

Comment Number	Date	Stipulation Number	Written Comments on 1-31-2008 Draft FCRPS Systemwide PA	Name	Response (Revisions made in Final Systemwide PA)
1	5/27/2008	Whereas #12	"Whereas# 12" identifies the President's Memorandum on "Government to Government Relations with Native American Tribal Governments" and Executive Order 13175. The tribe understands that all agencies must work within the guidance as established by the executive orders but The Nez Perce Tribe and possibly others has guidance on Government to Government Consultation that identifies the process and objectives of consultation aside from the workgroups. Many agencies and their representatives have preconceived notions on what consultation is and too often it doesn't align with the tribes' concept of what it is. It would be good to note in Section II.B page 5 that the process must be mutually defined to be effective. The consultation policy the Nez Perce Tribe has established will be provided to the agencies.	Samuel N. Penney, Chairman Nez Perce Tribal Executive Committee	Thank you for offering to provide The Nez Perce Tribes' consultation policy. Whereas #12 and Stipulation II.B have been revised to indicate that "effective Government to Government consultation will require mutually defined consultation processes and objectives."
2	5/27/2008	II.A.3	There is concern about the emphasis on National Register eligible sites (See page 4, II.A.3). Is there to be a formal Determination of Eligibility completed for each site, or is it just the opinion of the researchers and/or managers? For sites determined not eligible for listing on the NRHP, will they be ignored? Comment 156 suggests that Stipulation IV includes language that sites will be considered eligible until a formal DOE is done. I think the appropriate regulation is Executive Order 11593.	Samuel N. Penney, Chairman Nez Perce Tribal Executive Committee	All sites will be evaluated, as stated in Stipulation II.A and Stipulation IX.G.2, in consultation with appropriate consulting parties with an interest in the Project. Sites will be evaluated either individually or as part of districts or some other grouping. Unevaluated sites will be considered potentially eligible until evaluated. No treatment will be proposed for unevaluated sites or those determined not eligible. However, a site that has been determined not eligible may be reevaluated as stated in newly revised Stipulation II.A.3.
3	5/27/2008	IV.B	Clarify "degree of integrity" as it relates to management of properties. (See page 7, Stipulation IV, bullet #6). Is there a clearly identifiable point at which a property no longer has integrity? If it is inundated does it still retain integrity? To what degree? Will this be worked out with input from the tribes? Provide a little rationale for how this will be approached.	Samuel N. Penney, Chairman Nez Perce Tribal Executive Committee	The factor has been changed to "The current integrity of the property." The integrity of a property will be assessed on a case-by-case basis, and is dependent upon the type of property (traditional cultural property, archeological, etc.). Integrity will be determined in consultation as part of determination of the eligibility process (see Stipulation IX.G.2).

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4	5/27/2008	XV.B	Correct Section XV.B page 20. The text in the second sentence reads "Stand-alone" and should be corrected to "Stand-alone."	Samuel N. Penney, Chairman Nez Perce Tribal Executive Committee	Change completed.
5	5/27/2008	XVI.E	The statement in XVI.E (page 21) reads, "This PA may be executed in any number of counterparts, each of which when executed shall be deemed to be an original, and all of which when taken together shall constitute one and the same agreement." This statement is confusing to the reader and should be clarified.	Samuel N. Penney, Chairman Nez Perce Tribal Executive Committee	This language enables each party to sign their own separate signature page, with the assembled signature pages and the text of the PA constituting the signed PA.
6	5/12/2008	Whereas #11	Whereas, page 2: The Coeur d'Alene Tribe should be listed as a THPO.	Susan Pengilly, Idaho Deputy SHPO	Change completed.
7	5/12/2008	Stipulation II.A.3	II.A.3. This stipulation should be reworded to account for the reevaluation of a property over time, as provided for in the regulations: Section 36CFR800.4(2)(c)(1) states that "The passage of time, changing perceptions of significance or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or not eligible."	Susan Pengilly, Idaho Deputy SHPO	Stipulation II.A.3 has been revised to incorporate the recommended language from 800.4(2)(c)(1).
8	5/12/2008	Stipulation III.C.2	III.C.2. As with the last draft, we are concerned about the problem of protracted deliberations to determine what increment of effect is attributable to the operations of the Lead Federal Agencies, while erosion or other effects on sites continue.	Susan Pengilly, Idaho Deputy SHPO	We understand and acknowledge your concern. The process for determining effects and resolving disputes (defined in Stipulation III.E) would be implemented as expeditiously as possible. Actions would proceed in areas where effects are clearly attributed to the undertaking, while concurrently discussions occur about APE and effects occurring at other locations.
9	5/12/2008	Stipulation III.D	The language in this stipulation is confusing and troubling. It would be improved by ending the first sentence after the word "effects."	Susan Pengilly, Idaho Deputy SHPO	Change completed.

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10	5/12/2008	Stipulation VIII.A.3	The Annual Report should describe accomplishments with reference to the Annual Work Plan. Also, if a regional research design is developed, then the Annual Work Plan should also provide an update on work that contributed to the regional research design.	Susan Pengilly, Idaho Deputy SHPO	See language added to VIII.A.3.a.i and viii.
11	5/12/2008	Stipulation VIII.B	The Annual Work Plan should also attempt to plan work that contributes to the regional research design. As written, these three documents—the Annual Report, the Annual Work Plan, and the regional research design---are stand alone and have little or no relation to one another. This does not make sense.	Susan Pengilly, Idaho Deputy SHPO	See language added to Attachment 4, "Annual Work Plans" section.
12	5/12/2008	Stipulation XI	During the five year review, a consulting party that did not originally sign the PA should be provided an opportunity to sign.	Susan Pengilly, Idaho Deputy SHPO	See newly added Stipulation XVI.F that allows for parties to become signatory or concurring to the PA at any time after its execution. Additional signatory and concurring parties will be identified in the Annual Report (see Stipulation VIII.A.4).
13	5/12/2008	Signatory page	Signatories: Again, the Coeur d'Alene should be listed as a THPO.	Susan Pengilly, Idaho Deputy SHPO	Change completed.
14	5/12/2008	Attachment 3	Area of Jurisdiction: In the last sentence, includes lands within a reservation boundary should be enclosed in parentheses; the regulations do not define tribal trust lands as 'tribal lands.'	Susan Pengilly, Idaho Deputy SHPO	The term "Area of Jurisdiction" in the glossary was revised to "Extent of Authority." The last sentence of the definition was revised to read "For THPOs, this means tribal lands as defined under NHPA, which includes lands within a reservation boundary, and any tribal trust lands external to the boundaries of a reservation."
15	5/12/2008	Attachment 3	Federal Land Managing Agency: This should be reworded to account for new federal land managing agencies in the future, such as the BLM. Now it recognizes four specific federal agencies. Over the life of the PA (30 years), management authority may change. If a finite set of agencies is being listed, should the BIA be listed here?	Susan Pengilly, Idaho Deputy SHPO	The last sentence of the definition was revised to add "or other Federal land managing agency."
16	5/12/2008	Attachment 3	National Register: The "National Register of Historic Places" should be defined, not just the "National Register."	Susan Pengilly, Idaho Deputy SHPO	Change completed.
17	5/12/2008	Attachment 3	Traditional Cultural Property: This definition should state that a TCP "may be" eligible. As stated, all TCPs are eligible. As you (know), TCPs, like other property types, may or may not be eligible for the National Register.	Susan Pengilly, Idaho Deputy SHPO	Change completed.

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18	5/12/2008	Attachment 4, Treatment Plan Principles	The last sentence of the fifth bullet down on page 35 should say "...TCP is on lands outside of reservation boundaries" instead of "was outside."	Susan Pengilly, Idaho Deputy SHPO	Change completed. The last sentence of that bullet was further revised to read "The SHPO would be involved if a TCP is non-tribal lands outside of reservation boundaries."
19	5/12/2008	Attachment 6	#1. "Relinquishment of easement..." This exemption should specify that these are easements or non-fee interests where the agency currently has little or no control.	Susan Pengilly, Idaho Deputy SHPO	This category of activity has been deleted in response to other comments. It may later be incorporated into Project-Specific PAs, where appropriate.
20	5/12/2008	Attachment 6	#11 "Demolition or removal of buildings or structures..." This exemption should be deleted. We are worried about buildings or structures being demolished purposefully just before they reach the 50 year mark, or the demolition or removal of a building or structure whose eligibility has changed over time from not eligible to eligible. Demolition and removal are drastic steps that should be taken only after full review by the SHPO/THPO.	Susan Pengilly, Idaho Deputy SHPO	This category of activity has been deleted in response to comments. Note language newly added to the "Limitations" section of Attachment 6 that requires internal review prior to alteration or demolition of buildings or structures that are less than 50 years in age.
21	5/12/2008	Attachment 6	#12. "Maintenance, repair, or modification..." This exemption should be reworded to include only "Routine maintenance and repair to the interior or exteriors of existing buildings and structures less than 50 years old."	Susan Pengilly, Idaho Deputy SHPO	Your recommended language has been incorporated into this category of activity, now category #9.
22	5/12/2008	Attachment 6	#20. "Repair, replacement, and installation..." Two sentences should be added the end of this exemption: "This exemption does not include window repair or replacement. Work affecting windows will undergo the standard review process."	Susan Pengilly, Idaho Deputy SHPO	The definition statement has been expanded to clarify that this category, now category #17, does not apply to an array of modification actions, including window replacement.
23	5/12/2008	Attachment 6	#24. "Maintenance and widening..." Widening should be deleted.	Susan Pengilly, Idaho Deputy SHPO	Change completed. This is now category #19.

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24	3/28/2008	Stipulation IX	However, one key issue that we repeatedly bring up remains - decision making authority. While removed from the rest of the document, the federal agencies specifically invoke or imply federal agency decision making authority, as follows: "IX. CONSULTATION, COMMUNICATION, AND COORDINATION. While the Lead Federal Agencies retain final decision making authority for all their actions relating to the undertaking, communication, coordination, and consultation are integral to the PA's success at both systemwide and Project levels. To achieve this, PA participants need clear, agreed upon roles and responsibilities that are consistent across staff transfers and replacements as follows:..." The records of decision from the System Operation Review and the agencies' Native American policies mandate a cooperative process for cultural resource management. Please be reminded, again, the implementing regulations for section 106 confer responsibility for "compliance," not "decision making authority." 36 CFR Part 800.2a is reproduced below with pertinent portions highlighted. It also clearly states that while the agency is responsible for finding	Mike Marchand, Chairman, Colville Business Council	Stipulation IX was revised to remove the statement concerning Federal decisionmaking authority.
25	3/28/2008	Stipulation IX.C	One reason this is an important point is because, after 12 years of negotiation and discussion, the agencies are still unwilling to commit, in writing, to co-management and cooperative decision making. This is reflected in the section on "PA participants ... clear, agreed upon roles and responsibilities": "IX.C. Cooperating Group Responsibilities. A decision by the Lead Federal Agencies to proceed when the Cooperating Group is unable to provide input in a timely or agreed upon manner is not a violation of this PA." This leaves open the possibility of agencies moving forward with their own agenda if they have forced the other group members from the table. Consultation rights are not abdicated by tribes if they do not sit at the table, it means the agency or agencies must find another mechanism for consulting at the technical and management levels, or resolve working group difficulties to be in compliance with agency policy and the SOR RODs. Law still requires government to government consultation prior to agency action.	Mike Marchand, Chairman, Colville Business Council	Cooperating Groups provide an opportunity for parties to contribute to the decisionmaking process. A Cooperating Group is one of the mechanisms to facilitate consultation, but it is not the only mechanism. See Stipulation IX.G that provides for a documented consultation process under this PA. Project-Specific PAs will further define consultation processes appropriate to the parties involved at a Project.

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26	3/28/2008	Stipulation IX.C	This ability for "Agencies to proceed" also leaves open the possibility of agencies moving forward with their own agenda when the rest of the working group members have reached consensus, or are in unanimous agreement, but the agency does not agree. These are not remote possibilities; the Confederated Tribes of the Colville Reservation already encountered two agencies engaging in the unilateral actions described in this and the preceding paragraph.	Mike Marchand, Chairman, Colville Business Council	This statement is included to explain why timely input from Cooperating Groups is needed in order for their offered information, advice, and recommendations to receive adequate consideration.
27	3/28/2008	Attachment 6	Moving away from the body of the PA, the two categorical exclusions below, #s 18 and 25, are problematic because it presumes significant resources don't exist just because of previous disturbance. For instance, a culvert or fiber optic line might transect an unrecorded significant site. Section 106 would require we identify the property prior to evaluating integrity, so the fact a site is disturbed does not mean it doesn't have to be recorded. And, while the exact footprint of the previous disturbance might not adversely impact an undisturbed portion of a significant property, when does anyone really stay in the exact same footprint?	Mike Marchand, Chairman, Colville Business Council	We agree that properties can be present in or near existing features, despite past disturbance. Changes were made throughout the revised Attachment 6 to address this point. The process statement at the beginning of the Attachment has been expanded to clarify that research is needed to assess the extent of past disturbance and assess if further investigation or consultation is needed. Categories #18 (now #15) and #25 (now #20), as well as category #24 (now #19) have been revised to state that actions "will take place within the demonstrated vertical and horizontal limits of previous construction." Culverts has been deleted from category #25 (now #20). The clear requirement is retained that a cultural resources specialist within the agency must assess disturbance and other factors.
28	2/1/2008	Attachment 6	Installation of signs is mentioned for buildings or structures in #16 but are not included for roads, parking lots, in park areas, facility grounds and trails. I would suggest the following be added to the numbered exceptions: #18. Add the word "signs" to the list of activities. #24. Add to the end of the sentence "and associated signage." #25. Insert the following wording, "signing and sign maintenance" between "brushing" and "or" in the second line.	Richard T. Wernham, Supervisory Natural Resource Manager, Libby Dam Project, COE	Changes were made to category #18 (now #15), #24 (now #19), and #25 (now #20).

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29	6/6/2008	Attachment 6	"Introductory paragraph. Decisions on exemptions made by CRS (Cultural Resource staff). That is good, but is there a reason to – if it is not done elsewhere - to make sure the CRS meets the SOI standards for appropriate CR? I think in many cases it is a good requirement – engineers could in some agencies serve as CRS. That is usually NOT good."	Stan Wilmoth, Montana State Historic Preservation Office	We agree. The introductory section has been expanded to state "Corps and Reclamation cultural resource specialists who meet the Secretary of the Interior's Standards and Guidelines for Professional Qualifications (36 C.F.R. part 61) shall review specific routine activities implemented under this Systemwide PA and determine whether they fall within one of the routine activity categories defined below."
30	6/6/2008	Attachment 6	Secondly it states here that decisions will be documented. Where/how? Should there be a short list in the Annual Report? Maybe under A.3.b.?	Stan Wilmoth, Montana State Historic Preservation Office	Attachment 6, "Review Process Requirements" section, has been expanded to require that documentation be filed with the Lead Federal Agency for that activity and summarized in the Annual Report. Section VIII.A.3.a.ix of the PA has been revised to incorporate this Annual Report component.
31	6/6/2008	Attachment 6	1) I do not know what #1 means so I would not like to agree with it.	Stan Wilmoth, Montana State Historic Preservation Office	Category #1 was deleted in response to comments.
32	6/6/2008	Attachment 6	2) I know that many, including the ACHP sometimes, think that this is fine. I have doubts as it stands. If the BLM transfers land to the Army National Guard (which is federal but has no CR staff and no one in the state that meets the SOI standards to be their CRS – it is a potential Adverse Effect. We have such a deal going right now. BLM agrees with me – the ArmyNG does not. But it's going to happen. I don't know – but at a minimum there should be a caveat that the receiving agency has comparable CR program, staff and training, or a PA agreement be part of transfer should be required.	Stan Wilmoth, Montana State Historic Preservation Office	Category #2 (now #1) has been revised to read "Transfer of real estate from a Lead Federal Agency to another Federal agency with equal responsibility for compliance and that has cultural resources specialists that meet the Secretary of the Interior's standards."

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33	6/6/2008	Attachment 6	11) How about changing the years from 50 to 45? And to clarify that any exempted additions are also non historic? Again as an example we have WWII and cold war structures that the military is playing games with that these clarifications would be useful to have.	Stan Wilmoth, Montana State Historic Preservation Office	We have retained the statutory standard of consulting about properties that are 50 years or more in age, due to the increased work load on consulting parties if consultation expanded to a larger group of potential properties. However, we understand your point and have integrated the concept in the new "Limitations" section of Attachment 6. It reads "No buildings or structures less than 50 years in age will be altered or demolished without prior assessment by a cultural resource specialist to determine if they have a level of importance that would require consultation at a lesser age to determine eligibility."
34	6/6/2008	Attachment 6	12) Less than 45 years....	Stan Wilmoth, Montana State Historic Preservation Office	See response to comment 33.
35	6/6/2008	Attachment 6	19) Does mean inside recorded archaeological sites or features? TCPs? If that is a possibility it needs to be modified.	Stan Wilmoth, Montana State Historic Preservation Office	Category #19 (now #16) has been amended to read "Small bore (less than 6 inch diameter) drilling within areas previously surveyed and outside of known property areas."
36	6/6/2008	Attachment 6	20) I think SOI standards need to be referenced and a requirement for action to be reversible.	Stan Wilmoth, Montana State Historic Preservation Office	Category #20 (now #17) has been revised to include the statement "Any alteration of historic buildings implemented under this category will comply with the Secretary of the Interior's Standards for Rehabilitation (36 C.F.R. part 67), and will be reversible."
37	6/6/2008	Attachment 6	23) The guzzlers I know about are all in the ground. Are there non ground disturbing designs?	Stan Wilmoth, Montana State Historic Preservation Office	Category #23 has been deleted in its entirety.

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38	4/10/2008	General comment	It is our understanding that until the project specific programmatic agreements or historic property management plans are adopted, there will be no real change, with two exceptions. The scope of the PA includes what had previously been separate undertakings, which had followed 36CFR800. We remain curious to see how these projects will be addressed and whether the changes will be different at different reservoirs. The PA's Attachment 5 is a good effort toward explaining the undertaking, but it is still unclear how consulting parties will understand which compliance system is being followed and who the lead federal agency or agencies will be for a given aspect of the undertaking.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	This question identifies an issue that would be resolved at the Project level, with the process to address the issue defined in the Project-Specific PAs or HPMPs (see Stipulation VI.C). Until those Project-specific agreements/documents are in place, current processes will continue to be implemented.
39	4/10/2008	Attachment 6	The CTUIR has specific problems with a number of activities in this list; rather than detail our numerous concerns, our recommendation is to develop exempted activities lists in the individual programmatic agreements and not have a list at all in this overall PA.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	Attachment 6 has been retained, but has been revised to address comments received from other parties and also using verbal comments from the CTUIR. Note that the list of routine activities included in this Systemwide PA can be expanded upon in the Project-Specific PA.
40	4/10/2008	Stipulation IX.B	Another subject discussed at the meeting is how consultation will work if a tribe is not part of a Cooperating Group. The CRPP suggested that Agencies identify the specific tasks each Cooperating Group is expected to complete and commit to involving each affected tribe in those tasks, whether through a Cooperating Group or some other mechanism. This subject is of critical importance; the CTUIR must be assured that consultation regarding this ongoing undertaking is not limited by the functionality of individual Cooperating Groups.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	Stipulation IX.C.1 outlines the kinds of activities and tasks the Cooperating Groups contribute toward or perform. See newly added text for Stipulation IX.F, which provides for communication, coordination, and consultation if a Cooperating Group structure ceases to meet on a regular basis or is dissolved. Also see Stipulation IX.G, which explains Section 106 documentation and processes.
41	4/10/2008	Stipulation V	We appreciate the efforts that Agencies have made to clarify issues surrounding historic properties of religious and cultural significance to Indian Tribes (HPRCSIT). As discussed we support using this cumbersome term rather than "traditional cultural property" <i>because, as stated in the Advisory Council on Historic Preservation's draft Consultation with Indian Tribes in the Section 106 Review Process: Guidelines (May 2007)</i>	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	See revisions to Stipulation II.A.2, which differentiates between HPRCSITs and TCPs, revisions to Stipulation V to incorporate this term, and inclusion of the definition in the glossary.

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42	4/10/2008	Stipulation V.C	The CTUIR supports a provision in the PA to assess HPRCSITs thematically, or in groups, rather than evaluating each site individually. We look forward to further discussion regarding the role of the State Historic Preservation Offices (or in some cases Tribal Historic Preservation Offices) in eligibility determinations regarding HPRCSITs when the specific tribe and Agencies are in agreement. As we noted in the meeting, we are unclear about what expertise a SHPO (or a THPO from another tribe) would add to the discussion of eligibility for HPRCSITs when the tribe and agency are in agreement.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	We agree that, as with other types of historic properties, HPRCSITs may be evaluated individually, or in a thematic context or other grouping.
43	4/10/2008	Stipulation XIII.B	It is the CTUIR's position that affected tribes, signatory or not, must be consulted with regarding any amendment to the PA. Since the PA is basically a re-write of the regulations implementing the National Historic Preservation Act, changes to the alternative regulations are undoubtedly an undertaking with the potential to affect historic properties to which tribes attach religious and cultural significance.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	Stipulation XIII.A has been revised to say that "...the Lead Federal Agencies shall initiate consultation with consulting parties to this Systemwide PA to consider such amendment... All consulting parties to this Systemwide PA shall be notified when an amendment is being considered and when it is signed or rejected."
44	4/10/2008	"Now Therefore" clause	We understand that this terminology is present in most PAs developed under 36CFR800.14, but from the CTUIR's point of view, the Agencies cannot claim to have satisfied their Section 106 responsibilities until all of the individual Project-specific PAs have been completed; until that time the Agencies must follow the process laid out in 36CFR800. Execution of this PA is merely evidence of a step toward satisfying the Agencies' responsibilities.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	The Advisory Council on Historic Preservation has agreed that, upon signature of this Systemwide PA by the Lead Federal Agencies and the ACHP, the Lead Federal Agencies will be in compliance with Section 106 as long as we are implementing the terms of the Systemwide PA.

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45	4/10/2008	Whereas #10	The Agencies' response to comment 136 and statements in our meeting entirely miss the point that the United States owes tribes the trust responsibility to care for rights and resources in their control which are subject to tribal rights under treaty or statute. The action agencies should, at the very least, rewrite the 10th Whereas to state: "Whereas the Federal Government has a trust responsibility to Indian Tribes, the Lead Federal Agencies will act in accordance with that responsibility, including government-to-government consultation whenever the Lead Federal Agencies' plans or actions affect trust resources or trust assets. The Lead Federal Agencies will treat historic properties of religious and cultural significance to Indian Tribes as subject to the Federal trust responsibility and therefore Tribes must be engaged in consultation before decisions are made, and Tribes expect to participate in making decisions and in carrying out decisions regarding these resources."	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	Whereas 10 has been expanded to acknowledge the unique relationship between the Federal government and Indian tribes. It now says that the Lead Federal Agencies "...shall seek to engage with affected tribes early to identify tribal concerns. The Lead Federal Agencies seek to give special consideration to tribal views and concerns consistent with the Lead Federal Agencies' respective Tribal Policies, through Government to Government consultation and careful review of tribal concerns when making decisions."
46	4/10/2008	Whereas #10	Add the Bureau of Reclamation's policy to Whereas 10 (http://usbr.gov/native/naao/policies/policy.html)	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	Whereas 10 has been expanded to say "...and Reclamation consistent with its internal program processes...."
47	4/10/2008	Stipulation III.C	Remove Stipulation III.C.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	Under NHPA the Lead Federal Agencies are responsible for taking into account the effects of the undertaking on historic properties and for addressing adverse effects. This statement is retained because it explains how the Lead Federal Agencies will determine their level of responsibility under this Systemwide PA.
48	4/10/2008	Stipulation III.D	Please clarify "..... <i>attenuation, intervening effects, or other factors.</i> "	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	This language was removed from the stipulation in response to other comments.

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49	4/10/2008	Stipulation IV.C	We do not agree with the Bureau of Reclamation's insistence on the sentence in Stipulation IV.C. "Access terms for evaluation or treatment shall be sufficient to ensure that any materials collected will be permanently curated under conditions that allow for appropriate care, use, and access." We do not deny that such terms are appropriate in some cases; they may not be appropriate in all cases. Decisions about individual situations should be made on a case by case basis by the consulting parties; this overarching PA should not place an absolute prohibition on all excavation without provisions for permanent curation.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	Stipulation IV.C now says "Access terms shall address ownership and control of any collections made during compliance activities. When considering properties for evaluation or treatment, priority will be given to properties where materials collected will be permanently curated under conditions that allow for appropriate care, use, and access consistent with 36 C.F.R. part 79."
50	4/10/2008	Stipulation VII.B	Add the word "cultural" in Stipulation VII.B so that it reads, "The Systemwide Research Design would be developed to encourage consideration at the Project level of research, cultural, and educational objectives that have application on a broader, potentially regional level."	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	Change completed.
51	4/10/2008	Stipulation VII.B.(1)	Add "context statements" to Stipulation VII.B.1.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	Change completed.
52	4/10/2008	Stipulation X	First sentence of Stipulation X is confusing.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	An incorrect citation has been corrected.
53	4/10/2008	Stipulation XII.B.3.a	For signatory parties, the ACHP may determine not to consider the dispute "in which case the Agencies may proceed with the proposed action." Under this PA, we are not clear what the proposed action is or under what circumstances the Agencies would not proceed with it.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	This language was deleted.
54	4/10/2008	Attachment 4, Treatment Plan Principles	Add "that are being adversely affected by the undertaking" to the first bullet.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	Change completed.

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55	4/10/2008	Attachment 4, Treatment Plan Principles	Remove "The SHPO would be involved if a TCP was on lands outside of reservation boundaries" from fifth bullet.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	The last sentence was changed to "The SHPO would be involved if a TCP is on non-tribal lands outside of reservation boundaries." The involvement of the SHPO on non-tribal lands is retained to address the requirement that "The agencies shall consult with SHPO/THPO to seek ways to avoid, minimize, or mitigate adverse effects." [36 C.F.R. § 800.6(b)(1)(i)]
56	4/10/2008	Attachment 4, Treatment Plan Principles	Remove the fourth sentence as it is understood that the mitigation option is tied to the National Register criteria and it is up to the consulting parties to consider the feasibility and cost on a case by case basis. Also remove "consistent with agency authorities" from the fifth sentence as nothing can be done under this PA that is not consistent with agency authorities.	Teara Farrow, Confederated Tribes of the Umatilla Indian Reservation	The language was retained as written. Because "creative mitigation" may involve considering actions that are not customary or usual, it is important to include standard factors of agency authority, feasibility, and cost. While agencies consider cost, it does not mean the least-cost option must be selected.
57	6/10/2008	Whereas #11	The Confederated Tribes of the Grand Ronde Reservation should be consulted for any projects in the Cascade Locks area which would fall within the Bonneville Pool area. I wanted to be sure that you are aware that the Grand Ronde may need to be contacted with regards to this PA in the future. Some wording should be included that will allow future tribes to be added without having to redo the whole PA.	Dennis Griffin, Oregon State Historic Preservation Office	Stipulation XVI.F was added, stating "Additional parties may become a signatory or concurring party to this Systemwide PA at any time. To do so, they would sign the Additional Signatory or Concurring Party Form (Attachment 7). The Lead Federal Agencies will notify parties to this Systemwide PA of any additional signatory or concurring parties in the next Annual Report."
58	6/10/2008	Stipulation II.A.2	Stipulation states that all potentially affected properties will be evaluated for NR eligibility. Is this a reasonable stipulation given the agencies' current funding and staffing? Do you really mean ALL properties or only those that are actually affected?	Dennis Griffin, Oregon State Historic Preservation Office	Stipulation II.A.2 has been revised to read "All types of potentially affected properties shall be addressed,..." Also see Stipulation IV.B, bullet 1, which says "Probability of historic properties being present and of the area being adversely affected by the undertaking."

Comment Number	Date	Stipulation Number	Written Comments on 1-31-2008 Draft FCRPS Systemwide PA	Name	Response (Revisions made in Final Systemwide PA)
59	6/10/2008	Stipulation II.A.3	It is important to realize that site eligibility can change if new information becomes available or a project's level of effect changes. A site determined not eligible can later be reevaluated and found eligible (and vice-a-versa). This section should be written to remain open to the possibility of change.	Dennis Griffin, Oregon State Historic Preservation Office	Stipulation II.A.3 has been revised to add flexibility, now stating that "The exception is that the passage of time, changing perceptions of significance, or incomplete prior evaluations may require the Lead Federal Agencies to re-evaluate properties previously considered eligible or not eligible (36C.F.R. § 800.4(c)(1))."
60	6/10/2008	Stipulation II.F	Oregon SHPO believes that no PA should extend for a period of thirty years. Too many changes can occur on the landscape and within an office's staff to make this a viable timeline. Our office rarely signs a PA with a greater duration of 15 years and feels that 20 years should be a maximum time line fitting for this PA.	Dennis Griffin, Oregon State Historic Preservation Office	Stipulation II.F has been revised to reduce the term of the Systemwide PA to 20 years.
61	6/10/2008	Stipulation III.A	The APE should include all mitigation areas that are created or directly impacted by a proposed action under this PA. If wetland/wildlife mitigation areas are created due to damage of existing areas by dam related projects, these areas need to be considered part of the APE. As written I am unsure if such areas are included.	Dennis Griffin, Oregon State Historic Preservation Office	Attachment 5 has been revised to state that this PA does not cover BPA Fish and Wildlife Program activities, including acquisition of mitigation lands. BPA complies with Section 106 requirements for the Fish and Wildlife Program's activities separately.
62	6/10/2008	Stipulation III.C.2	"Principal causative factors"? How does one quantitatively acknowledge and measure such things? This stipulation was in the earlier PA and I still find it difficult to see how the federal agencies intend to address it? Oregon SHPO has had a difficult time discussing this problem with agencies in the Hells Canyon area and would not expect the problem to be resolved any easier here. Serious consideration should be focused on how one is to determine judging "level of cause" and addressing only "the increment of effect caused by their operations."	Dennis Griffin, Oregon State Historic Preservation Office	We understand your concern. We believe that work that can continue to go forward under this PA in areas where effects are clearly attributable to the undertaking, while a determination is made as to level of responsibility of the Lead Federal Agencies in other areas. To ensure that work is not unnecessarily impeded, the following statement has been added to Stipulation III.E.1: "In order to minimize delays, identification, evaluation, and treatment may proceed in areas where the Lead Federal Agencies conclude effects are clearly attributable to the undertaking."
63	6/10/2008	Stipulation III.D	Portion of first sentence "due to attenuation, intervening effects, or other factors" should be removed.	Dennis Griffin, Oregon State Historic Preservation Office	Change completed.

Comment Number	Date	Stipulation Number	Written Comments on 1-31-2008 Draft FCRPS Systemwide PA	Name	Response (Revisions made in Final Systemwide PA)
64	6/10/2008	Stipulation IV.B., bullet 3	Our office has no problem with the addition of HPRCSIT to this stipulation, as recommended by the CTUIR but we believe that the term TCP should remain due to other ethnic groups within the larger project area that may have significant properties needing protect.	Dennis Griffin, Oregon State Historic Preservation Office	We have made revisions to incorporate HPRCSITs, while retaining the commitment to address TCPs of interest to other groups. See Stipulation II.A.2, which has been revised to state "All types of potentially affected properties shall be addressed, including those that are historic properties of religious and cultural significance to Indian tribes (HPRCSITs) or are traditional cultural properties (TCPs) important to other groups."
65	6/10/2008	Stipulation IV.B, bullet 12	I would like to see some discussion (or know where such information will be considered) in the defining of research objectives within the Systemwide Research Design. This remains an interesting concept but one that hasn't really been addressed. In the earlier PA I asked if such a design was even possible. I see no new information here that will help to flesh out such a possibility.	Dennis Griffin, Oregon State Historic Preservation Office	Development of the Systemwide Research Design will involve input and assistance from a variety of specialists, including tribal members, researchers, or others who have expertise on certain topics. Signatory and concurring parties, as well as Cooperating Group members, will be included in discussions of how input or assistance will be obtained. The Systemwide Research Design is a focus group discussion topic during the 2009 Systemwide Meeting. We hope those discussions will result in establishment of a group of interested participants.
66	6/10/2008	Stipulation IV.C, bullet 2	Our office concurs that the curation guidelines mentioned in the PA for access and future research potential for artifacts collected under federal projects (whether on federal, non-federal public or private lands) need to remain compatible to 36CFR79.	Dennis Griffin, Oregon State Historic Preservation Office	Thank you for information on the Oregon SHPOs views on this topic.
67	6/10/2008	Stipulation V, 2nd sentence	TCPs can be associated with other ethnic groups beside Indian Tribes. "And others" should be included at the end of this sentence.	Dennis Griffin, Oregon State Historic Preservation Office	The focus of Stipulation V remains on properties of religious and cultural significance to Indian tribes, with language revised to use the term "HPRCSITs" rather than TCPs. However, we retain the commitment to address TCPs of interest to other groups.

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68	6/10/2008	Stipulation V.C	I know that some discussion has occurred among the Lead Federal Agencies and Tribes over the process or need to determine eligibility for TCP's in a project area. Is eligibility really the main concern here or more what the level of effect on such properties may be and how does one mitigate such an effect. I believe the process of eligibility is more complicated than this stipulation lets on and some rewording is needed to address determining "level of effect" and potential mitigation strategies.	Dennis Griffin, Oregon State Historic Preservation Office	We agree that the process for determining the eligibility, effect, and treatment for TCPs can be complicated. In this PA, the Lead Federal Agencies have committed to working with consulting parties to seek mutually agreed-upon processes to address TCPs.
69	6/10/2008	Stipulation VI.C.5	Stipulation should include providing a schedule for identifying properties and evaluating all potentially affected unevaluated properties.	Dennis Griffin, Oregon State Historic Preservation Office	Change completed.
70	6/10/2008	Stipulation VI.C.6	Defining "thresholds" for when a project would trigger a reassessment of Section 106 compliance activities can be difficult and not always possible in a general PA. Such thresholds may be more site specific. I suggest that some reconsideration of rewording or rethinking this stipulation be done.	Dennis Griffin, Oregon State Historic Preservation Office	The Lead Federal Agencies anticipate a threshold might be the consideration of changes in operation that would alter the type of effect, or the severity of effect, to historic properties over a Project-wide area.
71	6/10/2008	Stipulation VIII.A	I see no direct tie between the Annual Report, Annual Work Plan, Project Research Design, and Systemwide Research Design. These should all be tied closely together, especially for items within the specific project. I believe that most project-specific areas lack a real, well thought out and supported research design and thus completed products (whether testing, evaluation or monitoring reports) remain hanging out there without a direct tie in to a "needs assessment" or an evaluation for future direction. If PA's (system-wide or project-specific) are going to be drafted then a priority needs to be spent on developing suitable research designs. While mentioned in this PA, no substantial data is provided to see how or in what direction such a PA will focus. A systemwide research design may be more of a concept on paper than is possible to flesh out. If so, what bearing will this have on the umbrella PA?	Dennis Griffin, Oregon State Historic Preservation Office	See language added to VIII.A.3.a.i and viii, concerning linking to the Annual Report. Also see Attachment 4, HPMP section, bullet 3 which calls for Project-level HPMPs to include "A research design that provides an historic context for property evaluation for eligibility to the National Register. The research design shall define research domains or historic themes applicable to the area, define characteristics of property types associated with historic themes, and identify data gaps. Project-specific research designs should incorporate applicable elements of the Systemwide Research Design."

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72	6/10/2008	Stipulation IX.E.1	Sentence 1 mentions Stipulation IX.E.3. I think you mean to refer to IX.E.2 here.	Dennis Griffin, Oregon State Historic Preservation Office	The citation has been corrected, and now reads IX.G.3.
73	6/10/2008	Stipulation X, 1st sentence	First sentence references a Stipulation IX.E.6. There is no such stipulation.	Dennis Griffin, Oregon State Historic Preservation Office	The citation has been corrected, and now reads IX.G.2.d.
74	6/10/2008	Stipulation XII.B.3.a	delete section, per ACHP statement that they will always response in the event of a dispute.	Dennis Griffin, Oregon State Historic Preservation Office	Change completed.
75	6/10/2008	Stipulation XII.E	This stipulation should only be required in the case of a formal objection. If a consulting party contacts SHPO/THPO staff to discretely discuss a concern or objection to the PA, not all comments or contacts need to be passed on the Lead Federal Agencies. Such a stipulation would limit the freedom of all parties to discuss freely their feelings regarding a given issue.	Dennis Griffin, Oregon State Historic Preservation Office	The stipulation has been revised to add "This is not intended to extend to notification of Lead Federal Agencies about requests from other parties for guidance, legal interpretation, or general advice from the ACHP."
76	6/10/2008	Stipulation XV	Our office still wonders how many Tribes will finally agree to sign such an umbrella PA. If most or all Tribes refuse to sign it, what is the value of such a document?	Dennis Griffin, Oregon State Historic Preservation Office	The Systemwide PA provides the framework within which Project-specific agreements will operate. If a tribe chooses not to sign the Systemwide PA, they will have an opportunity to sign Project-specific agreements. The Lead Federal Agencies anticipate that the tribes and other consulting parties would have a role in developing those Project agreements, where they have interest in actively developing and implementing the FCRPS Historic Properties Program. Also, the Systemwide PA has been revised to add Stipulation XVI.F which allows for additional parties to become a signatory or concurring party to this PA at any time.

Comment Number	Date	Stipulation Number	Written Comments on 1-31-2008 Draft FCRPS Systemwide PA	Name	Response (Revisions made in Final Systemwide PA)
77	6/10/2008	Attachment 3	Area of Jurisdiction: Is "tribal land" actually defined under NHPA?	Dennis Griffin, Oregon State Historic Preservation Office	"Tribal land" is defined in the regulation as "all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities" [see 36 C.F.R. § 800.16].
78	6/10/2008	Attachment 3	Federal Land Managing Agency: Need to include the possibility of other federal land managing agencies involvement (e.g., USF&WS, BIA).	Dennis Griffin, Oregon State Historic Preservation Office	The term "Federal Land Managing Agency" in the glossary was revised to add "or other Federal land managing agency."
79	6/10/2008	Attachment 3	A definition for "National Register of Historic Places" should be included	Dennis Griffin, Oregon State Historic Preservation Office	The term "National Register" in the glossary was revised to "National Register of Historic Places."
80	6/10/2008	Attachment 3	Traditional Cultural Property: First sentence should read a property that "may be" eligible for inclusion.	Dennis Griffin, Oregon State Historic Preservation Office	Change completed.
81	6/10/2008	Attachment 4	Treatment Plan Principles-1st bullet: Sentence should end with phrase "that are being adversely affected by an undertaking."	Dennis Griffin, Oregon State Historic Preservation Office	Change completed.
82	6/10/2008	Attachment 4	Treatment Plan Principles-5th bullet, last sentence should read "The SHPO would be involved if a TCP is on lands outside of reservation boundaries." (not was on lands)	Dennis Griffin, Oregon State Historic Preservation Office	Change completed. The last sentence of that bullet was further revised to read "The SHPO would be involved if a TCP is on non-tribal lands outside of reservation boundaries."

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83	6/10/2008	Attachment 4	Annual Work Plans: Connection to Project-specific Research Design? Systemwide research design?	Dennis Griffin, Oregon State Historic Preservation Office	The Annual Work Plans statement has been revised to include the language presented here in bold: "At a minimum, the Annual Work Plan shall include: (1st bullet) A prioritized list of proposed historic properties compliance activities for the year, which indicates how the activities contribute toward the objectives of the Project-Specific Research Design and the Systemwide Research Design, if appropriate."
84	6/10/2008	Attachment 5	Examples of activities not covered under this PA should include the BPA's Fish & Wildlife component.	Dennis Griffin, Oregon State Historic Preservation Office	Change completed.
85	6/10/2008	Attachment 6	#3. Areas of "existing fill" or "where existing ground disturbance is so extensive" needs to be quantified and documented. Currently Oregon SHPO has found that Lead Federal Agencies do not possess an adequate level of documentation to substantiate this inclusion. If such a stipulation is to be included all areas that may be treated under it needs to be initially reviewed and cleared. For example, once adequate documentation is provided to our office and concurrence is reached...no further Section 106 review should be needed on such lands.	Dennis Griffin, Oregon State Historic Preservation Office	Attachment 6 has been revised to add a "Review Process Requirements" section, with new language stating "A determination by a cultural resource specialist that an area is disturbed or is composed of fill or other artificial materials, must be based on documentation in reports of previous investigations in the area, evidence in records or photographs, or have been agreed upon in past consultations with SHPO/THPO, tribes, or other consulting parties."
86	6/10/2008	Attachment 6	#11. Demolition and removal of buildings less than 50 years of age should involve some level of review before demolition due to possibility of agency tearing down structures rather than protecting them once they turn 50 years of age. Such actions have been known to have occurred in the past under various federal land managing agencies.	Dennis Griffin, Oregon State Historic Preservation Office	This category of activity has been deleted in response to comments. Note language newly added to the "Limitations" section of Attachment 6 that requires internal review prior to alteration or demolition of buildings or structures that are less than 50 years in age.
87	6/10/2008	Attachment 6	#12. Activity list should begin with the word "Routine."	Dennis Griffin, Oregon State Historic Preservation Office	Change completed.

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88	6/10/2008	Attachment 6	#18. Our office has major problems with (#18). As written an agency could replace a telephone pole with a fiber optic line without review. Telephone poles could be replaced where no previous survey has been conducted. Historic dikes and levees could be removed without documentation. Pipelines could be replaced with larger pipelines that would impact undisturbed soils. The inclusion of "less than 50 years of age" could be used to keep the caveat for replacing dikes and levees but the remaining activities should still require project review due to their potential to adversely affect historic properties that may have not been assessed during initial construction projects. We have no problem with the inclusion of "signs" here, however areas should have been surveyed in the past to be sure that the activity is not occurring within a site.	Dennis Griffin, Oregon State Historic Preservation Office	This category, now #15, has been revised to read "Excavations for maintaining, removing, or replacing tile, ditches, fire lines, dikes, levees, pipes, pipelines, cables, telephone lines, fiber optic lines, signs, gates, or cattle guards, when the property or items are less than 50 years in age or have been determined "not eligible" in consultation with the SHPO/THPO, where they are not within or part of an historic site, and where excavations, including heavy equipment operation, will take place within the demonstrated vertical and horizontal limits of previous construction, and within previously surveyed areas."
89	6/10/2008	Attachment 6	#19. Approval of the excavation of small bores would only work if the areas had already been surveyed and were found to not be within a known site.	Dennis Griffin, Oregon State Historic Preservation Office	Category #19 (now #16) has been amended to read "Small bore (less than 6 inch diameter) drilling within areas previously surveyed and outside of known property areas."
90	6/10/2008	Attachment 6	#20. If repair, placement, and installation can be completed without any ground disturbance, this activity may fit here.	Dennis Griffin, Oregon State Historic Preservation Office	This category, now #17, has been revised to limit it to activities that "do not involve ground disturbance."
91	6/10/2008	Attachment 6	#21. Window repair and replacement needs a standard review process. Even though the original windows may not be in a historic structure, their replacement could impact the evaluation of the structure.	Dennis Griffin, Oregon State Historic Preservation Office	This category, now #17, has been revised to clarify that it does not apply to an array of modification actions, including window replacement.
92	6/10/2008	Attachment 6	#22. All lands within "existing facilities" have not suffered the same degree of disturbance. This activity is based on knowing the past level of disturbance that has occurred at a property.	Dennis Griffin, Oregon State Historic Preservation Office	This category has been deleted from the list.

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93	6/10/2008	Attachment 6	#24. Remove the word "widening" from the sentence. Define "previously disturbed." Is this meant to only mean in-kind disturbance?	Dennis Griffin, Oregon State Historic Preservation Office	This category, now #19, has been revised to read "Maintenance of existing trails, walks, paths, sidewalks, and associated signage, and work is conducted within the demonstrated vertical and horizontal limits of previous construction or disturbance, and no known properties are within the work area."
94	6/10/2008	Attachment 6	#25. Culverts should be removed from the list.	Dennis Griffin, Oregon State Historic Preservation Office	Change completed.
95	6/23/2008	Whereas #5	Replace "the undertaking" with "an undertaking"	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	The word "the" is purposefully used here to denote <i>the undertaking</i> for this specific PA.
96	6/23/2008	Pages 2, 3, 5, 11, 15, 16, 19, 20, 33, 36, and 39	Minor editorial comments.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	Changes completed.
97	6/23/2008	Stipulation II.E	Perhaps include in this section a stipulation that the Lead Federal Agencies will restrict disclosure of information provided by tribes upon request by the providing tribe to restrict disclosure of specific information	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	Statement II.E have been revised to read "In carrying out their responsibilities under this Systemwide PA, the Lead Federal Agencies shall restrict disclosure of information in accordance with Section 304 of NHPA and implementing regulations, and other applicable non-disclosure provisions. The Lead Federal Agencies will consider restricting, consistent with the law, disclosure of specific information provided by a tribe upon request by that tribe."

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98	6/23/2008	Stipulation III.B	Add "or an allottee" after "tribe".	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	Change completed.
99	6/23/2008	Stipulation IV.C, bullet 1	If this section is intended to encompass obtaining access to tribal lands, I would suggest additional language stating that the Lead Federal Agencies must obtain consent of the tribe. Because tribes are not the fee owners of their lands, the provision as currently written does not require the Lead Federal Agencies to seek the consent of the tribes.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	Stipulation IV.C has been revised to address this omission. The introductory statement now reads "obtained necessary access from the fee title holder, or tribe or other agency with jurisdiction," and part IV.C.1 now states "In the case of tribal lands, authorization or consent would be from the tribe, or from the Bureau of Indian Affairs if appropriate in the specific case."
100	6/23/2008	Stipulation VII.B.3	We would want to ensure that any data sharing and comparison that occurs pursuant to this research design sufficiently protects sensitive or confidential data provided by tribes.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	See response to comment #97. Principles listed in Stipulation II apply to all activities implemented under this Systemwide PA.
101	6/23/2008	Stipulation VII.C	How is this disseminated - will the agencies solicit "interested members"? Will this be consulted with the consulting parties?	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	We anticipate development of the systemwide research design will entail input and assistance from a variety of specialists, including tribal members, researchers, or others who have expertise on certain topics. Signatory and concurring parties, as well as Cooperating Group members, will be included in discussions of how input or assistance will be obtained.
102	6/23/2008	Stipulation VII.C	"substantive" is a subjective term. Suggest deletion.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	We understand and acknowledge your concern but have retained the term "substantive." By "substantive" we mean alterations that would affect the purpose or application of the Systemwide Research Design, or if new data surfaced that would change or add new research questions.

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103	6/23/2008	Stipulation VIII.A.2	Why is this being separated from all other reporting mechanisms; under V. Traditional Cultural Properties section indicates that you will treat TCPs as historic properties defined under NHPA. Suggest that this be part of the regular Annual Report mechanism as described in #3 in the same section.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	No separate mechanism is proposed for TCP reporting; TCPs compliance work will be reported in the Annual Report. TCPs are listed separately in Stipulation VIII.A.2 because it will take the Lead Federal Agencies approximately two years to gather TCP data from all 14 Projects.
104	6/23/2008	Stipulation VIII.B	Will the Lead Federal Agencies and/or Cooperating Groups coordinate with consulting parties when putting together these work plans?	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	Annual Work Plans are developed by each Cooperating Group. If any consulting party to this PA is not a member of a Cooperating Group, then that the entity will be coordinated with during preparation of the plans.
105	6/23/2008	Stipulation IX.A	Is this the Cultural Resource Subcommittee Handbook mentioned on page 38, Funding Section or the above mentioned Handbook under VIII.C.?	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	References to the "Handbook" in Stipulations VIII.C and IX.A and Attachment 5 all refer to the FCRPS Cultural Resource Handbook, prepared by and for the Cultural Resources Subcommittee of the Joint Operating Committee. For clarity, a full citation of the name is now provided in all these locations.
106	6/23/2008	Stipulation IX.E.1.d	This is confusing - it either reads the Lead Federal Agency disagrees with their own finding OR it reads as if it is addressing the Federal land manager that is NOT one of the three Lead Federal Agencies; however, this is addressed below in E.2. Please make clear.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	In this case, the "land manager with jurisdiction" is an agency, other than one of the three Lead Federal Agencies, that is the authorized land manager on lands within the APE. The word "other" was added before "land manager with jurisdiction" to clarify. This is now Stipulation IX.G.2.d.
107	6/23/2008	Stipulation IX.F	Should mention Stipulation II.E. Confidentiality. Are you talking about potential contractors/contributors to the process or the general public.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	Depending on the topics covered at a specific Cooperating Group meeting, FCRPS contractors, researchers, or members of the general public may ask to attend a meeting or may be invited by the Cooperating Group to discuss a particular topic. As long as the Cooperating Group agrees that it would be beneficial to the group and no confidential information is disclosed, one-time attendance by an outside party may be acceptable.

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108	6/23/2008	Stipulation X	IX.E.6. was not located. I believe it should be IX.E.1.d.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	The citation has been corrected, and now reads IX.G.2.d.
109	6/23/2008	Stipulation XI.A.1	If these summaries could potentially contain information subject to Stipulation II.E. (Confidentiality), that stipulation should be referenced here.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	Stipulation II.E is overarching, applying to all applicable sections of the Systemwide PA.
110	6/23/2008	Stipulation XII.D	Frivolous is a subjective term; suggest significant/critical.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	We understand and acknowledge your concern but have retained the term "frivolous." By "frivolous" we mean objections that clearly lack merit or substance.
111	6/23/2008	Attachment 3	Does each Project have it's own cooperating group? If so, I would say as much.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	Not every Project is represented by a single Cooperating Group. Some Cooperating Groups provide management recommendations for groups of reservoirs, rather than a single reservoir. See Stipulation IX.B for a listing of the Cooperating Groups and the Project(s) they are associated with.
112	6/23/2008	Attachment 6	Ensure that the area has been reviewed for historic properties prior to exemption.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	Attachment 6 has been revised and expanded to include a discussion of the process an agency cultural resource specialist will follow when reviewing individual actions. This is under the heading "Review Process Requirements."

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113	6/23/2008	Attachment 6	Ensure that consultation with the Tribes happens due to potential loss of federal lands within reserved treaty rights of unclaimed lands.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	This category has been deleted from the list.
114	6/23/2008	Attachment 6	If there is a known site within the roadway, even if previously disturbed, ensure that the site has been evaluated prior to additional maintenance.	Sally Bird, Confederated Tribes of Warm Springs Reservation of Oregon	Category #6 has been revised to add the wording "...and no recorded properties are within the road bed." Category #24 (now #19) has been revised to read "...and work is conducted within the demonstrated vertical and horizontal limits of previous construction or disturbance, and no known properties are within the work area."