 **Stipulation 10. Withdrawal of Participation**

564

565 Any signatory or concurring party to this PA may withdraw from the agreement by providing the
566 Lead Federal Agencies 90 calendar-days' written notice, stating the reasons for withdrawal.
567 During the 90 days that precede withdrawal, the Lead Federal Agencies will consult to identify
568 and implement any mutually acceptable measures that would avoid the party's withdrawal. If
569 mutually agreeable measures are identified, then they will be presented to the signatory parties
570 with affected jurisdiction for consideration. If needed, there would then be broader consultation
571 involving consulting parties to the System-wide PA to consider the terms of amendment.
572

573

574 If a party finally withdraws, the PA would then be amended to reflect changes in scope, if any
575 such changes are necessary. Withdrawal by a signatory SHPO/THPO shall only terminate
576 application of the System-wide PA within the area of jurisdiction of the SHPO/THPO.
577

578

579 **Stipulation 11. Review and Duration**

580

581 For the duration of this PA, every 5 years from the date of execution the Lead Federal Agencies
582 will assess if a review is needed of its terms. The CRSC will complete an initial review and
583 prepare a summary of accomplishments and potential issues. The summary will be distributed to
584 the consulting parties to the PA, to Cooperating Group members, and to other potentially
585 interested members of the public. The Lead Federal Agencies will then coordinate a general
586 meeting for discussion; it is expected that this would occur as part of the annual FCRPS meeting.
587 Thereafter, if signatory parties indicate they wish to consult concerning issues, the Lead Federal
588 Agencies will implement consultation consistent with 36 C.F.R. § 800.6. Thereafter, the Lead
589 Federal Agencies will prepare a summary of the outcome of discussion and consultation, which
590 will be distributed to the consulting parties and any other parties who submitted comments.
591 Based upon outcome of review and discussion, the signatory parties will determine whether the
592 FCRPS System-wide PA can continue without amendment, or whether amendment or
593 termination is appropriate. If a signatory believes that performance is sufficiently unsatisfactory
594 to warrant review before the next 5-year review interval, then interim review may occur by
595 exercise of Stipulation 8 for dispute resolution.

596

597 Unless terminated in accordance with Stipulation 12 of this PA, its duration shall be 30 years
598 from date of signature by the ACHP, whereupon it will become null and void unless extended by
599 mutual agreement of the signatory parties. If the term is not extended, and if no other PA or
MOA is in effect at a Project reservoir, then the Lead Federal Agencies shall comply with 36

600 C.F.R. part 800 with respect to all undertakings that would otherwise have been reviewed under
601 this agreement.

602
603

604 **Stipulation 12. Termination**

605

606 Disputes or objections among the Lead Federal Agencies shall be documented in writing and
607 provided to all consulting parties. After having exhausted the dispute resolution processes, the
608 FCRPS System-wide PA may be terminated by mutual agreement of the Lead Federal Agencies
609 at any time upon written notification to all parties. It may also be terminated by any signatory
610 party within their area of jurisdiction. The ACHP can terminate the agreement pursuant to 36
611 C.F.R. § 800.14(b)(2)(v), if they determine that the Lead Federal Agencies are not carrying out
612 the terms of the PA.

613

614 If this agreement is terminated, the Project-specific Agreements created under the umbrella of
615 the FCRPS System-wide PA would be reviewed to see if they remain in effect. The review
616 would involve all consulting parties to the Project-specific Agreement. If any one agreement or
617 all agreements do not remain in effect, and if no other appropriate PA or MOA is in effect at a
618 Project reservoir, then the Lead Federal Agency of jurisdiction and BPA shall comply with 36
619 C.F.R. part 800 with respect to all undertakings at that Project that would otherwise have been
620 reviewed under this agreement.

621

622

623 **Stipulation 13. Limitations on Authority**

624

625 This PA does not supersede or replace pre-existing Section 106 agreements relevant to the
626 FCRPS Projects.

627

628 Nothing herein shall be construed as obligating the Lead Federal Agencies to expend funds or as
629 involving the United States in any contract or other obligation for future payment of money in
630 excess of or in advance of appropriations authorized by law and administratively allocated for
631 this work. Nothing herein shall be construed as obligating the Lead Federal Agencies to
632 implement actions or expend funds other than as authorized by NHPA or other applicable law, or
633 to utilize processes other than those approved for an agency. Authorities to expend funds or
634 approved processes may differ between the Corps, Reclamation, and BPA.

635

636 Nothing herein diminishes or affects tribal treaty rights, nor does it alter or affect any
637 governmental authority, jurisdictional rights, or property boundaries of the States, any Indian
638 tribe, any governmental agency or entity, nor does it affect the property rights of land owners.

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646 **SIGNATORIES:**
647 U.S. Army Corps of Engineers, Northwestern Division
648 By _____ Date _____
649 Title _____
650
651 Bonneville Power Administration
652 By _____ Date _____
653 Title _____
654
655 Bureau of Reclamation, Pacific Northwest Region
656 By _____ Date _____
657 Title _____
658
659 Advisory Council on Historic Preservation
660 By _____ Date _____
661 Title _____
662
663 Idaho State Historic Preservation Officer
664 By _____ Date _____
665 Title _____
666
667 Montana State Historic Preservation Officer
668 By _____ Date _____
669 Title _____
670
671 Oregon State Historic Preservation Officer
672 By _____ Date _____
673 Title _____
674
675 Washington State Historic Preservation Officer
676 By _____ Date _____
677 Title _____
678
679 National Park Service, Lake Roosevelt National Recreation Area
680 By _____ Date _____
681 Title _____
682
683 Bureau of Indian Affairs
684 By _____ Date _____
685 Title _____
686
687 Confederated Tribes of the Colville Reservation
688 By _____ Date _____
689 Title _____
690
691

692 Nez Perce Tribe
 693 By _____ Date _____
 694 Title

695
 696 Spokane Tribe of Indians
 697 By _____ Date _____
 698 Title

699 **CONCURRING PARTIES:**

700
 701 U.S. Forest Service, Region 1
 702 By _____ Date _____
 703 Title

704
 705 U.S. Forest Service, Region 6
 706 By _____ Date _____
 707 Title

708
 709 By _____ Date _____
 710 Title

711
 712 Coeur d'Alene Tribe
 713 By _____ Date _____
 714 Title

715
 716 Confederated Salish and Kootenai Tribes of the Flathead Nation
 717 By _____ Date _____
 718 Title

719
 720 Kalispel Tribe
 721 By _____ Date _____
 722 Title

723
 724 Kootenai Tribe
 725 By _____ Date _____
 726 Title

727
 728 Confederated Tribes of the Umatilla Indian Reservation
 729 By _____ Date _____
 730 Title

731
 732 The Confederated Tribes of the Warm Springs Reservation of Oregon
 733 By _____ Date _____
 734 Title

735
 736 The Confederated Tribes of the Yakama Nation
 737 By _____ Date _____

738 Title
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Attachment 1
Authorized Purposes for the FCRPS Projects

Project	Operator/ Agency of Jurisdiction	Location	Year Completed	Type of Project	Authorized/ Operating Purposes
Libby	Corps	Kootenai near Libby, MT	1973	Storage	Flood Control, Power, Recreation
Hungry Horse	Reclamation	S. Fork Flathead, near Hungry Horse, MT	1953	Storage	Flood Control, Power, Irrigation, Navigation, Suson Flow Regulation, Recreation
Albeni Falls	Corps	Pend Oreille, near Newport, WA	1955	Storage	Flood Control, Power, Navigation, Recreation
Grand Coulee	Reclamation	Columbia, at Grand Coulee, WA	1942	Storage	Flood Control, Power, Irrigation, Recreation
Chief Joseph	Corps	Mid- Columbia, near Bridgeport, WA	1961	Run-of- River	Power, Recreation
Dworshak	Corps	N. Fork Clearwater, near Dworshak, ID	1974	Storage	Flood Control, Power, Navigation, Recreation, Fish & Wildlife
Lower Granite	Corps	Lower Snake, near Almota, WA	1975	Run-of- River	Power, Navigation, Irrigation, Recreation, Fish & Wildlife
Little Goose	Corps	Lower Snake, near Starbuck, WA	1970	Run-of- River	Power, Navigation, Irrigation, Recreation, Fish & Wildlife
Lower Monumental	Corps	Lower Snake, near Kahlotus, WA	1970	Run-of- River	Power, Navigation, Irrigation, Recreation, Fish & Wildlife
Ice Harbor	Corps	Lower Snake, near Pasco	1962	Run-of- River	Power, Navigation, Irrigation,

		WA			Recreation, Fish & Wildlife
McNary	Corps	Lower Columbia, near Umatilla, Oregon	1957	Run-of-River	Power, Navigation, Irrigation, Recreation, Fish & Wildlife
John Day	Corps	Lower Columbia near Rufus, OR	1971	Run-of-River and Storage	Flood Control, Power, Navigation, Irrigation, Water Quality, Recreation, Fish & Wildlife
The Dalles	Corps	Lower Columbia, at The Dalles, OR	1960	Run-of-River	Power, Navigation, Irrigation, Water Quality, Recreation, Fish & Wildlife
Bonneville	Corps	Lower Columbia at Bonneville, OR	1938	Run-of-River	Power, Navigation, Water Quality, Recreation, Fish & Wildlife

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Attachment 2
Project-Specific Historic Property Management Plans
and Associated Five-Year and Annual Plans

Historic Property Management Plans

HPMPs are frameworks for planning and prioritizing resource management actions, and will be a tool to measure accomplishment of the FCRPS HP Program goals and objectives. Therefore, an HPMP shall be prepared for each Project where none presently exists. If an HPMP presently exists, it can be used if it contains, or is updated to include, the information defined below.

At a minimum, an HPMP or its supporting materials will contain the following:

- A research design that provides an historic context for property evaluation for eligibility to the National Register. It is expected the research design will define research domains or historic themes applicable to the area (tiering from the system-wide research design), define characteristics of property types associated with historic themes, and identify data gaps. The information will guide selection of National Register eligible properties that will receive protective treatments or mitigation.
- A definition of the APE for FCRPS multi-purpose operational effects at that Project.
- A summary of significant past investigation and management activities, and a list of associated products.
- A list of historic properties, with their National Register eligibility status indicated.
- Information about property types present.
- Discussion of the nature and source of agents impacting resources.
- Further actions needed to identify, evaluate, and manage historic properties, including TCPs. General long-term priorities should be identified, which will be further developed in the Five-Year Action Plan.
- A process for integrating TCP research with the site identification and evaluation activities.
- Inventory and evaluation strategies.
- Historic property management and treatment strategies that might be used.
- A curation plan.
- A process to update records to reflect new data.
- A process for peer review of potentially significant research or educational products created as an outcome of compliance actions.
- Public outreach and education opportunities.
- General standards for field work, analysis, reporting, and site treatment.
- A general schedule for long-term completion of compliance requirements.
- A Five-Year Action Plan, that defines the priority activities for the next 5 years.

Selection of sites for treatment actions will be prioritized based upon consideration of an array of factors, including the potential to yield important new information about or insight pertinent to a

788 defined research objective or historic context, best representatives of site types, historical or
789 cultural significance, physical integrity, degree of endangerment, and land ownership.

790
791 Each project shall have an HPMP that meets these standards in place within three years of
792 signature of the FCRPS System-wide PA. Thereafter, the data tables will be updated annually,
793 unless no work occurred in a year that would result in data changes. Periodically, but at intervals
794 no greater than every 5 years, each HPMP shall be reviewed to determined if updating is needed.
795 The purpose of the update is to monitor progress, incorporate new information, and correct
796 information. The Five-Year Action Plan will also be updated annually to reflect
797 accomplishments in the prior year.

798
799 Elements defined above focus on the HPMP as a tool for management planning and
800 implementation for actions at the specific Project. However, the processes defined in the HPMP
801 must also take into account the Lead Federal Agency commitment to a system-wide program.
802 Therefore, the research design must incorporate objectives, and the field implementation
803 processes must include strategies, that will allow for collection and application of locality-
804 specific data to address broader research questions.

805
806 Five-Year Action Plans and Annual Work Plans

807
808 Five-Year Action Plans tier from a Project HPMP, and define and prioritize actions to be
809 accomplished during that period. Activities in the action plan must reflect the priorities
810 identified in the Project-specific Agreement and HPMP, and must contribute toward completion
811 of priority basin-wide goals and objectives outlined in Stipulation 2 of the FCRPS System-wide
812 PA. Five-Year Action Plans for each Project will be prepared by the Lead Federal Agencies,
813 with the assistance of the Cooperating Groups. The Five-Year Action Plan will be updated
814 annually to reflect recent accomplishments, new information, and changes in priorities based
815 upon accomplishments and information.

816
817 At a minimum, the Five-Year Action Plan shall include:

- 818
- 819 • A prioritized list of program activities for each of the five years, with cost estimates.
 - 820 • A list of any proposed actions that would require agencies to request funding in excess of
821 FCRPS program allotment.
 - 822 • A list of any multi-year activities, with estimated annual cost and start/finish dates.
 - 823 • A context statement demonstrating how annual activities help achieve FCRPS HP
824 Program goals and objectives.
- 825

826 Annual Work Plans will identify and prioritizes actions at each Project for the next fiscal year.
827 They will be prepared by the Lead Federal Agencies, with recommendations and assistance
828 provided by the Cooperating Group. At a minimum, the Annual Work Plan and its supporting
829 materials will include:

- 830
- 831 • A description of each proposed activity.
 - 832 • Estimated level of effort and proposed cost.
 - 833 • Method to accomplish the activity.
 - Start/finish dates.

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Attachment 3

Glossary of Definitions for the FCRPS System-wide PA

Adverse Effect – an effect of an undertaking that “may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association.” 36 C.F.R. § 800.5 (a).

Advisory Council on Historic Preservation (ACHP) – an independent agency created by Title II of the National Historic Preservation Act (NHPA), 16.U.S.C. 470f. The review process established by NHPA Section 106, 16 U.S.C. 470f, is conducted according to regulations issued by the ACHP, 36 C.F.R. part 800, as authorized by NHPA section 211, 16 U.S.C. § 470s.

Area of Potential Effect (APE) – “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” 36 C.F.R. § 800.16(d).

Historic Property – “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.” 36 C.F.R. § 800.16 (“1”)(“1”), providing elaboration on the statutory definition codified in the National Historic Preservation Act, 16 U.S.C. § 470w(5).

Indian Tribe or Tribe – “an Indian tribe, band, nation, or other organized group or community, including Native village, Regional corporation or Village Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.” 16 U.S.C. § 470 w (4).

Lands (Federal Fee) - any land, other than tribal land, where the United States holds fee title to the property.

Lands (With Federal Legal Interest) – easement lands, leased lands, or any land where the U.S. Government has a right to use property for a specific purpose, but does not own fee title to the property.

Management – knowledge of the location and types of resources on Project lands within the APE defined in Stipulation 1, and similar knowledge on lands in reaches downstream of the Projects when adverse effects are occurring to historic properties that are a result of the Federal undertaking as defined in this PA. Management also involves prior planning to seek to protect

879 historic properties from deterioration or other adverse effects, proactive conservation of affected
880 properties, and planning to mitigate unavoidable effects of the undertaking.
881

882 **Minor Construction in Support of Operations** - includes construction for routine maintenance
883 of the existing built environment and other project construction items with small annual
884 aggregate footprints. Examples of minor construction include (but are not limited to) repair of
885 fencing; installation and repair of traffic control features; repaving of parking lots, trails and
886 access roads; refurbishment of plantings; repair or rebuilding of individual structures within
887 existing footprints, replacement or installation of signs; repair of existing utility lines; repair of
888 boat launch ramps and docks; repair of recreational equipment; installation of check dams in
889 existing ditches. The term *excludes* capital projects (large and small) and any work requiring
890 separate authorizations, or routine construction with large annual aggregate footprints.
891

892 **National Register** - the National Register of Historic Places maintained by the National Park
893 Service through the authority of the Secretary of the Interior. Sites are determined eligible for
894 listing on that Register using standards defined in 36 C.F.R. § 60.4.
895

896 **Project Lands** – includes Federal fee lands and other lands where the U. S. Government has a
897 legal interest and that are situated within Congressionally-authorized Project boundaries.
898

899 **Project Operations** – those activities which are required to operate and maintain the authorized
900 multi-purpose functions of the 14 FCRPS Projects. This includes activities associated with
901 hydropower production, flood control, navigation, irrigation, fish and wildlife management and
902 recreation. However, for the purposes of the FCRPS System-wide PA, Project operations are
903 considered to be limited to operations (present and future) for all authorized purposes, minor
904 construction, maintenance, or other ground disturbing actions on Project lands that may be
905 necessary to meet authorized Project purposes. Typically the FCRPS System-wide PA will not
906 incorporate non-routine maintenance and other new construction within the definition of Project
907 operations. These types of activities will be covered, when appropriate, under separate
908 agreements or individual consultations under Section 106.
909

910 **Reservoir** - a body of water impounded by a dam and operated for water storage, as well as
911 other purposes. This differs from **Lakes**, which is a body of water impounded by a dam and
912 where storage is not a Project purpose. The reservoir or lake boundary fluctuates between
913 authorized minimum and maximum pool levels.
914

915 **Signatories** – the three co-lead Lead Federal Agencies and ACHP. If they choose to sign the
916 PA, other signatories are the four affected SHPOs, three Indian tribes with affected Indian
917 reservation lands within Project boundaries, and two other Federal agencies who manage
918 affected lands within Project boundaries. This does not include Concurring Parties, who are
919 tribes and agencies with an interest in the undertaking, but who do not have reservation lands or
920 lands they manage within the Project boundaries.
921

922 **State Historic Preservation Officer (SHPO)** – “the official appointed or designated pursuant to
923 Section 101(b)(1) of the NHPA to administer the State historic preservation program or a
924 representative designated to act for the State historic preservation officer. 36 C.F.R. § 800.16 (v).
925

926 **Tribal Historic Preservation Officer (THPO)** – the official appointed or designated by an
927 Indian tribe to implement the Tribal Historic Preservation Program. The term applies only for
928 tribes on the National Park Service list that, in accordance with Section 101(d)(2) of NHPA,
929 have formally assumed the responsibilities of the SHPO for purposes of Section 106 compliance
930 on their tribal lands.

931
932 **Traditional Cultural Property TCP** – a property that is “eligible for inclusion in the National
933 Register because of its association with cultural practices or beliefs of a living community that
934 (a) are rooted in that community’s history, and (b) are important in maintaining the continuing
935 cultural identity of the community.” The property must meet the requirements defined in 36
936 C.F.R. § 60.4. National Park Service, National Register Bulletin 38, Guidelines for Evaluating
937 and Documenting Traditional Cultural Properties (1990).

938
939 **Treatment** – actions taken by a Federal agency to mitigate or resolve adverse effects on historic
940 properties. 36 C.F.R. § 800.6.

941
942 **Undertaking** – “a project, activity, or program funded in whole or in part under the jurisdiction
943 of a Federal agency, including those carried out with Federal financial assistance; those requiring
944 a Federal permit, license or approval.” 36 C.F.R. § 800.16 (y). For the FCRPS System-wide
945 PA, this is defined as operation of the 14 FCRPS Projects for authorized Project purposes,
946 including hydropower generation, navigation, flood control, irrigation water supply, municipal
947 and industrial water supply, recreation, and fish and wildlife and other natural resources
948 management, and also for minor construction, maintenance, or other ground disturbing actions
949 that may be necessary to facilitate water operations.

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Attachment 4

Schedule to Implement Commitments in the FCRPS System-wide PA

The Lead Federal Agencies will implement the following actions under this Programmatic Agreement consistent with the following schedule:

ACTION	SCHEDULE
Annual Report to consulting parties	March 31 following performance year
Annual Conference	March/April annually
Assess existing Project PAs and set schedule to update existing or prepare new Project-specific Agreements	Three months after signature of System-wide PA
Complete drafts or revisions of 2 Project-specific PAs and circulate for signature	One year after signature of System-wide PA
Complete drafts or revisions of 2 additional Project-specific PAs and circulate for signature	Two years after signature of System-wide PA
Complete drafts or revisions of 4 additional Project-specific PAs and circulate for signature	Three years after signature of System-wide PA
Complete drafts or revisions of the 6 remaining Project-specific PAs and circulate for signature	Four years after signature of System-wide PA
Assess status of Project HPMPs and set schedule to update existing or prepare new HPMPs as needed	Six months after signature of FCRPS System-wide PA
Where needed, complete new or update existing Project-specific HPMP for each Project	Two years after signature of FCRPS System-wide PA
Complete system-wide research design	Two year after signature of FCRPS System-wide PA
Review System-wide research design	Every ten years
Review System-wide PA	Every five years

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