



**North Umpqua Hydroelectric Project
FERC Project No. 1927**

**FINAL HISTORIC PROPERTIES
MANAGEMENT PLAN**

September 2006

**Prepared by
EDAW, Inc.
Seattle, Washington**

**STATEMENT OF CONCURRENCE
WITH THE
NORTH UMPQUA HISTORIC PROPERTIES
MANAGEMENT PLAN**

WHEREAS, the Federal Energy Regulatory Commission or its staff (hereinafter, "FERC") issued a new license to PacifiCorp on November 18, 2003 to continue operating the North Umpqua Hydroelectric Project FERC No. 1927 (hereinafter, "Project") as authorized by Part I of the Federal Power Act, 16 U.S.C. Sections 791 (a) through 825 (r) as amended; and

WHEREAS, FERC has determined that the ongoing operation of the Project may affect properties included in or eligible for inclusion in the National Register of Historic Places (hereinafter, "Historic Properties"); and

WHEREAS, the majority of the Project lies on U.S. Department of Agriculture Forest Service (USDA-FS) or U.S. Department of Interior Bureau of Land Management (USDI-BLM) lands, and PacifiCorp operates portions of the North Umpqua Hydroelectric Project on lands under USDA-FS and USDI-BLM jurisdiction with certain stipulations; and

WHEREAS, PacifiCorp has consulted with the Oregon State Historic Preservation Officer (hereinafter, "SHPO") pursuant to 36 CFR §800.13 of the Advisory Council on Historic Preservation's regulations (36 CFR Part 800), implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470F; hereinafter, "Section 106"); and

WHEREAS, the Settlement Agreement for the North Umpqua Hydroelectric Project (hereinafter, "SA") stipulates that PacifiCorp will prepare a Cultural Resources Management Plan (hereinafter "CRMP") defining measures to address its effects on Historic Properties within the Area of Potential Effects (hereinafter "APE"); and

WHEREAS, the USDA-FS, the USDI-BLM, and the Cow Creek Band of Umpqua Tribe of Indians participated in the consultation of and are concurring Parties to a Programmatic Agreement (hereinafter "PA") which stipulates that PacifiCorp will implement a CRMP defining measures to address its effects on Historic Properties within the APE, and whereas the Confederated Tribes of Grand Ronde and the Confederated Tribes of the Siletz Indians were invited to participate in the consultation of the PA; and

WHEREAS, FERC and the SHPO agree that PacifiCorp will administer the Project in accordance with the stipulations of the PA to satisfy FERC's Section 106 responsibilities during the term of the new license and as a condition of issuing a new license for the Project; and

WHEREAS, Article 414 of the FERC Order issuing a new license for the North Umpqua Project stipulates that the licensee shall implement the PA and a CRMP for the Project; and

WHEREAS, FERC released new guidelines on September 27, 2000 for the preparation of cultural documents that instruct preparers to replace the term CRMP with the term Historic Properties Management Plan (herein after "HPMP") to more accurately reflect the requirements of Section 106 of the NHPA, and that that these terms should be considered interchangeable where applicable in stipulations of the SA, PA, and Article 414 of the FERC Order; and

WHEREAS, PacifiCorp, the USDA-FS, and the USDI-BLM have actively participated in the consultation regarding this Project and have reviewed and agreed upon the provisions contained in this HPMP, which follows FERC's guidelines for managing cultural resources; and

NOW THEREFORE, PacifiCorp, the USDA-FS, the USDI-BLM, and the SHPO agree that the Project will be administered during the period of the new 35-year license issued November 18, 2003 in accordance with this HPMP to satisfy FERC's Section 106 responsibilities.



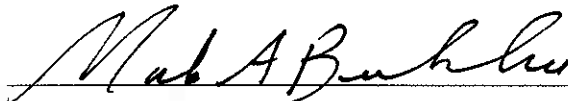
Monte Garrett, Licensing Program Manager
PacifiCorp Energy

10/16/06
Date



Clifford J. Dils, Forest Supervisor
USDA Forest Service, Umpqua National Forest

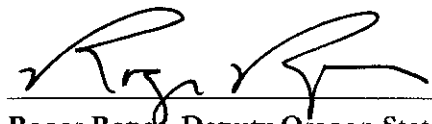
10/24/06
Date



Jay Carlson, Roseburg District Manager
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10/25/06
Date



Roger Roper, Deputy Oregon State Historic Preservation Officer
Oregon State Historic Preservation Office

10.30.06
Date

EXECUTIVE SUMMARY

PacifiCorp Energy (PacifiCorp) is the operator of the North Umpqua Hydroelectric Project (Project) (FERC Project No. 1927). The Federal Energy Regulatory Commission (FERC) issued the Project's original license in 1947 and issued a new 35-year license in 2003. A Settlement Agreement (SA) (dated June 13, 2001) among PacifiCorp, the USDA Forest Service (USDA-FS), the USDI Bureau of Land Management (USDI-BLM), Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Environmental Quality (ODEQ), Oregon Water Resources Department (OWRD), U.S. Fish and Wildlife Service (USFWS), and National Oceanic and Atmospheric Administration (NOAA) Fisheries included provisions for the protection of historic and cultural resources which were adopted into the new FERC license. A FERC relicensing action is subject to Section 106 compliance of the National Historic Preservation Act (NHPA). Section 106 requires FERC to take into account the effect of its undertakings on historic properties. FERC considers the issuance of a new license to PacifiCorp an undertaking. Because it is not possible for FERC to determine all of the effects of every North Umpqua Hydroelectric Project activity over the course of the license, FERC has required that PacifiCorp develop and implement an Historic Properties Management Plan (HPMP) under terms of License Article 414 and Section 18 of the SA.

The Project is located in south-central Oregon on the west side of the Cascade mountain range in Douglas County, Oregon about 60 miles east of Roseburg. The Project is located within lands managed primarily by the USDA-FS, with some areas managed by USDI-BLM. Therefore, these agencies have a shared responsibility in the management of historic properties on lands they administer.

PacifiCorp has prepared this HPMP to provide consideration and management of effects on historic properties within the Area of Potential Effects (APE) throughout the term of the license. The HPMP provides for the management of historic properties, which are those properties listed in or eligible for listing in the National Register of Historic Places (NRHP). The NRHP is the National Park Service's official list of properties recognized for their significance in American history, architecture, archaeology, engineering, and culture. For the North Umpqua Hydroelectric Project, historic properties include the Project facilities, such as the dam and powerhouse, other historic buildings and structures, and prehistoric and historic archaeological sites. If properties of traditional religious or cultural significance to Indian tribes are identified within the North Umpqua APE in the future, these resources may also be eligible for listing on the NRHP.

Important features of this document include:

1. Stewardship Program
2. Archaeological Program
3. Historic Structures Program
4. Procedures for Curation
5. Procedures for Conducting Future Surveys
6. Procedures for Inadvertent Discovery
7. Procedures for the Discovery of Vandalism and Looting
8. Treatment of Human Remains
9. Reporting Requirements
10. Procedures for Emergency Situations
11. Procedures for Interpretation and Education
12. Implementation Schedule

This plan is intended to be a dynamic document over the 35-year license term (2003 – 2038). Through annual coordination and reporting, PacifiCorp and other parties can assess the effectiveness of its guidance. The HPMP provides mechanisms for its periodic review and revision to keep its requirements and procedures contemporary.

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Exhibit A	PacifiCorp Activities With the Potential to Affect Historic Properties
Exhibit B	Settlement Agreement Excerpts: Sections 18, 21.5, and 22
Exhibit C	Programmatic Agreement
Exhibit D	3-Year Historic Properties Action Plan Framework and Draft Cultural Review Form
Exhibit E	Protocol for Inadvertent Discovery
Exhibit F	Protocol for the Treatment of Human Remains
Exhibit G	Oregon SHPO Section 106 Documentation and Effects Forms
Exhibit H	Memorandum of Understanding between USDA-FS and PacifiCorp Regarding the Implementation of the Settlement Agreement
Exhibit I	Historic Structures Plan (HSP)

ACRONYMS AND ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
Action Plan	3-Year Historic Action Plan
ADR	Alternative Dispute Resolution
AIRFA	American Indian Religious Freedom Act
AMP	Aesthetics Management Plan
APE	Areas of Potential Effect
ARPA	Archaeological Resources Protection Act
CFR	Code of Federal Regulations
CIS	Commission on Indian Services
CRC	Cultural Resources Coordinator
CRMP	Cultural Resources Management Plan
DOE	Determination of Eligibility
ECP	Erosion Control Plan
ECPA	Electric Consumers Protection Act
EMS	Environmental Management System
FERC	Federal Energy Regulatory Commission
FPA	Federal Power Act
FR	Federal Register
FTR	Final Technical Report
GIS	geographic information system
HABS	Historic American Buildings Survey
HAER	Historic American Engineering Record
HPMP	Historic Properties Management Plan
HSP	Historic Structures Plan (part of the Historic Structures Program)
MOU	Memorandum of Understanding
MW	megawatt
NAGPRA	Native American Graves Protection and Repatriation Act
NEPA	National Environmental Policy Act

NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NRHP	National Register of Historic Places
ODEQ	Oregon Department of Environmental Quality
ODFW	Oregon Department of Fish and Wildlife
ORS	Oregon Revised Statutes
OSHA	Occupational Safety and Health Administration
OWRD	Oregon Water Resources Department
PA	Programmatic Agreement
PIT	Passports in Time
Project	North Umpqua Hydroelectric Project
RCP	Resource Coordination Plan
ROW	right-of-way
RRMP	Recreation Resource Management Plan
SA	Settlement Agreement
SHPO	State Historic Preservation Officer
SIHP	State Inventory of Historic Places
TCP	Traditional Cultural Property
TMP	Transportation Management Plan
U.S.C.	United States Code
USDA-FS	United States Department of Agriculture, Forest Service
USDI	U.S. Department of the Interior
USDI-BLM	U.S. Department of the Interior, Bureau of Land Management
USFWS	U.S. Fish and Wildlife Service
VMP	Vegetation Management Plan

1.0 INTRODUCTION

PacifiCorp Energy (PacifiCorp) is the operator of the North Umpqua Hydroelectric Project (Project) (FERC Project No. 1927). The Federal Energy Regulatory Commission (FERC) issued the Project's original license in 1947 and issued a new 35-year license in 2003. A Settlement Agreement (SA) (dated June 13, 2001) among PacifiCorp, the USDA Forest Service (USDA-FS), the USDI Bureau of Land Management (USDI-BLM), Oregon Department of Fish and Wildlife (ODFW), Oregon Department of Environmental Quality (ODEQ), Oregon Water Resources Department (OWRD), U.S. Fish and Wildlife Service (USFWS), and National Oceanic and Atmospheric Administration (NOAA) Fisheries included provisions for the protection of historic and cultural resources which were adopted into the new FERC license. A FERC relicensing action is subject to Section 106 compliance of the National Historic Preservation

Act (NHPA). Section 106 requires FERC to take into account the effect of its undertakings on historic properties. FERC considers the issuance of a new license to PacifiCorp an undertaking. Because it is not possible for FERC to determine all of the effects of every Project activity over the course of the license, FERC has required that PacifiCorp develop and implement an Historic Properties Management Plan (HPMP) under terms of License Article 414 and Section 18 of the SA.

The HPMP has been prepared under the authority of Title 18 Code of Federal Regulations (CFR) 4.41 (Major Modified Project). The information in this HPMP is based on the draft Cultural Resources Management Plan (CRMP) and draft Historic Buildings Plan prepared in 1995 during the initial relicensing process under the terms of the SA (PacifiCorp 1995b,c). These documents were prepared in consultation with and for execution by FERC, the Oregon State Historic Preservation Office (SHPO), USDA-FS, USDI-BLM, and PacifiCorp. FERC and the SHPO executed a Programmatic Agreement (PA) in January 2003 to identify Section 106 compliance stipulations for the FERC license, which includes the implementation of an HPMP.



Historic photographs have provided important documentation of the Project's construction history. This photo captures the techniques used to drill near a dam site. Circa 1950.

The Project is located in south-central Oregon on the west side of the Cascade mountain range in Douglas County, Oregon about 60 miles east of Roseburg. The Project boundary area, including associated transmission corridors, is located on a total of 3,070 acres of land. Approximately 2,470 acres, or 80 percent of this total, is located on lands managed by the USDA-FS. A much smaller amount of Project lands (approximately 130 acres or 5 percent) extend through

USDI-BLM lands within transmission corridor easements. Project easements also traverse privately owned lands, which constitute the remaining 470 acres of Project lands, or 15 percent of the total (Figure 1.0-1). These entities share various degrees of responsibility in the management of historic properties.

This HPMP was prepared to manage “historic properties,” a term used to refer to a broad range of cultural and historical resources, including archaeological sites, districts, buildings and structures, and objects that are eligible for listing on the National Register of Historic Places (NRHP). While most sections of the HPMP address historic properties generally, there are designated sections that only address a specific type of resource (e.g., archaeological resources, historic buildings and structures, or cultural resources). Please refer to Section 6.0 as needed for an explanation of terms and definitions.

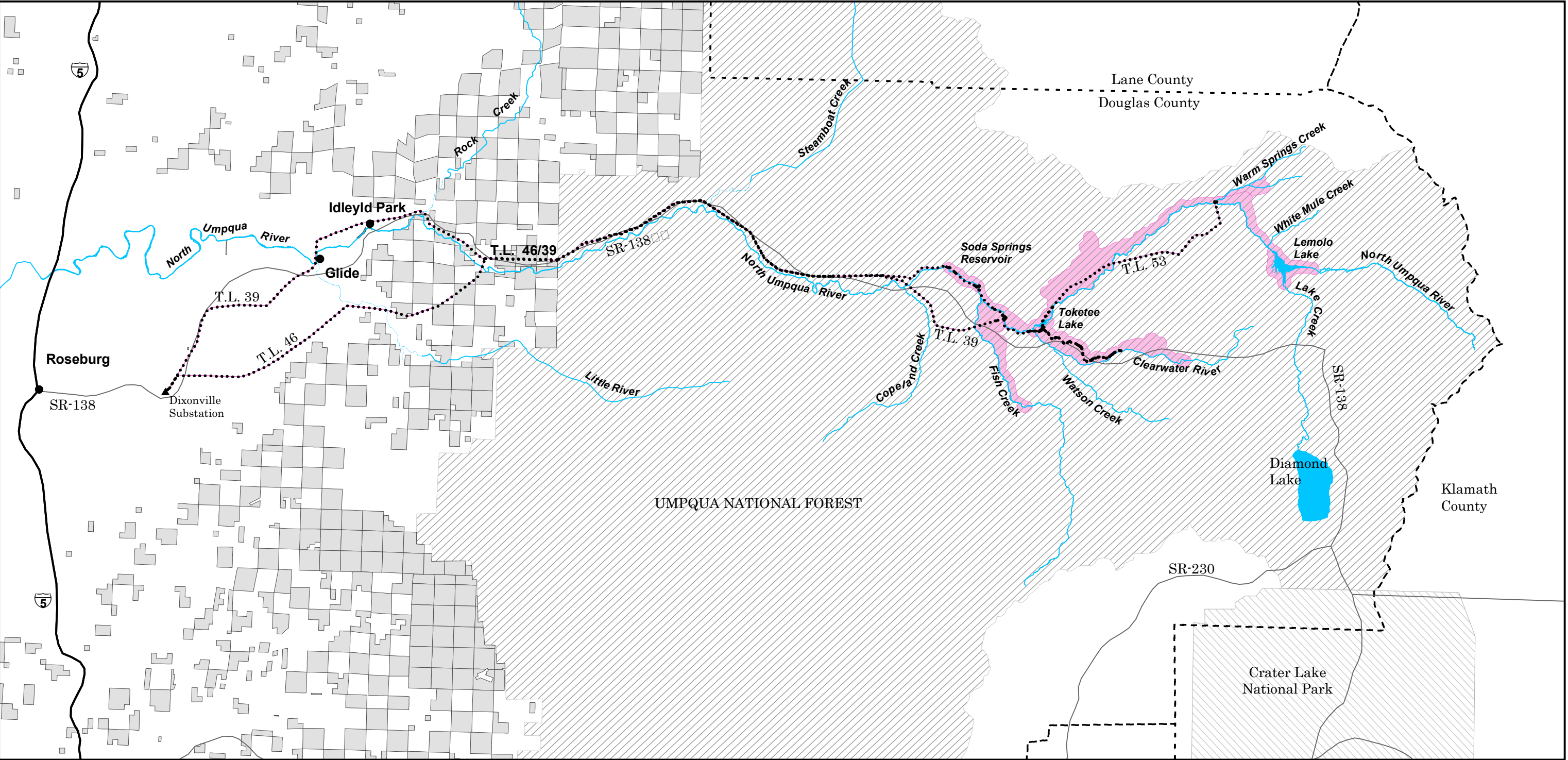
1.1 Purpose and Intent

The North Umpqua Hydroelectric Project is owned and operated by PacifiCorp. FERC issued a new 35-year license on November 18, 2003. PacifiCorp has prepared this HPMP in accordance with FERC “Guidelines for the Development of Historic Properties Management Plans for FERC Hydroelectric Projects,” adopted in 2002. The HPMP is a management tool to facilitate responsible stewardship of historic properties, defined as those properties eligible for listing in the NRHP and protected under Section 106 of the NHPA and other federal and tribal regulations. More specifically, the HPMP is an implementation tool to be used to guide the preservation of historic resources through measures such as avoidance, data gathering, recovery, monitoring, and funding historic property programs in the Project vicinity. This HPMP will guide the protection of these resources throughout the term of the new license from 2003 to 2038.

1.2 User’s Guide

This section is intended to guide those interested in this HPMP to find practical information quickly. The document is designed to serve several different types of users with very different needs, including:

- FERC staff
- PacifiCorp management, the Cultural Resources Coordinator, and field staff
- Federal land managers
- Tribes
- Stakeholders
- Archaeologists and historic preservationists
- Interested citizens



Map Location



Scale 1:300,000

Legend

- North Umpqua Project Vicinity
- Transmission Lines
- Umpqua National Forest
- Crater Lake National Park
- Bureau of Land Management
- Private Ownership
- County Borders

**North Umpqua
Hydroelectric Project**



Geographic Information Systems

Figure 1.0-1 Project Vicinity

Back of Figure 1.0-1

The diversity of HPMP users has resulted in a document that is assembled by sections that provide information tailored to the various users' needs. Reviewing the Table of Contents will help the reader effectively navigate this document.

Table 1.1-1 also provides an overview of the HPMP organization.

Table 1.1-1. HPMP User's Guide.

HPMP User	Potential Information Needs	Section
FERC staff	Information that fulfills FERC HPMP Guidelines	All Sections
PacifiCorp management	Agency roles and responsibilities Statutory authority for PacifiCorp actions Management goals	Section 3.1 Statement of Concurrence Section 1.3
Federal land managers	Agency roles and responsibilities PacifiCorp activities and historic properties Consultation requirements	Section 3.1 Exhibit A Section 3.3
Tribes	Historical context of the North Umpqua area Tribal roles and involvement opportunities PacifiCorp activities and cultural resource areas Consultation requirements	Section 2.4 Section 3.1 Section 2.2 and 2.5 Section 3.5
Private land owners	Private landowners' roles and responsibilities PacifiCorp activities and historic properties Consultation requirements	Section 3.1 Exhibit A Section 3.6
PacifiCorp Cultural Resources Coordinator	Duties of the Cultural Resources Coordinator Procedures for HPMP implementation Locations of potential historic HPMP implementation	Section 4.1.1 Section 4.0 Confidential maps and Figures 2.3-1 and 2.5-1
PacifiCorp field staff	PacifiCorp activities that require consultation with others Historic buildings and structures maintenance guidelines	Exhibit A Section 4.3 and Exhibit I
Interested citizens	Historical context of the North Umpqua area Purpose and need for the HPMP Background of the Project Opportunities for public involvement	Section 2.0 Section 1.1 Section 2.1 Section 4.11

Since there are multiple documents that dictate process, commitments, and authority of the North Umpqua Hydroelectric Project, the following list of plans is prioritized by authority from first to last to help guide decision-makers:

1. FERC license.
2. Settlement Agreement (SA) (June 13, 2001) – main text Sections 1 through 24, excluding Appendices and Schedules.
3. Management Plans prepared for the FERC license, including this HPMP and associated main text sections and exhibits.

4. Management Plans including this HPMP and associated broader goals, objectives, and vision statements.
5. Settlement Agreement (June 13, 2001) Appendices and Schedule that are superseded with exhibits in this HPMP.

Potential conflicts or ambiguity in implementing the HPMP will be addressed at annual meetings and during updates of this HPMP.

1.3 Management Goals and Principles

PacifiCorp is committed to the stewardship of historic properties within the FERC Project boundary in coordination with the appropriate tribes and federal agencies. Historic properties are considered non-renewable remains of human occupation. These can include artifacts, ruins, architecture, and locations associated with traditional beliefs. PacifiCorp will protect and preserve the integrity of NRHP-eligible properties affected by the Project in the Area of Potential Effects (APE – see Section 2.3) to the extent possible within the requirements of continuing Project operations and the need to balance stewardship of all sensitive resources in an integrated fashion. Effective management of historic properties will be founded on the goals and management principles discussed below, and conducted through ongoing management programs throughout the term of the operating license.

1.3.1 Goals

PacifiCorp's goals for protecting and managing historic properties, including unevaluated properties, are the following:

- Protect and maintain the integrity of historic properties.
- Avoid or mitigate Project-related impacts on historic properties.
- Maintain confidentiality of the location of sensitive historic properties.
- Ensure consistency with existing federal regulations and federal resource management plans.
- Address agency issues and coordinate management programs with the responsible land management and historic preservation agencies under the requirements of Section 106 of the NHPA.
- Maintain compatibility with the goals of other resource areas, such as water use and quality, aquatic resources, terrestrial resources, recreation, aesthetics, land management, and the needs of Project facilities and operations.
- Demonstrate good stewardship of historic properties by providing programs to reduce vandalism and looting and encourage public awareness and stewardship of the value of these resources.

- Provide cost-effective measures for historic properties that balance with other resources and meet or exceed existing environmental regulations.

1.3.2 Principles for Protection and Mitigation of Archaeological Resources

To achieve the goals listed above, PacifiCorp will consult and coordinate with responsible land management agencies and the tribes, as well as follow the standards regarding the treatment of archaeological resources developed by the Advisory Council on Historic Preservation (ACHP), published in *Treatment of Archaeological Properties: A Handbook* (ACHP 1980). While regulations governing Section 106 were revised in January 2001, these principles for the treatment of archaeological resources remain relevant and appropriate. These principles are identified and described below.

- **Consult and Coordinate with Agencies and Tribes** – Much of the Project APE and many of the archaeological sites are on lands managed by USDA-FS and USDI-BLM. Effective management of these resources will require close coordination and consultation between PacifiCorp, the USDI-BLM, and USDA-FS, as well as the tribes and other interested parties. Consultations are needed to inform agencies and the tribes of current or future Project-related activities that may affect historic properties on Project lands within the APE, as well as to define mitigation for the adverse effects of these activities (if any).
- **Avoid Anticipated Project Effects** – A basic principle in dealing with potential adverse effects is to avoid these effects by ensuring that proposed activities and ongoing operation and maintenance activities avoid NRHP-eligible and unevaluated archaeological sites. This is best done through good communication among the PacifiCorp Cultural Resources Coordinator (CRC), Project operations, and maintenance staff so that activities can be planned or redesigned early in the process to avoid archaeological sites.
- **Preserve in Place through Archaeological Site Protection** – In general, if Project effects to an archaeological site cannot be avoided, the preferred option is to preserve in place by protecting the site from adverse Project effects. Protecting an archaeological site in place conserves the significant cultural and scientific values of the site for the future and may be more cost-effective than full data recovery mitigation measures.
- **Mitigate Adverse Project Effects Through Data Recovery** – If archaeological sites cannot be avoided or protected from ongoing or planned activities, PacifiCorp will mitigate adverse Project effects through data recovery excavations and investigations to recover a substantial sample of the scientific data contained in the site. Data recovery will be considered only if the preferred alternatives of site avoidance or protection cannot be fully implemented. Data recovery removes archaeological resources from their context.

If other options cannot protect a site (or the information it contains) from destruction, data recovery investigations will be conducted to obtain and preserve a sample of the scientific information that will otherwise be destroyed.

1.3.3 Principles for Protection and Mitigation of Historic Buildings and Structures

This HPMP follows the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* as guidance for the protection of PacifiCorp's historic buildings and structures (36 CFR Part 68; July 12, 1995 Federal Register Vol. 60, No. 133).

The *Guidelines* identify four distinct, but interrelated, approaches to the treatment of historic properties: preservation, rehabilitation, restoration, and reconstruction. These approaches are described below.

- **Preservation** – Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. Preservation maintains the existing integrity and character of historic buildings and structures by arresting or retarding deterioration caused by natural forces and normal use. It includes both maintenance and stabilization. Maintenance is a systematic activity that mitigates wear and deterioration by protecting the condition of a property. Stabilization entails reestablishing the stability of an unsafe, damaged, or deteriorating property while maintaining its existing character. Preservation does not include extensive replacement and new construction; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems, as well as other code-required work needed to make properties functional, is appropriate within a preservation project.
- **Rehabilitation** – Rehabilitation is the act or process of making possible an efficient compatible use for a property through a program of repair, alteration, and addition that preserves those portions or features that convey the property's historical, cultural, or architectural values. Rehabilitation may involve major repairs or additions. This technique is applicable, for example, if continued efficient operation necessitates expansion of a powerhouse or changes to the dam or water conveyance system.
- **Restoration** – Restoration accurately presents the form, features, and character of a property as it appeared at a specific historic period. It involves removal of features from other periods and replication of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems, as well as other code-required work needed to make properties functional is appropriate within a restoration project. This technique is generally not applicable to the Project's resources as long as the Project remains in operation, since efficient and eco-

nomical operation requires that previous changes remain, thus precluding restoration to an earlier, outdated appearance. Restoration of an individual building, such as the guest house, may be appropriate in some circumstances.

- **Reconstruction** – Reconstruction is the process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. This technique is not applicable to PacifiCorp's Project while it remains an operating hydroelectric facility.

PacifiCorp has adopted "rehabilitation" as the appropriate level of treatment for developments at the North Umpqua Hydroelectric Project. Rehabilitation of eligible structures will result in the Project's continued operation and retention of its character-defining features.

1.3.4 Principles for Protection and Mitigation of Traditional Cultural Properties

While no traditional cultural properties (TCPs) have been identified to date within the APE, over the course of the new license, TCPs may be identified. If potential TCPs are identified, PacifiCorp will comply with National Register Bulletin 38: *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (USDI 1992). The methods for protection of these resources may vary widely depending upon the specific characteristics of the TCP and the nature of the adverse effects. The key principle for protection of TCPs is consultation, as described below.

- **Consult and Coordinate with Tribes** – TCPs can be defined as eligible for inclusion in the National Register because of their association with cultural practices or beliefs of a living community that: (a) are rooted in the community's history, and (b) are important in maintaining the continuing cultural identity of the community. Thus, close coordination and formal consultation with the tribes are essential to defining protection or mitigation measures. FERC has appointed a Tribal Liaison who can assist in the process, if needed.

1.4 HPMP Development Summary

This HPMP was developed over several years, involving numerous meetings with the parties, advisors, FERC, and tribes to solicit input on preserving historic properties within the Project APE. The process initially began with the development of a draft Cultural Resources Management Plan in the early 1990s. PacifiCorp conducted several meetings in 1992 to solicit information from the Confederated Tribes of Grand Ronde, the Cow Creek Band of Umpqua Tribe of

Indians, and the Confederated Tribes of Siletz Indians on known TCPs in the Project's APE and to provide opportunities to comment. At that time, the Confederated Tribes of Grand Ronde deferred comment to the Cow Creek Band of Umpqua Tribe of Indians. The culture committee for the Cow Creek Band of Umpqua Tribe of Indians met with the Project ethnographer and provided some information on cultural properties. The Confederated Tribes of Siletz Indians did not participate in the technical review of historical properties and cultural sites at that time. A survey of sites was completed by PacifiCorp in 1994 and in 1995, PacifiCorp developed the draft CRMP in consultation with the SHPO, the USDA-FS, USDI-BLM, and the tribes. Since that time, through the signing of the SA by the Parties in June 2001, PacifiCorp's relicensing approach shifted from a traditional process to an alternative one. As a result, the draft CRMP was never finalized.

The North Umpqua Settlement Agreement included terms on the management of cultural resources and was signed by seven state and federal agencies. In late 2002, PacifiCorp, the USDA-FS, the USDI-BLM, the Oregon State Museum of Anthropology, the Oregon SHPO, and EDAW (a consulting firm under contract to PacifiCorp) began holding workshops and meetings to establish an improved framework for managing cultural resources within Project lands in order to finalize the 1995 CRMP and meet the terms of the North Umpqua Settlement Agreement Section 18.1. The USDA-FS, USDI-BLM, PacifiCorp, the Cow Creek Band of Umpqua Tribe of Indians, and the SHPO signed a FERC Programmatic Agreement (PA) in January 2003 agreeing to terms for Section 106 compliance with the understanding that a final CRMP would be developed.

This HPMP updates and finalizes the draft CRMP under the authority of Title 18 CFR 4.41. The HPMP Parties met more than 15 times to establish an effective framework to collectively meet federal NRHP Section 106 standards, eliminate redundancies in process, and address the manner in which the Parties would work together to protect and preserve historic properties. A draft HPMP was compiled in December 2004 and distributed to the Cow Creek Band of Umpqua Tribe of Indians, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of the Siletz Indians and the agencies for their review and input. The tribes were formally invited by PacifiCorp to participate in the consultation process in the 1990s, and a personal meeting was offered via letter correspondence in December 2004, and telephone correspondence was made in April 2005. The Cow Creek Band of Umpqua Tribe of Indians requested via letter to be sent a final HPMP.

PacifiCorp incorporated all input provided by federal land managers, the SHPO, and the tribes on the HPMP, and final approval was given by signatories of the document.

1.5 HPMP Implementation Summary

In 2002, FERC and the ACHP published new guidelines for the management of cultural resources. The guidelines established new terminology for CRMPs, which are now entitled Historic Properties Management Plans (HPMPs) and provide guidance to hydroelectric license applicants, licensees, and SHPOs for the development and review of these plans. These guidelines were used to develop this HPMP under the terms of a PA (Exhibit C).



Paul Guinn, tunnel superintendent, managing the construction of an upstream portal. Toketee, Circa 1949.

The purpose of this HPMP is the implementation of the SA and PA by the Parties. The HPMP is one of several management plans in the SA that address resource management needs and related implementation actions for the Project. Plans associated with the Project that may also have related topics include the Recreation Resource Management Plan (RRMP), Transportation Management Plan (TMP), Aesthetics Management Plan (AMP), Erosion Control Plan (ECP), Vegetation Management Plan (VMP), and Resource Coordination Plan (RCP) (PacifiCorp 2004a,c,d,e,f; 2006). These plans should be referred to in addition to the HPMP where the management of a particular resource is also concerned.

The HPMP is neither a fiscal nor a funds obligation document. Any endeavor involving reimbursement or contributions of funds between PacifiCorp, the USDI-BLM, and USDA-FS to the implementation of this HPMP will be handled in accordance with applicable laws, regulations, and procedures, including those for government procurement and printing. This HPMP does not provide such authority. Implementation of this HPMP includes the following key elements:

- **Section 4.1 – Stewardship Program** - provides a general overview of historic properties management, as well as defines the role of a Cultural Resources Coordinator, the PacifiCorp management structure, and company training programs intended to train staff on how to preserve historic resources affected by PacifiCorp activities.
- **Section 4.2 – Archaeological Program** – provides guidance for those managing or carrying out PacifiCorp activities in the vicinity of known or potential archaeological sites in the APE.
- **Section 4.3 – Historic Structures Program** – provides guidance and general information for those managing or carrying out PacifiCorp activities on or in the vicinity of known historic structures in the APE. Exhibit I of this

HPMP includes specific guidelines for the rehabilitation and maintenance of historic structures, as well as mitigation of potential impacts.

- **Section 4.4 – Procedures for Curation** – provides general guidance on the documentation of historic properties and procedures for the curation of archaeological resources.
- **Section 4.5 – Procedures for Conducting Future Surveys** – identifies the protocol for future surveys.
- **Section 4.6 – Procedures for Inadvertent Discovery** – identifies responsible agencies and the procedures to follow if unexpected discoveries of sites, features, or artifacts are made.
- **Section 4.7 – Procedures for the Discovery of Vandalism and Looting** – describes the process for handling the discovery of evidence of looting or vandalism in the field.
- **Section 4.8 – Treatment of Human Remains** – describes the procedures to follow if human remains are encountered in the Project boundary.
- **Section 4.9 – Reporting Requirements** – identifies the major reports, forms, and distribution lists needed to properly document PacifiCorp activities.
- **Section 4.10 – Procedures for Emergency Situations** - provides preventative and appropriate response procedures for protecting historic properties in the event of an emergency situation, such as unplanned water releases.
- **Section 4.11 – Procedures for Interpretation and Education** – describes the various interpretive and educational programs that could be implemented to foster an understanding and appreciation of the area's cultural resources.
- **Section 4.12 – Implementation Schedule** - addresses the schedule for implementation of the HPMP and associated program measures.

1.6 Statutory and Regulatory Guidance

The development of this HPMP was guided by numerous federal and state statutory and regulatory requirements. In general, these laws and regulations define the research, evaluation, and reporting procedures to be followed for projects under federal jurisdiction. The most important of these include: the Federal Power Act (FPA); the NHPA; The American Indian Religious Freedom Act (AIRFA); the Archaeological Resources Protection Act (ARPA); the Native American Graves Protection and Repatriation Act (NAGPRA); and Oregon State legislation associated with historic resource protection. A summary of each of these laws is presented below.

1.6.1 Federal Laws and Regulations

Federal Power Act

The FPA, as amended by the Electric Consumers Protection Act (ECPA), gives FERC the responsibility to issue licenses for non-federal hydroelectric power plants. In addition, because the licensing of non-federal hydroelectric projects is under federal jurisdiction, the relicensing is considered a federal "undertaking" (35 CFR §800.16[y]), falling under all pertinent requirements of federal historic preservation and environmental laws and regulations. In the case of hydroelectric relicensing projects, the FPA gives FERC the authority to be lead agency responsible for compliance with federal laws and regulations.

National Historic Preservation Act (NHPA) of 1966

The NHPA (16 United States Code [U.S.C.] 470 et seq.) establishes the statutory responsibility of federal agencies to manage the cultural resources under their jurisdiction. The NHPA and its amendments established the National Register of Historic Places (National Register or NRHP), identified responsible agencies, and promulgated regulations that form the backbone of federal government action in the areas of historic preservation and historic properties management, as explained below.

National Register of Historic Places

The NRHP is the official roster of resources determined to be of national, state, or local significance. The USDI, through the National Park Service, maintains the NRHP and establishes the criteria for identifying historic properties to be listed on the NRHP. The USDI has established three main criteria that a resource must meet to qualify for listing on the NRHP: age, integrity, and significance. To meet the age criteria, a resource generally must be at least 50 years old. To meet the integrity criteria, a resource must possess integrity of location, design, setting, materials, workmanship, feeling, and association (36 CFR §60.4). Finally, a resource must be significant according to one of four significance criteria, which are discussed in Section 2.5.2.

Section 106 of the NHPA requires federal agencies to consider the effects of any actions or programs on historic properties and provide the ACHP with an opportunity to comment on any adverse effects. The NHPA authorizes the ACHP and the USDI to establish a variety of regulations, standards, and guidelines (ACHP 2004). The ACHP has issued Protection of Historic Properties (36 CFR §800), which sets out the regulations, guidelines, and procedures that federal agencies must follow to comply with Section 106. The five basic steps of the Section 106 review process include: (1) identifying and evaluating historic properties; (2) assessing the effects of the undertaking on eligible properties; (3) consul-

tation with the SHPO and tribes to resolve adverse effects, if any; (4) allowing for ACHP comment; and (5) proceeding with the undertaking.

Section 110 of the NHPA prescribes general and specific responsibilities of federal agencies in the identification, evaluation, registration, and protection of properties of historic, archaeological, architectural, engineering, or cultural significance. The intent of Section 110 is to ensure that historic preservation is fully integrated into the ongoing operations and management programs of federal agencies. The guidelines for implementing Section 110 include developing management programs and planning for the protection of historic properties.

The American Indian Religious Freedom Act (AIRFA) of 1978

The AIRFA establishes the protection and preservation of the inherent right of American Indians, Eskimos, Aleuts, and Native Hawaiians to exercise their traditional religions. The law specifically allows these groups to possess and use sacred objects and to access traditional sites for religious purposes.

Archaeological Resources Protection Act (ARPA) of 1979

The ARPA (as amended) protects archaeological resources that are at least 100 years old on public federal or Indian lands. The ARPA establishes a permit system for excavation and other research at archaeological sites on these lands. An ARPA permit is issued by federal land managers to those qualified under the regulations to conduct archaeological investigations. Any recovered archaeological resources and associated records must be preserved (curated) under this law by an approved institution. PacifiCorp must obtain an ARPA permit from the USDA-FS or USDI-BLM for any archaeological investigations on federal land. Disturbing or removing archaeological resources is a felony under federal law and can result in civil or criminal prosecution.

Native American Graves Protection and Repatriation Act (NAGPRA) of 1990

NAGPRA establishes regulations regarding the treatment of any Native American graves, human remains, and/or funerary objects, sacred objects, or objects of cultural patrimony on federal, tribal, and trust lands. Objects of cultural patrimony are objects of central importance to a group as a whole, which cannot be owned or controlled by an individual. Trafficking of these resources is a felony under federal law.

1.6.2 Oregon State Laws and Regulations

Under authority of the NHPA and federal rule 36 CFR Parts 60 and 61, the National Park Service works in partnership with the states to administer a program

for historic properties management that encompasses survey, planning, and registration activities; grants-in-aid; tax benefits; and federal project review. In Oregon, the program is mandated by parallel state legislation (Oregon Revised Statutes [ORS] 358, ORS 390, ORS 97.740) and administrative rule (Chapter 736, Divisions 50 and 51). The Oregon SHPO administers several state statutes relating to historic preservation. For detailed information, refer to the Oregon State Historic Preservation Office website (http://www.hcd.state.or.us/shpo/services_arch.php).

1.7 Settlement Agreement and License Article Actions

PacifiCorp is required to fulfill the requirements in the PA, SA, and FERC license (Exhibits B and C). The key elements of these agreements and the license related to historic properties are described below.

1.7.1 Programmatic Agreement

The PA was signed in January 2003 by FERC and the Oregon Deputy State Historic Preservation Officer, with concurring signatures by PacifiCorp, the USDA-FS, the Oregon State Office of the USDI-BLM, and the Cow Creek Band of Umpqua Tribe of Indians. (The Confederated Tribes of Grand Ronde and the Confederated Tribes of the Siletz Indians elected not to sign.) The primary stipulations of the PA include:

- Requirement to implement a final CRMP;
- Requirement to file an annual report throughout the term of the license with the signatory parties;
- Provisions for dispute resolutions; and
- Provisions for amendment and termination of the PA.

The full text of the PA is included as Exhibit C.

1.7.2 Settlement Agreement

The portions of the SA related to historic properties are summarized below.

- **Section 18.1** – PacifiCorp developed a draft Cultural Resources Management Plan (the CRMP) as part of the 1995 Application for New License. PacifiCorp was to complete a final CRMP by 2003 and submit it to the USDA-FS for review and approval. [Note: The term “CRMP” has been changed to “Historic Properties Management Plan” according to new FERC guidelines on historic properties released subsequent to the SA.]

- **Section 18.2** – A Programmatic Agreement will be developed in consultation with and for execution by FERC, SHPO, ACHP, USDA-FS, USDI-BLM, and PacifiCorp consistent with the terms and conditions of the CRMP (HPMP).
- **Section 18.3** – PacifiCorp shall conduct archaeological site discovery surveys before ground-disturbing activities in accordance with the USDA-FS Umpqua National Forest Heritage Inventory Strategy, April 2000.
- **Section 18.4** – PacifiCorp shall protect, restore, or recover data from archaeological sites as provided in site-specific plans approved by SHPO, USDA-FS, and USDI-BLM. The schedule for recovery of known sites will be established in the final CRMP (HPMP).
- **Section 18.5** – PacifiCorp shall provide public outreach, interpretive displays, and cultural resource sensitivity training to company personnel as identified in the CRMP (HPMP).
- **Section 18.6** – PacifiCorp shall continue its current level of monitoring and protection of known cultural sites in consultation with the USDA-FS, USDI-BLM, SHPO, and ACHP. Upon implementation of the CRMP (HPMP), PacifiCorp shall conduct a monitoring program pursuant to the final CRMP (HPMP). This will include annual monitoring of known sites and Project activities identified in the pre-License Cultural Resource Survey, maintained as confidential records under the NHPA, held by the USDA-FS, SHPO, and PacifiCorp, and located in High Probability zones, which are zones identified in the USDA-FS Umpqua National Forest Heritage Inventory Strategy, April 2000, as amended. Looted sites, as identified in the CRMP (HPMP), may require monitoring on intervals that will be determined by PacifiCorp, USDI-BLM, and the USDA-FS on a site-specific basis.
- **Section 18.7** – Monitoring of existing sites will begin upon completion of the final CRMP (HPMP).
- **Section 21.5** – Site-Specific Plans and Construction Schedules. Commencing upon the Effective Date, PacifiCorp, in consultation with the USDA-FS, NOAA Fisheries, USFWS, ODFW, and ODEQ, shall develop site-specific plans for construction activities under the SA that will result in ground or habitat disturbance, whether within or outside of water bodies. Such plans shall be prepared in accordance with the Implementation Schedule for such activities and shall include a construction schedule providing for in-river and riparian construction during non-critical periods for affected resources. PacifiCorp will submit completed plans to the USDA-FS (in addition to any agencies that may be required to approve such plans under other provisions of the SA) for review and approval prior to initiating any construction activities and before filing the construction schedule with FERC.

- **Section 22** – Implementation of Agreement. The Parties shall be bound by the SA for the term of the new license. Section 22 specifies procedural and administrative requirements for elements and situations such as dispute resolution, cooperation among parties, amending the SA, enforcement, and withdrawal.

The management procedures identified in this HPMP are consistent with Sections 18, 21.5, and 22 of the SA.

1.7.3 FERC License

The portions of the FERC license for the North Umpqua Hydroelectric Project associated with historic properties are summarized below.

- **License Article 414 – “*Historic Properties*.”** The licensee shall implement the ‘Programmatic Agreement Among the Federal Energy Regulatory Commission and the Oregon Historic Preservation Officer for Managing Historic Properties that May be Affected by a License Issuing to PacifiCorp for the Operation of the North Umpqua Hydroelectric Project in Douglas County, Oregon (FERC No. 1927),’ executed in January 2003, and including but not limited to the Cultural Resources Management Plan [now termed the Historic Properties Management Plan per FERC guidelines] for the project. In the event that the Programmatic Agreement is terminated, the licensee shall implement the provisions of its approved CRMP [HPMP]. The Commission reserves the authority to require changes to the CRMP [HPMP] at any time during the term of the license. If the Programmatic Agreement is terminated prior to Commission approval of the CRMP [HPMP], the licensee shall obtain approval from the Commission and the Oregon State Historic Preservation Officer before engaging in any ground-disturbing activities or taking any other action that may affect any historic properties within the project’s area of potential effect.”

2.0 PROJECT BACKGROUND AND AREA OF POTENTIAL EFFECTS

2.1 Project Background

The North Umpqua Hydroelectric Project is located in south-central Oregon on the west side of the Cascade mountain range in Douglas County, Oregon about 60 miles east of Roseburg (Figure 1.0-1). The Project, owned and operated by PacifiCorp, is located in a remote area near the headwaters of the North Umpqua River. PacifiCorp's Project facilities include eight hydroelectric developments with a total nameplate capacity of 185 megawatts (MW), constructed between 1947 and 1956. Each development typically consists

of a dam, waterway, penstock, and powerhouse. There are 21.7 miles of canals, 9.8 miles of flumes, and 5.8 miles of penstocks and tunnels, for a total waterway length of 37.3 miles. Three major reservoirs (Soda Springs Reservoir, Lemolo Lake, and Toketee Lake) provide water storage. The Project also includes 117.5 miles of transmission line.



Raising poles for the Project. Circa 1950.

The Project is located primarily on lands administered by the USDA-FS and USDI-BLM. All hydroelectric generation facilities, as well as the eastern portions of transmission lines 39 and 46, are located on lands administered by the USDA-FS. The western portions of the transmission lines, from the Umpqua National Forest west to the town of Glide, are located on a patchwork of private and USDI-BLM-administered public lands. The Project operates under Federal Power Commission Power Project Withdrawal No. 1927.

In December 1991, PacifiCorp initiated the formal process of relicensing the Project with FERC. In January 1995, PacifiCorp filed an application with FERC for the new license under the FPA for the Project. In 1997, a North Umpqua Resource Management Team (the "Resource Team") was formed and began meeting to negotiate a Settlement Agreement based on input from a watershed analysis. The Parties eventually reached an agreement on the majority of outstanding issues and determined to proceed with filing the SA with FERC.

Under the terms of the SA, dated June 13, 2001, among PacifiCorp, the USDA-FS, USDI-BLM, and other agencies, a new FERC license period is set for a period of 35 years which began when FERC issued a new license (November 2003). The development of this HPMP is one of the terms of the SA.

2.2 PacifiCorp Activities and Potential Effects

An evaluation of PacifiCorp operations and maintenance activities and actions associated with the SA was conducted to determine their potential effects on historic properties. The following sections describe the type and nature of these activities.

2.2.1 Operations and Maintenance Activities

PacifiCorp conducts three categories of activities: (1) general maintenance; (2) construction and major maintenance; and (3) emergency maintenance. General maintenance activities are ordinary maintenance tasks that are regularly carried out on an ongoing basis. They are limited in scope, accomplished by relatively small crews using a minimum of equipment, and usually conducted within a time frame from a few hours up to a few days.

General Maintenance	
<u>Transmission Lines</u>	<u>Hydro Facilities</u>
<ul style="list-style-type: none"> • Aerial inspections • Ground inspections • Pole testing and treatment • Insulator replacement • Cross arm replacement • Anchor wire replacement • Vegetation management • Road maintenance 	<ul style="list-style-type: none"> • Waterway inspections • Substation inspections • Vegetation management • Forebay inspections • Road and bridge maintenance • Snow removal • Dam and penstock inspections

Major maintenance and construction activities are relatively large-scale efforts that occur on an infrequent basis. These activities involve larger work crews than general maintenance and a variety of equipment, including heavy equipment, and usually require several days or longer to complete.

Major Maintenance	
<u>Transmission Lines</u>	<u>Hydro Facilities</u>
<ul style="list-style-type: none"> • Pole replacement • Conductor replacement • Road reconstruction • New road or bridge construction 	<ul style="list-style-type: none"> • Canal maintenance • Exterior penstock maintenance • Sediment removal/disposal • Road and bridge reconstruction • New road and bridge construction • Underground utility maintenance

The operation and maintenance of the North Umpqua Hydroelectric Project is designed to avoid, to the greatest extent possible, any emergency (defined as

situations that could threaten life, property, or resources). Even so, unforeseen emergency conditions may arise.

Emergency Maintenance

- Transmission line pole failure
- Conductor failure
- Waterway failure
- Hazardous material spill

As part of ongoing coordination, the agencies may require a post-event site visit to evaluate the adequacy of PacifiCorp's response, and subsequent meetings to discuss the event and any mitigation measures implemented or proposed. In addition to these efforts, PacifiCorp will present information related to emergency maintenance activities at the following year's Annual Meeting.

2.2.2 Activities with Potential to Disturb Archaeological Sites

In general, activities that are ground-disturbing have the most potential to affect archaeological resources. Project developments vary by nature, but often include ground-disturbing activities that, without precautions, could damage or destroy historic properties. While Project facilities are already in place, maintenance activities, future improvements, and additions to these facilities (e.g., transmission line maintenance, wildlife enhancements, or road building) may have consequences for archaeological sites. Ground-disturbing developments can both physically alter artifacts and destroy the stratigraphic integrity of cultural deposits. Some types of activities may even result in the inadvertent removal or burial of archaeological materials.

2.2.3 Activities with Potential to Disturb Historic Buildings and Structures

In general, the following types of activities could alter the integrity of historic structures:

Hydro Facilities, Structures, and Support Buildings

- Replacing historic material with new material;
- Additions or alterations;
- Removal or demolition of facilities; and
- Lack of maintenance and upkeep.

Transmission Lines

- Alteration of the pole corridor.

2.2.4 Effects of PacifiCorp Activities

PacifiCorp activities may have an effect on historic properties if they involve ground-disturbing activities that will alter the location, nature, or character of artifacts, including their relationship to one another in the soil. Activities may also indirectly affect historic properties if they cause erosion, alter pathways for humans or animals, or compact the soil. Similarly, efforts to repair PacifiCorp facilities may result in effects to historic structures.

PacifiCorp activities are categorized according to their potential to result in low, medium, or high effects on archaeological sites and historic buildings and structures based on the following criteria:

Archaeological Sites

- Low Effect – Activity disturbs minor areas, mostly near the surface, or involves soil compaction.
- Medium Effect – Activity disturbs a moderate amount of surface area or soil compaction and may include some disturbance at greater depths.
- High Effect – Activity disturbs a large extent of a site’s surface area soils or extensive disturbance at greater depths.

Although the above determinants for low, medium, and high effect are subjective (“minor,” “extensive,” etc.), the Archaeological Program of this HPMP, addressed in Section 4.2, establishes the rationale for how these effects are determined.

Historic Buildings and Structures

- Low Effect – Activity disturbs minor elements of a building or structure or elements that are not generally visible or evident, such as the effects to the rear of a building or repair or replacement using in-kind materials.
- Medium Effect – Activity disturbs visible but not character-defining elements of a building or structure. Medium effect activities also include modifications to any element of a building in ways that are evident but not intrusive, such as repair or replacements using similar, but not in-kind, materials.
- High Effect – Activity disturbs major elements of a building or structure that are character-defining features (refer to Exhibit I of the HPMP for more information on character-defining features).

Specific PacifiCorp operations and maintenance activities categorized by no effect as well as low, medium, and high potential for effects are addressed in Exhibit A.

2.3 Description of the Areas of Potential Effects

PacifiCorp inventoried historic properties in the APE, or the vicinity of existing and proposed Project facilities, as part of the relicensing process (Figure 2.3-1). The APE is the geographic area or areas where an undertaking may cause changes in the character or use of historic properties. A generalized APE is shown in Figure 2.3-1. Specific APEs are described below.

To consider the potential effects on all types of historic properties, three APEs were defined for the Project, each of which focuses on different resources. The first APE considers potential effects on prehistoric and historic archaeological resources that could occur as a result of Project actions. The second APE considers potential effects on historic buildings and structures and the environmental settings (including visual impacts) of these resources. The third APE addresses traditional cultural properties (TCPs).

APE No. 1, Archaeological Resources— Includes the existing Project, proposed new facilities, transmission line rights-of-way (ROWs), access routes, areas downstream of waterways, and sediment disposal sites. Effects to archaeological sites are the focus of this APE.

APE No. 2, Historic Structures and Settings— Includes the APE No. 1 and a 0.25-mile wide band on both sides of the transmission line ROWs. Effects to buildings and structures are the focus of this APE.

APE No. 3, Traditional Cultural Properties— Includes the APE No. 1 and a 0.5-mile wide area on both sides of the transmission line ROWs and around Project facilities with the intention of including areas that may be visually affected by Project actions on PacifiCorp property. Effects to traditional cultural properties are the focus of this APE.

2.4 Project Vicinity Cultural History

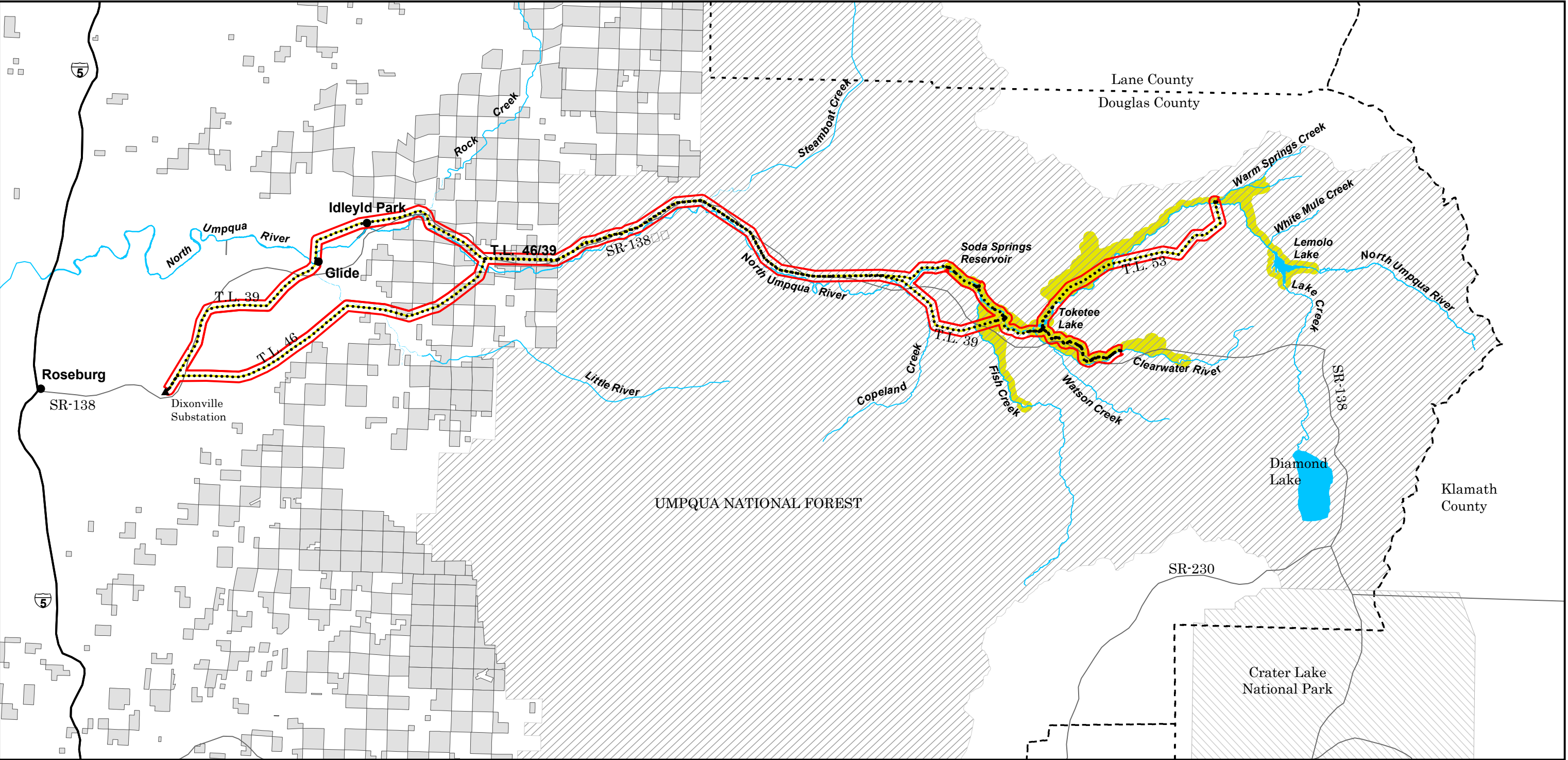
An understanding of the importance of historic and cultural resources is essential in effectively managing them. The Cultural Resources Final Technical Report (FTR) for the North Umpqua Hydroelectric Project (PacifiCorp 1995) (Volume 35 of the license application) contains detailed context statements for historic properties, including archaeological sites, historic buildings and structures, and traditional cultural properties. The following sections summarize the broader context as presented by the FTR.

2.4.1 Archaeological Context

Archaeological investigations in southwest Oregon have documented human occupation of the area for perhaps the past 9,000 to 12,000 years. Based on ar-

chaeological research, much of it conducted on federally managed land, the past 12,000 years of human occupation of the North Umpqua region may be divided into six broad periods:

- **The Paleo-Indian Period (10,000 to 8,000 B.C.)** is characterized by fluted point technology. Isolated fluted Clovis lance points, which have been dated elsewhere in North America to before 11,000 years ago, have been found in gravels beside the North Umpqua River as well as on a ridge crest far from the river. Little is known of the lifeways of those who occupied the basin during this earliest period because no intact archaeological deposits have yet been discovered.
- **The Early Archaic Period (approximately 8,000 to 4,000 B.C.)** is characterized by foliate-shaped and broad-stemmed spear points. Early Archaic occupations have been found in the North Umpqua area beneath thick deposits of volcanic ash laid down some 7,600 years ago during the climactic eruption of Mount Mazama (Crater Lake). Diagnostic artifacts recovered from below the ash at some sites share similarities with Borax Lake Pattern assemblages in northern California and Windust assemblages on the Plateau, cultural traditions that date to the Early Archaic Period in those areas. The artifact assemblages from these sites suggest that the sites' occupants hunted and processed large animals and plant foods. The site locations also suggest that riverine resources, such as runs of anadromous fish, may have been important subsistence items. Trade with, or travel to, distant central Oregon and northern California locations by people during this period is indicated by obsidian recovered from these sites, which has been geochemically sourced to these east-of-Cascades locations.
- **The Middle Archaic Period (4,000 B.C. to 0 A.D.)** is represented by sites that contain a variety of broad-necked atlatl, or spear thrower, dart points. The settlement pattern during this period appears to shift from a highly mobile forager strategy to a more sedentary collector strategy. The majority of the recorded Middle Archaic sites in the North Umpqua Hydroelectric Project vicinity are found below 2,500 feet in elevation in the Interior Valley vegetation zone. Stone bowl mortars and pestles appear during this period, suggesting an intensification of plant resource use including, perhaps, the use of acorns. Sites continue to be found along the major streams where salmon could be easily harvested. Obsidian from central Oregon sources continues to be procured through trade or direct travel to the source locations.



Map Location



Scale 1:300,000

Legend

- Area of Potential Effects 1, 2 and 3
- Area of Potential Effects 1 (Transmission Line Rights of Way)
- Area of Potential Effects 2 and 3 (Transmission Line ROW and a 0.25 or 0.5 mile buffer, respectively)
- Transmission Lines
- Umpqua National Forest (USDA-FS)
- Crater Lake National Park
- Bureau of Land Management
- Private Ownership
- County Borders

**North Umpqua
Hydroelectric Project**



Geographic Information Systems

**Figure 2.3-1 Generalized
Areas of Potential Effects**

Note: The Locations of the Areas of Potential Effects are generalized and not to scale

Back of Figure 2.3-1

- **The Late Archaic Period (0 A.D. to 1,000 A.D.)** is represented by a large number of sites that contain narrow-necked projectile points, generally associated with the introduction of the bow-and-arrow technology. There are 25 known Late Archaic components in the North Umpqua Hydroelectric Project vicinity, which include a village, lithic/ground stone scatters, lithic scatters, and cairns. The ethnographic pattern of moving to seasonally rich resource areas to collect and process food for winter storage continues from the earlier period. These foods include roots (such as camas), nuts (such as hazel and acorns), large game animals (such as deer and elk), and salmon. While the use of salmon was previously assumed from site locations on streamside terraces during the earlier periods, there is direct evidence for fishing during the Late Archaic Period; salmon bones are found in midden deposits, and blood residue has been discovered on small bipointed projectile points. Obsidian continues to be an important lithic raw material for the manufacture of chipped stone tools. Although the majority of this exotic material originates from sources in the Klamath Basin, small amounts from Willamette Basin sources to the north occur during the Late Archaic Period.
- **The Formative Period (1,000 A.D. to contact)** is represented by artifacts reflecting the development of a socioceremonial system within which coastal and interior groups of southwest Oregon interacted. These artifacts include large obsidian blades used for wealth displays, carved stone zoomorphic clubs, and marine shells. A southwest Oregon ceramic tradition, known as Siskiyou Utility Ware, appears during this period.
- **The Protohistoric Era (1,500 A.D. to post-contact)** is a subdivision of the Formative Period and represents a time of rapid change, particularly one of decline. Siskiyou Utility Ware disappears during this era. The size of Native populations is thought to have been dramatically reduced near the beginning of this era, a result of a hemisphere-wide smallpox epidemic.

Since Native American occupation represents the most long-term presence in the North Umpqua valley, information regarding these people and their culture is vital to understanding the region's past. Examining the deposits of these sites and their distribution has provided, and will continue to provide, clues to past environmental conditions, the ways in which humans adapted to a changing environment, and how the landscape was modified by this early occupation. Archaeological resources, many eligible for listing on the NRHP, are found in the North Umpqua Hydroelectric Project vicinity.

2.4.2 Historical Context

The historic period for the North Umpqua valley dates to the mid-19th Century, when Oregon was experiencing a large influx of settlers interested in rich agricultural land. By 1853, donation land claims were filed in the lower sections of the valley, and several small settlements were established. Four of these – Dixonville, Glide, Idlewild Park, and Peel – survive to this day. Three pivotal events shaped development in the North Umpqua basin over the last 100 years:

1. **Initial settlement by Bill Bradley and then Perry Wright** (Upper North Umpqua, upstream of Steamboat Creek) – This event is well represented by a number of surviving resources that document this first Euro-American activity in the region: the Burley Wright Homestead, the Bill Bradley Grave Site, and the Bar WP Ranch. In the lower North Umpqua (downstream of Steamboat Creek), early development was agricultural, represented by the DeBernardi Ranch Barn and the Glenn Barn.
2. **Arrival of federal agencies** – This second pivotal event focuses around the arrival of federal agencies, such as the USDA-FS. This event is represented to a far lesser degree. The major surviving resource representing this event is the North Umpqua (Mott) Bridge.
3. **Construction of the hydroelectric facilities** (North Umpqua Basin) – This event has recently achieved the 50-year timeframe typically applied to evaluations of historic and cultural resources, and the Project facilities have been determined to be eligible for NRHP listing. The impact of the Copco (PacifiCorp's predecessor) decision to construct a series of hydroelectric facilities in this region—a region that had no through roadway until 1939, no electrical service until 1959, and no direct telephone connections until the 1970s—is substantial. The various effects of the North Umpqua Project itself, as well as the improved transportation and communication it engendered, are an integral part of this area's history. Further, at the time of Project construction, the power produced was crucial to the expansion and solidification of the timber industry and the general economic development in southern Oregon and northern California.

The North Umpqua Hydroelectric Project facilities and other buildings and structures in the area reflect important themes and events in the history of the North Umpqua valley and Oregon as a whole. The development of the Project provided much-needed power to the southern Oregon region, assisting in the rapid expansion of the timber industry and the large regional population growth in the years following World War II. The North Umpqua Hydroelectric Project was also a milestone in the history of Copco; the Project was the first post-War expansion for the company and doubled its pre-War generating capacity. Finally, the Project facilities themselves represent important developments in hydroelec-



Construction of a diversion flume at Clearwater Dam Site. Toketee, Circa 1949.

tric engineering and technology, as well as the creativity and resourcefulness of their designers. For these reasons, the hydro facilities and other historic buildings and structures are considered eligible for the NRHP.

2.4.3 Traditional Cultural Property Context

The North Umpqua Hydroelectric Project lies in an area occupied by Native Americans for as long as 12,000 years. At the time of contact with Euro-Americans, the Project vicinity was primarily occupied by the Southern Molala. Others occupying the area included the Athapaskan Upper Umpqua and the Takelman Cow Creek.

The Southern Molala were semi-nomadic, living and hunting in the higher Cascades during the summer and migrating to villages in the lower river and stream valleys during the winter. The Southern Molala lived in brush shelters in

the summer and semi-subterranean lodges in the winter. The location and character of these winter villages remain important archaeological questions.

The Southern Molala had a good deal of contact with neighboring Indian groups, and intermarriage was common. Intertribal contact occurred at summer rendezvous, or trade fairs, one of which took place in the upland prairie at Illahee Flat on the North Umpqua River. Among the Indian groups attending the rendezvous were the Southern Molala, Upper Umpqua, Cow Creek, Kalapuyan Yoncalla, Klamath, and Northern Paiute.

Modern-day descendants of the three groups who occupied portions of the North Umpqua Hydroelectric Project vicinity are members of three federally recognized tribal governments. The Molala and Upper Umpqua are members of both the Confederated Tribes of Grand Ronde and the Confederated Tribes of Siletz Indians, while the Cow Creek are members of the Cow Creek Band of Umpqua Tribe of Indians.

Members of all three tribes reside in Oregon and have cultural ties to the North Umpqua region. The valley may contain sites or areas that represent important cultural values to these groups that may qualify as traditional cultural properties for the NRHP.

2.5 Historic Properties in the Area of Potential Effects

2.5.1 Survey Methods and Previous Investigations

PacifiCorp conducted an inventory of prehistoric archaeological resources, historic cultural resources and structures, and traditional cultural properties between the years of 1992 and 1994. The objectives of the inventory were to: (1) characterize cultural resources associated with the existing Project and proposed new facilities; (2) collect information necessary to assess anticipated effects associated



Cement work around a powerhouse draft tube. Circa 1953.

with operational changes and the proposed Project modifications (e.g., restoration of existing Project, and proposed new facilities); and (3) identify measures to protect or enhance the resources and mitigate impacts where necessary. These objectives were met and provide the initial base of survey data that will be used in a geographic information system (GIS) database for future mapping of historic properties. See Sections 2.5.3 and 2.5.4 for information on the mapped location of known and probable resources.

An FTR for Cultural Resources was completed in 1994 by EDAW, Inc., archaeologists Brian O'Neill and Laura White of the Oregon State Museum of Anthropology at the University of Oregon, and Rob Winthrop. The FTR is summarized in Volume 5, Exhibit E, Section 5 of the FERC Application for Project relicensing, otherwise referred to as Exhibit E

(PacifiCorp 1995a). Due to the sensitive nature of historic property locations, site-specific information provided in Appendix 3.3-1 of Exhibit E was not publicly distributed. This appendix is available to appropriate agencies and tribes upon written request to PacifiCorp, with approval by the responsible federal land manager.

2.5.2 Criteria for Resource Significance

The NRHP is the official roster of resources determined to be of national, state, or local significance. The National Park Service has established three main criteria that a resource must meet to qualify for listing on the NRHP: age, integrity, and significance. To meet the age criteria, a resource generally must be at least 50 years old. To meet the integrity criteria, a resource must possess integrity of location, design, setting, materials, workmanship, feeling, and association (36 CFR §60.4). Finally, a resource must be significant according to one or more of the following four significance criteria:

- **Criterion A** – Possess association with events that have made a significant contribution to the broad patterns of our history;

- **Criterion B** – Have an association with the lives of persons significant in our past;
- **Criterion C** – Embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
- **Criterion D** – Have the capacity to provide, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

Archaeological sites most often meet Criterion D for significance. The kinds of information that sites might contain include: organic remains; bone and plant remains; obsidian, which can reveal prehistoric trade and long-distance contacts; tools and debitage; and information on settlement patterns. Test probes excavated as part of boundary determinations investigations within the APE recovered these types of data. For further information, refer to the Cultural Resources Final Technical Report for the North Umpqua Hydroelectric Project (PacifiCorp 1995) (Volume 35 of the license application), which contains detailed significance determinations for historic and archaeological resources.

Historic buildings and structures within the APE most often qualify for significance under Criteria A and C.

2.5.3 Known Historic and Cultural Resources within the APE

Prehistoric and Historic Archaeological Resources

Based on the archaeological survey and evaluations completed to date, no significant historic archaeological sites have been found within the APE.

A total of 43 prehistoric archaeological sites had been recorded in the APE to date. Table 2.5-1 lists these sites by site number, site type, setting, size, and significance. Resources include six types of archaeological sites, including: village sites, lithic scatters, lithic/ground stone scatters, rock shelters, cairns, and peeled trees.

Project archaeologists conducted boundary determinations at 27 of the 43 sites in the APE to determine the horizontal extent of the cultural material found at these archaeological sites. Each of these boundary determination investigations included the excavation of 15 or more 20 x 20 inch (50 x 50 cm) test probes and auger probes, spaced from 66 to 98 feet (20 to 30 m) apart. These resources and their determinations of significance are summarized in Table 2.5-1.

Table 2.5-1. Significance of Prehistoric Archaeological Sites in the APE.

No.	Site Number	Site type	Setting	Area (Acres)	Determination of Significance ²
1	35DO18	Rock Shelter	Bench	0.1 ¹	Insufficient Data
2	35DO58	Village	Terrace	>140 ¹	Significant
3	35DO100	Lithic Scatter	Terrace	20 ¹	Significant
4	35DO117	Lithic Scatter	Bench	6.7 ¹	Significant
5	35DO169	Lithic Scatter	Mesa	4 ¹	Insufficient Data
6	35DO181	Lithic Scatter	Terrace	>39 ¹	Significant
7	35DO187	Lithic/Ground Stone; Cairns; Peeled Trees	Mesa	>16 ¹	Significant
8	35DO232	Lithic Scatter	Mesa	6.2 ¹	Significant
9	35DO343	Lithic Scatter	Terrace	2.7 ¹	Significant
10	35DO401	Lithic/Ground Stone Scatter	Terrace	10 ¹	Significant
11	35DO417	Lithic Scatter	Terrace	3 ¹	Significant
12	35DO418	Lithic/Ground Stone Scatter	Bench	3	Significant
13	35DO442	Lithic Scatter	Terrace	0.5 ¹	Insufficient Data
14	35DO443	Lithic/Ground Stone Scatter	Bench	0.75 ¹	Insufficient Data
15	35DO455	Lithic Scatter	Ridge	1.7 ¹	Significant
16	35DO456	Lithic Scatter	Ridge	2.3 ¹	Significant
17	35DO535	Lithic/Ground Stone Scatter	Terrace	5.5 ¹	Significant
18	35DO546	Lithic Scatter	Terrace	1.6	Significant
19	35DO547	Lithic Scatter	Bench	0.4	Significant
20	35DO548	Lithic Scatter	Bench	1.1	Significant
21	35DO549	Lithic Scatter	Terrace	0.1	Significant
22	35DO550	Lithic/Ground Stone Scatter	Mesa	0.9	Significant
23	35DO552	Lithic Scatter	Ridge	0.75	Significant
24	35DO554	Lithic Scatter	Terrace	0.5	Significant
25	35DO556	Lithic Scatter	Mesa	1	Significant
26	35DO606	Lithic Scatter	Bench	>1.8	Significant
27	35DO607	Lithic Scatter	Bench	0.7	Significant
28	35DO608	Lithic Scatter	Mesa	>0.25	Significant
29	35DO620	Rockshelter	Bench	0.1 ¹	Insufficient Data
30	35DO621	Lithic Scatter	Bench	0.1 ¹	Significant
31	35DO624	Lithic Scatter; Cairns	Ridge	22	Significant
32	35DO627 (NUIISO 16)	Lithic Scatter	Mesa	0.1 ¹	Insufficient Data
33	35DO641	Lithic Scatter	Terrace	2 ¹	Significant
34	35DO642	Lithic/Ground Stone Scatter	Ridge	0.4 ¹	Significant
35	35DO643	Lithic Scatter	Ridge	1.2 ¹	Significant
36	35DO644	Lithic Scatter	Bench	0.2 ¹	Insufficient Data
37	35DO645	Lithic/Ground Stone Scatter	Ridge	0.5 ¹	Significant
38	35DO844	Lithic Scatter	Bench	1.0 ¹	Not significant
39	NU367	Lithic Scatter	Mesa	Undetermined	Insufficient Data
40	NU368	Lithic Scatter	Mesa	Undetermined	Insufficient Data
41	NU375	Lithic Scatter	Mesa	Undetermined	Insufficient Data
42	NU377	Lithic Scatter	Mesa	Undetermined	Insufficient Data
43	NU378	Lithic Scatter	Mesa	Undetermined	Insufficient Data

Notes: ¹Area estimated. ²Evaluation did not consist of filing Determination of Eligibility forms.

Source: PacifiCorp 1995b.

Boundary determinations conducted by Project archaeologists at sites in the APE found that the vast majority of these contain cultural deposits of a type and in sufficient density to be considered significant; a formal evaluation of these sites may find them eligible for listing on the NRHP. Further work to determine the eligibility of those sites affected by the Project will occur under the terms of this HPMP.

Additional discoveries of sites will likely occur throughout the term of the new license period. The evaluations of these sites and newly discovered sites are addressed through provisions of this HPMP. In cooperation with PacifiCorp, the USDA-FS is preparing a set of confidential GIS maps showing the locations of known and potential prehistoric archaeological sites. It is anticipated that these maps will be finalized within 1 year following adoption of this HPMP document.

Historic Buildings and Structures

Through literature review and subsequent field surveys, a total of 22 historic developments have been identified in the APE and are shown in Figure 2.5-1. Most of these properties are documented in the State Inventory of Historic Places (SIHP), which is the basis for all historic and cultural resource survey work in the State of Oregon (PacifiCorp 1995a). Of the 22 total historic buildings and structures, 12 of these developments are hydro-related structures (Project facilities, building groups, and transmission lines), and 10 are non-hydro buildings related to the settlement of the region.

Tables 2.5-2 and 2.5-3 provide a summary of historic buildings and structures identified in the Project APE. These resources were given high, medium, or low ratings of significance and integrity based on federal and state criteria for evaluation of historic resources. This system assesses resource significance based on comparative distinction, scarcity, and associative relationship to themes within the development pattern of the area.

Table 2.5-2 describes the 10 structures identified within the Project APE but outside of the Project boundary. Seven of these were determined likely to be eligible for the NRHP. PacifiCorp does not own and would not likely affect these properties in the future.

Table 2.5-3 describes the 12 hydro developments identified within both the Project boundary and the Project APE. All of these structures were determined likely to be eligible for the NRHP. PacifiCorp owns these facilities and all are subject to the protective provisions of this HPMP. The HPMP has identified the need for a Historic Structures Program to outline the specific protection requirements for these facilities. The Historic Structures Program is further described in Section 4.3.

Table 2.5-2. Significance of Historic Buildings and Structures Outside the Project Boundary within the APE.

Name	Theme	Integrity	Significance	Status
NON-HYDRO RESOURCES				
North Umpqua (Mott) Bridge	Transportation	High	High	DOE
Bar WP Ranch	Settlement	Medium	High	DOE
Bill Bradley Grave Site	Settlement	High	High	DOE
Wright "Happy Flats" House	20 th Cent. Arch.	High	Medium	DOE
Wright Rental Cabin 1	Commerce	Medium	Low	DOE
Wright Rental Cabins 2 and 3	Commerce	Low	Low	DOE
Burley Wright Homestead	Settlement	Medium	High	DOE
First Marsters Bridge Site	Transportation	Low	High	None
DeBernardi Ranch Barn	Agriculture	High	Medium	None
Glenn Barn	Agriculture	Medium	Low	None

Note: DOE = Determination of Eligibility. Source: Provided by EDAW.

Table 2.5-3. Significance of Historic Buildings and Structures Inside the Project Boundary within the APE.

Name	Theme	Integrity	Significance	Status
HYDRO FACILITIES				
Toketee Development	Industry / Manufg.	High	High	DOE
Slide Creek Development	Industry / Manufg.	High	High	DOE
Soda Springs Development	Industry / Manufg.	High	High	DOE
Fish Creek Development	Industry / Manufg.	High	High	DOE
Clearwater No. 1 Development	Industry / Manufg.	High	High	DOE
Clearwater No. 2 Development	Industry / Manufg.	High	High	DOE
Lemolo No. 1 Development	Industry / Manufg.	High	High	DOE
Lemolo No. 2 Development	Industry / Manufg.	High	High	DOE
Toketee Village	Industry / Manufg.	High	High	DOE
Clearwater Village - Housing	Industry / Manufg.	Medium	Medium	DOE
Clearwater Operations Center and Guest House	Industry / Manufg.	Medium	Medium	DOE
Transmission Lines	Industry / Manufg.	Medium	High	DOE

Note: DOE = Determination of Eligibility. Source: Provided by EDAW.

Traditional Cultural Properties

The cultural resources survey included consultation by letter and personal contact with the three affected Native American tribes regarding traditional cultural properties. Neither consultation with these tribes nor literature searches identified any traditional cultural properties in the Project vicinity. Although no specific traditional cultural properties have been identified to date, the Project vicinity may contain such sites or may include burial sites or sacred sites of importance to the tribes.

North Umpqua Hydroelectric Project



Geographic Information Systems

Figure 2.5-1 Historic Buildings and Structures

Legend

Project Vicinity

USDA USFS

USDI BLM

Private Ownership

Transmission Lines

Township/Range Line

● Historic Sites, Non-Hydro

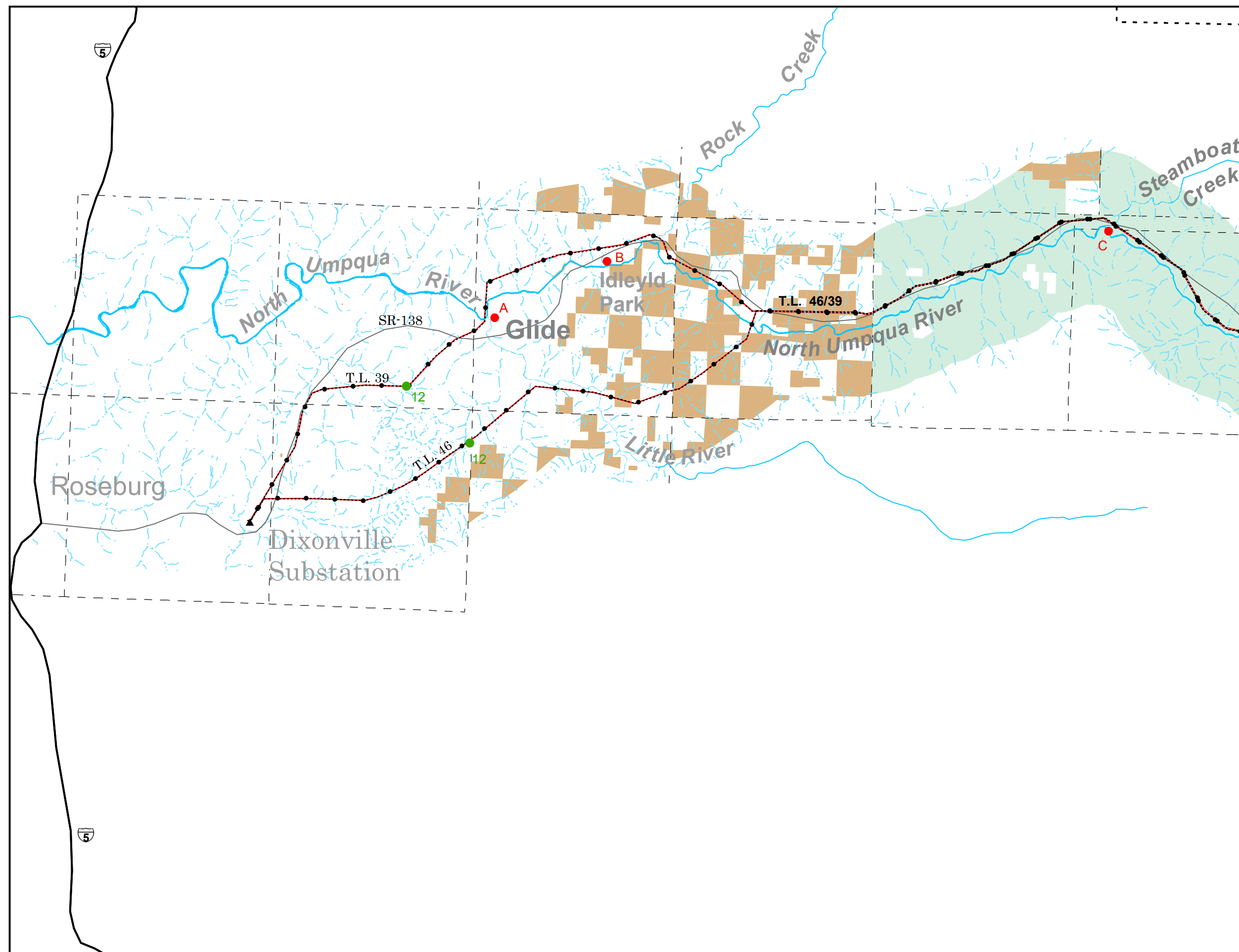
A Glenn Barn

B DeBernardi Ranch Barn

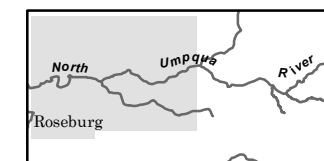
C North Umpqua (Mott) Bridge

● Historic Sites, Hydro

12 Transmission Lines

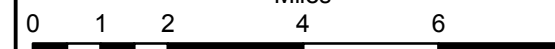


Map Location (Map Sheet 1 of 2)



NORTH

Miles



Scale 1:180,000

Back of Figure 2.5-1 pt. 1

North Umpqua
Hydroelectric Project



Geographic Information Systems

Figure 2.5-1
Historic Buildings
and Structures

Legend

* Cluster of Historic Buildings

- Project Vicinity
- USDA USFS
- USDI BLM
- Private Ownership
- Transmission Lines
- Township/Range Line

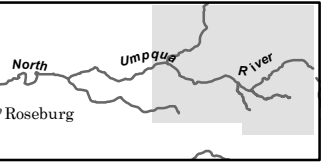
Historic Sites, Non-Hydro

- D Burley Wright Homestead
- E Bill Bradley Grave Site
- F Wright "Happy Flats" House
- Wright Rental Cabin 1
- Wright Rental Cabins 2 & 3
- G Bar WP Ranch
- H First Marsters Bridge Site

Historic Sites, Hydro

- *1 Toketee Development
- 2 Slide Creek Development/Powerhouse
- 3 Soda Springs Development
- 4 Fish Creek Development
- 5 Clearwater No. 1 Development
- 6 Clearwater No. 2 Development
- 7 Lemolo No. 1 Development
- 8 Lemolo No. 2 Development
- *9 Toketee Village
- *10 Clearwater Village-Housing/Guest House
- *11 Clearwater Village-Maintenance/Operations Center
- *12 Transmission Lines

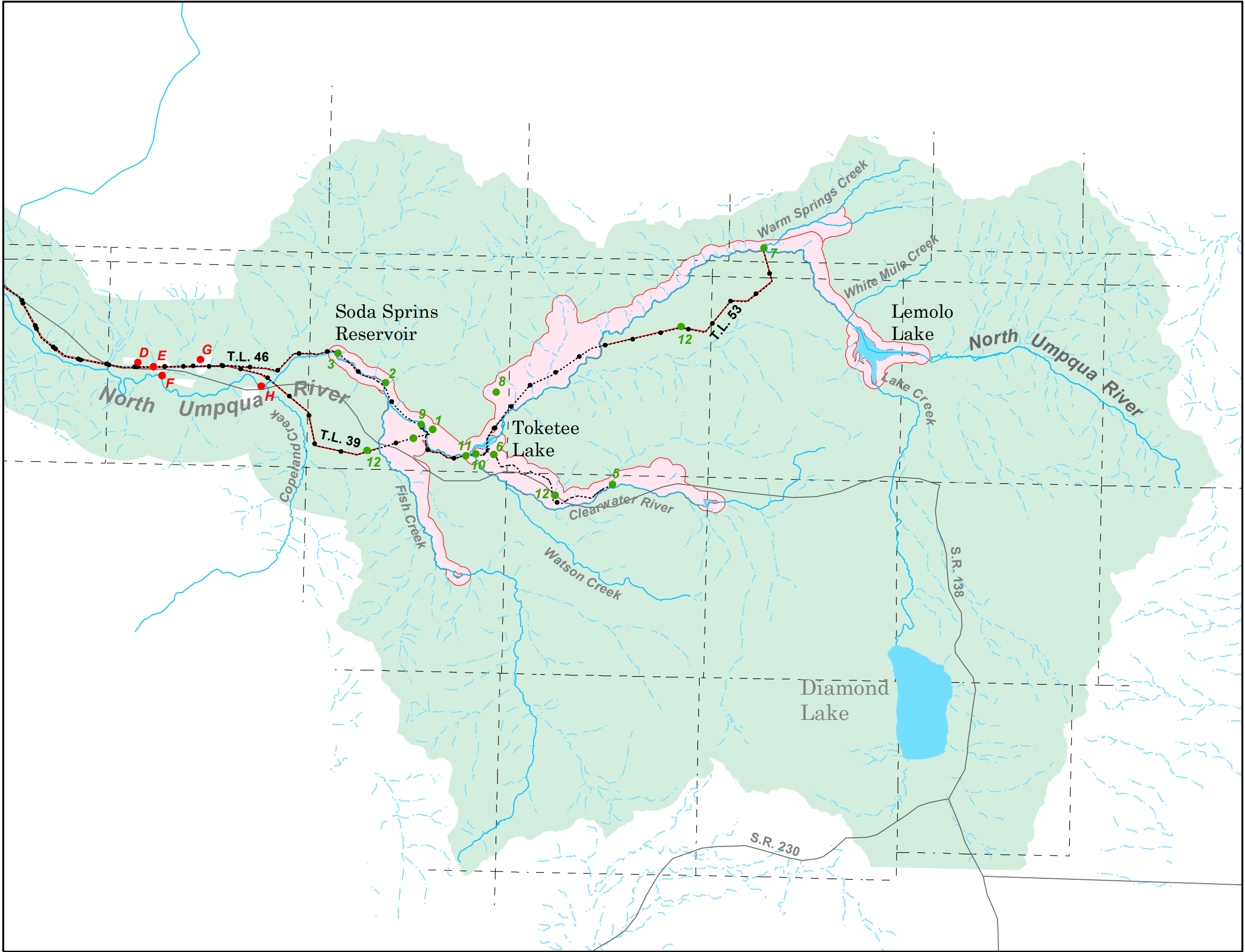
Map Location (Map Sheet 2 of 2)



Miles



Scale 1:180,000



Back of Figure 2.5-1 pt 2

2.5.4 High, Medium, and Low Probability Areas for Prehistoric Archaeological Sites

The location of known archaeological sites in combination with the historic context of the region provides insight into the locations of archaeological sites that may exist but have not been identified. Using probability characteristics approved by the USDA-FS, USDI-BLM, and SHPO, the APE was stratified into high, medium, and low probability areas for archaeological sites. Probability characteristics are described below.

High Probability – Includes known sites from the PacifiCorp survey and agency records, or land forms with the specific characteristics. These characteristics include, but are not limited to, the following:

- Stream bottomlands and benches (<20% slope, <200 meters to water);
- Past or present water sources (<20% slope, <200 meters to water);
- Flat or gently rolling terrain (<20% slope, <200 meters to water);
- Saddles (<20% slope, any distance to water);
- Rock outcrops on ridges (<20% slope, any distance to water); and
- Cliff faces (any % slope, any distance to water).

Medium Probability – Includes land forms with the following characteristics:

- Stream bottomlands and benches (<20% slope, >200 meters to water);
- Past or present water sources (<20% slope, >200 meters to water);
- Ridges, spur ridges, and isolated ridges (<20% slope, any distance to water); and
- Flat or gently rolling terrain (<20% slope, >200 meters to water).

Low Probability – Includes land forms with the following characteristics:

- All other geomorphic features (>20% slope, any distance to water).

PacifiCorp mapped the APE identifying high, medium, and low probability areas based on these criteria to best determine the likely effect of their actions and necessary agency coordination. These maps are on file with PacifiCorp.

2.5.5 Sensitivity of Historic Buildings and Structures

The 12 PacifiCorp developments are deemed “historic” due to the integrity of the combined facilities as a whole, the age of construction, and the historical importance of each development to the area. However, each development is comprised of several buildings and structures – some of which are historic and some

of which are newer, non-historic structures by themselves. The Historic Structures Plan (HSP), Exhibit I of this HPMP, provides detailed information on the character-defining features and appropriate methods of treatment of historic structures that are “sensitive” to change. The HSP will be consulted prior to conducting any modifications or maintenance activities on these PacifiCorp structures.

3.0 AGENCY AGREEMENTS AND RESPONSIBILITIES

This HPMP establishes planning and coordination procedures for PacifiCorp, federal agencies, and the tribes to follow as conditions change over the term of the new license. This section describes the roles and responsibilities of PacifiCorp and parties to the HPMP; the development of a 3-Year Historic Properties Action Plan; procedures for an annual meeting and SHPO review; tribal consultation; consultation with private land owners; dispute resolution; and issues of confidentiality. These elements are discussed below.

3.1 Roles and Responsibilities

Implementation of the HPMP is the primary responsibility of PacifiCorp as a FERC licensee. However, the USDA-FS and USDI-BLM, as federal land managers, also play important roles in its implementation due to the location of the Project within the Umpqua National Forest and the transmission lines on USDI-BLM lands. Other agencies/jurisdictions, including SHPO and the tribes, will also play a continuing role over the term of the new license. Below are the basic roles and responsibilities of the primary entities involved in HPMP implementation.

- **FERC (Federal Energy Regulatory Commission)** – Section 106 § 800.2 (2) of the NHPA requires FERC to take into account the effect of its undertakings on historic properties. Issuance of a new license by FERC is an “undertaking” that includes maintenance, operation, protection, mitigation, and enhancement activities during the license period.

FERC and/or its delegate is the Lead Agency Official for Section 106 compliance for undertakings associated with its actions. Where FERC actions also require federal permits, FERC will act as lead agency for coordinating Section 106 compliance for the action and with the federal land manager for the permit. FERC is statutorily responsible for ensuring that the HPMP is carried out as conditioned by the license and is a signatory party to the PA. Where formal consultation with the tribes is necessary, FERC will initiate the consultation. PacifiCorp’s role in this process is to collaborate with and support FERC’s consultation efforts.

- **PacifiCorp** – PacifiCorp holds the FERC license for the North Umpqua Hydroelectric Project. FERC delegates Section 106 responsibility to the licensee for the term of the new license. As the FERC delegate, PacifiCorp is responsible for meeting the terms of the HPMP, which provides Section 106 compliance procedures for all proper actions in the FERC license and in the SA in consultation with federal land managers where appropriate. PacifiCorp is a concurring Party to the PA.

The PacifiCorp Cultural Resources Coordinator will be responsible for implementing the HPMP pursuant to license conditions over the course of the license. The CRC will notify the federal land managers, who will notify the tribes, of newly discovered sites found as a result of PacifiCorp activities, particularly where graves, human remains, funerary objects, or sacred sites are concerned.

- **SHPO (State Historic Preservation Office)** – The NHPA defines the role of the SHPO as the party responsible for reviewing properties to determine National Register eligibility and for consultation on activities affecting eligible properties. SHPO is a signatory Party to the PA.
- **ACHP (Advisory Council on Historic Preservation)** – In accordance with CFR part 800 under the revised regulations, the ACHP serves as a review body in instances where the parties involved in consultation are unable to reach agreement on the actions required.
- **USDA-FS and USDI-BLM**– The USDA-FS and USDI-BLM have responsibility under Section 106 to consult with the SHPO on their actions (actions not related to the FERC license or SA) affecting properties listed on, or eligible for, listing on the National Register. The federal land managers also have responsibilities under ARPA, NAGPRA, and Section 110 of the NHPA. ARPA establishes a permit system for excavation or removal of any archaeological resources at archaeological sites, NAGPRA protects Native American graves and related objects on federal land, and Section 110 of the NHPA establishes a broader stewardship responsibility for federal agencies on the lands they administer. Federal land managers are responsible for issuing an ARPA permit when archaeological research associated with Project-related excavation or removal is required.

Furthermore, the USDA-FS and the SHPO entered into a Programmatic Agreement (unrelated to the FERC PA) in 2004. The PA states that the USDA-FS will administer the Umpqua National Forest in accordance with the stipulations of the PA to satisfy the USDA-FS's responsibilities under Section 106. The USDA-FS PA defines activities that are not subject to case-by-case review.

The federal land managers shall be directly involved in the Section 106 compliance process triggered by ARPA permits where FERC actions are involved. Because PacifiCorp activities under the FERC license are FERC actions, FERC will be the lead agency of Section 106 compliance in these instances, which will also help streamline the Section 106 process. However, FERC recognizes that the federal land managers are also responsible for Section 106 compliance for their lands under the USDA-FS PA with the SHPO and pursuant to ARPA. Therefore, this HPMP strives to be an historic resource management tool consistent with the USDA-FS PA, USDI-BLM's statutory authority, and ARPA standards and will be coordinated with federal land managers.

Last, the USDA-FS is required to review and approve site-specific plans and construction schedules for all construction activities (including those proposed by PacifiCorp) that will result in ground or habitat disturbance pursuant to Section 21.5 of the SA. Even though the SA does not include the USDI-BLM in this review and approval requirement, the HPMP coordination process provides for USDI-BLM review and approval of PacifiCorp actions located on USDI-BLM land.

- **Other Federal Agencies** – Federal agencies with permitting authority (other than the USDA-FS and USDI-BLM) will be directly involved in the Section 106 compliance process triggered by permits where FERC actions are involved. Because PacifiCorp activities under the FERC license are FERC actions, FERC will be the lead agency of Section 106 compliance in these instances, which will also help streamline the Section 106 process. However, FERC recognizes that federal agencies with permitting authority may also be responsible for Section 106 compliance for their permitting actions. Therefore, this HPMP strives to be an historic resource management tool consistent with all federal agencies' statutory authority.
- **Tribes (Cow Creek Band of Umpqua Tribe of Indians, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Siletz Indians)** – All three of these tribes have cultural ties to the North Umpqua region. Although no specific traditional cultural properties have been identified to date, the Project vicinity may contain such sites or may include burial sites or sacred sites of importance to the tribes. PacifiCorp will notify the federal land managers, who will notify the tribes, of newly discovered sites found as a result of PacifiCorp activities, particularly where graves, human remains, funerary objects, or sacred sites are concerned. Tribes may choose to be involved in consultation on individual activities. The Cow Creek Band of Umpqua Tribe of Indians is a concurring Party to the PA.
- **Private Land Owners** – The owners of private land located outside of FERC easements maintain control and authority over their property. Private land owners are not subject to the requirements of Section 106 of the NHPA, unless they are receiving federal funding for some action related to the property. However, PacifiCorp actions under their federal license are considered federal actions and thus are subject to the requirements of Section 106 of the NHPA, even if such actions occur on private lands. PacifiCorp will consult directly with owners and the SHPO where actions may affect historic properties on private lands within a Project easement.

3.2 3-Year Historic Properties Action Plan

PacifiCorp will prepare a 3-Year Historic Properties Action Plan (Action Plan), in coordination with the USDA-FS and USDI-BLM, that will be subject to annual SHPO review. PacifiCorp's Cultural Resources Coordinator, the USDA-FS's Heritage Program Manager, and the USDI-BLM's Staff Specialist will be re-

sponsible for coordinating the Action Plan-related activities. The Action Plan will provide the following key components:

- Summarize undertakings during the past year that required consultation, avoidance, or mitigation measures.
- Report any specific resource or action of special concern to the federal and state land management agency, the Oregon SHPO, or the tribes. Data exchange should be ongoing.
- Report the discovery of looting or vandalism and provide a summary of actions taken and any repair or mitigation that occurred as a result.
- Discuss any consultation that has occurred or is ongoing.
- List the number and types of planned undertakings considered exempt from review.
- Discuss specific planned activities for the upcoming year and determine if any will require further consultation.
- Identify projected activities for the following 2 years after the upcoming year and estimate if any will require further consultation.
- Include any recommendations regarding amendments to the HPMP.

A draft 3-Year Action Plan containing this information will be submitted to the USDA-FS, USDI-BLM, the tribes, and SHPO in September one month prior to the fall Annual Meeting for review (refer to Section 3.3 for details on the Annual Meeting). One week prior to the Annual Meeting, all Parties will submit comments on the 3-Year Action Plan to PacifiCorp. At the Annual Meeting, the Parties will discuss the draft Action Plan activities, agency and tribal comments, and reach agreement on the upcoming year's actions.

After the Annual Meeting, PacifiCorp will finalize the 3-Year Action Plan and submit it to all Parties for approval. If no agreement is reached, the SHPO will facilitate an agreement. If resolution is not reached with coordination with the SHPO, the parties may petition for dispute resolution as provided in the PA (Exhibit C).

Once overall agreement on the final 3-Year Action Plan is achieved, the plan will be submitted to the SHPO prior to January 15 of each year. The 3-Year Historic Properties Action Plan will be updated annually.

3.3 Annual Meeting

3.3.1 Purpose and Outcomes of the Annual Meeting

An Annual Historic Properties Meeting will be held in the fall of each year to facilitate efficient coordination and action among PacifiCorp and all Parties. Additional meetings will be held if needed to facilitate approval of the 3-Year Action Plan during the winter. The purpose of this Annual Meeting includes:

- **Review of Draft 3-Year Action Plan** – Discuss and coordinate anticipated activities in the next 3 calendar years pursuant to the 3-Year Historic Properties Action Plan for approval by the Parties. Account for activities that were delayed or continued, and new activities requiring action. Agree on terms for finalizing the 3-Year Action Plan for distribution in January.
- **Data Exchange** – Review a summary of all data exchanges from the previous year on any newly identified sites, site evaluations, or completed data recovery after approval by agencies. The site forms and reports on federally administered lands will be submitted to the agencies for submittal to the SHPO.
- **Activity Coordination** - Coordinate and prepare for approval activities to occur in the next calendar year. PacifiCorp will prepare project review forms for review and approval at the Annual Meeting (see Exhibit D for an example of the Cultural Review Form, which is subject to revision. Please request the latest update of this form electronically from the CRC).
- **Public Outreach** - Identify opportunities for public outreach and interpretive displays.
- **Policy Changes** - Review changes in laws, policies, manuals, and updates as necessary. At the Annual Meeting, PacifiCorp, USDI-BLM, and the USDA-FS will also address environmental analysis and permitting for all upcoming projects. PacifiCorp and USDA-FS entered into a Memorandum of Understanding (MOU) in June 2004 declaring that compliance with the National Environmental Policy Act (NEPA) is the responsibility of FERC for actions pertaining to the license, and therefore the SA (see Exhibit H). Activities requiring environmental analysis will be scheduled out 2 years in advance, to the extent possible. PacifiCorp, USDI-BLM, and the USDA-FS will coordinate project schedules and meet when necessary.
- **Address Potential Disputes** - If disputes occur, direct these issues through the appropriate channels per Stipulation 4 of the MOU.

3.4 Annual State Historic Preservation Office (SHPO) Review

PacifiCorp will submit the final 3-Year Historic Properties Action Plan to the SHPO prior to January 15 of each year. The final plan will address any comments submitted to PacifiCorp by SHPO on the draft plan. The SHPO will have the opportunity to review and comment on the final 3-Year Action Plan for 30 days prior to its full implementation by PacifiCorp, the USDA-FS, or others.

3.5 Tribal Consultation

In 2003, FERC issued a “Policy Statement on Consultation with Indian Tribes in Commission Proceedings” to articulate its commitment to promote a government-to-government relationship between itself and federally recognized Indian tribes. The policy statement recognizes the sovereignty of tribal nations and FERC’s trust responsibility to Indian tribes. Because FERC cannot delegate tribal consultation, it has established a tribal liaison position to fulfill this commitment and will coordinate consultation with other federal land managers as appropriate.

PacifiCorp and federal agencies held six meetings between the months of April and November 2003 to discuss HPMP development, the status of the survey and field studies, and potential Project effects and management measures. PacifiCorp sent letter correspondence to the three tribal governments in January 2004 to solicit their input on the HPMP, and to encourage their participation in the process. The tribal representatives were also provided with a final draft HPMP for their review and comment.

In compliance with federal law, PacifiCorp will continue to manage the preservation of historic and cultural properties in the Project vicinity. The continual involvement of the tribes is paramount to the successful implementation of the HPMP through the term of the license.

PacifiCorp will provide information on the dates of planned historic properties management activities and meetings so that tribal representatives may participate in or visit the work as desired. This communication will occur by sending a formal letter to each of the tribes 30 days prior to the Annual Meeting and through postings on the PacifiCorp web site (www.pacificorp.com).

3.6 Consultation With Private Land Owners

PacifiCorp will consult with the SHPO and coordinate with private land owners when PacifiCorp activities in the APE directly affect private lands within PacifiCorp easements, such as those within the transmission line corridors. The in-

volvement of private land owners is an important component of the successful implementation of the HPMP through the term of the license.

3.7 Dispute Resolution

Consistent with Stipulation 4 of the MOU, procedures have been established to resolve disputes among the SHPO, USDA-FS, USDI-BLM, and PacifiCorp. Specifically, PacifiCorp is required to consult with the SHPO and USDA-FS and/or USDI-BLM to resolve the dispute or objection. If consultation with these agencies fails to resolve the dispute, PacifiCorp is required to seek the comments from FERC pursuant to 36 CFR §800.6(b) and take into account FERC's comments that specifically address the subject of the dispute. FERC may choose to involve the ACHP.

The parties may also petition FERC for relief or initiate an Alternative Dispute Resolution (ADR) process if resolution is not reached by the Parties as provided by SA 22.7 (see Exhibit B).

3.8 Confidentiality

Archaeological site information and locations are considered sensitive information and should not be readily available to the general public. Site record forms held in repositories such as the Oregon SHPO are exempt from public record requests (such as requests through the Freedom of Information Act), and can be withheld from individuals who do not have professional or legal reasons for needing these data. PacifiCorp will follow this same principle. Information on site locations and contents will be released only on a need-to-know basis. In addition, confidential information received by PacifiCorp from federal land managers (including the GIS maps of known and potential sites) will not be shared without their written permission.

4.0 HPMP IMPLEMENTATION

To meet the goals and objectives of the HPMP and the actions identified in the SA, 12 HPMP programs, procedures, or other measures have been developed. These are discussed in detail below and include the following:

1. Stewardship Program
2. Archaeological Program
3. Historic Structures Program
4. Procedures for Curation
5. Procedures for Conducting Future Surveys
6. Procedures for Inadvertent Discovery
7. Procedures for the Discovery of Vandalism and Looting
8. Treatment of Human Remains
9. Reporting Requirements
10. Procedures for Emergency Situations
11. Procedures for Interpretation and Education
12. Implementation Schedule

4.1 Stewardship Program

PacifiCorp values the Project's cultural resources and is committed to exercising good stewardship over the historic properties by following applicable federal, state, and local laws and regulations in consultation with federal land managers and affected tribes and community groups. These actions are consistent with PacifiCorp's responsibilities to its customers and to the natural and cultural resources it manages. The management measures discussed below are intended to ensure collaborative efforts with the agencies, appropriate relations with the Indian tribes, and a policy that emphasizes historic properties protection, stewardship, and education.

To implement the programs defined in the HPMP and administer its provisions, PacifiCorp will staff a Cultural Resources Coordinator (CRC) position and train Project crews on proper implementation of the HPMP's Archaeological and Historic Structures Programs. PacifiCorp will also seek opportunities to provide public outreach in partnership with the USDA-FS and USDI-BLM. Opportunities will be identified during the Annual Meeting. The roles and responsibilities of PacifiCorp staff are described below.

4.1.1 Cultural Resources Coordinator

To implement the programs defined in the HPMP and administer its provisions, PacifiCorp will assign historic and archeological resource issues to a Cultural Resources Coordinator (CRC). The CRC will serve as the primary point of contact for all programs described in this HPMP and for coordination of reviews of any Project activities potentially affecting historic properties. The CRC's responsibilities include:

- Review activities that may affect cultural resources and assist with compliance.
- Coordinate the implementation of mitigation measures.
- Report the discovery of looting or vandalism and provide a summary of actions taken and any repair or mitigation that occurred as a result.
- Coordinate with individual managers and field staff for planned construction and maintenance activities.
- Notify federal land management agencies about vandalism, looting, or any undertakings that may affect historic properties in their jurisdiction.
- Participate in consultation with agencies and tribes, including the Annual Meeting with the USDA-FS, USDI-BLM, SHPO, and the tribes.
- Arrange for qualified archaeologists when needed for undertakings requiring inspection, mitigation, and monitoring.
- Schedule and organize training for staff.
- Coordinate with land management agencies in providing interpretive programs.
- Visit or arrange for qualified archaeologists to visit archaeological sites annually to ensure that measures are effective and to check for possible damage to sites from looting or vandalism, erosion, or other sources of disturbance.
- Manage the preparation of the 3-Year Historic Properties Action Plan, which describes undertakings that require inspection, monitoring, or consultation from the previous year and those planned for the next 3 years.
- Coordinate the planning, review, and completion of scheduled mitigation measures.



Project Crew near a dam facility. Circa 1950.

Training Requirements

PacifiCorp will provide qualified staff in key positions to ensure that the HPMP and the programs it defines are adequately implemented. To best ensure compliance with all applicable current regulations and policies, the CRC will have a background in management, archaeology, geology, historic preservation, or planning, although these technical backgrounds are not required (pers. comm., Carol Legard, ACHP, No-

ember 20, 2003). If the designated CRC does not have these qualifications, PacifiCorp will provide appropriate training in historic preservation for the individual to succeed in this position. PacifiCorp will provide the CRC with access to periodic training in federal and state cultural resource workshops that address issues related to the Project's compliance with applicable historic resource laws and regulations, including Section 106 of the NHPA, as amended, and the application of new technologies in historic and cultural resource management. These programs may also include lectures and conferences sponsored by the Oregon SHPO, the National Trust for Historic Preservation, the Northwest Hydropower Association, the National Preservation Institute, Edison Electric Institute, the Utility Roundtable on Cultural Resources, and others.

4.1.2 Project Operations Staff

Project operations staff are responsible for the field activities to operate and maintain the Project. Project operations staff will be made aware of the HPMP procedures through PacifiCorp's Environmental Management System (EMS). The EMS provides a framework for all PacifiCorp personnel to access procedures necessary to conduct their work in a manner that is compliant with all rules and regulations. Project crews must conduct activities according to identified restrictions, report vandalism or looting, and be alert to unanticipated discoveries of historic properties.

PacifiCorp will attempt to deter artifact collection and looting activity through random patrols as part of its overall program to control undesirable behavior. Undesirable behavior includes being present in archaeologically sensitive areas for no apparent reason, walking patterns and bending to examine or collect materials from the surface, digging, and vandalism.

If significant damage to an archaeological site is observed, such as damage caused by excavations, the staff will contact the CRC immediately. The CRC will notify the appropriate land management agency or consult with the SHPO to prepare a damage assessment and site restoration plan. On federal lands, the federal land management agencies will investigate the crime. On private lands, PacifiCorp will notify the State Police.

Training Requirements

Training provided by PacifiCorp will provide staff with an understanding of the following elements associated with the protection of historic properties:

- Types, nature, and importance of historic properties, including prehistoric and historic archaeological sites, historic buildings and structures, and traditional cultural properties;
- Tribal concerns;
- Damage that can occur from unauthorized collecting, digging, erosion, and construction;

- Characteristics of undesirable behavior;
- Locations where undesirable behavior takes place and where unauthorized individuals are not to be present or to linger;
- What to do upon noticing undesirable behavior;
- Whom and how to call for help; and
- What to do if staff find an artifact or site, or someone reports one.

Designated key Project staff, such as managers and maintenance superintendents, should receive the following training:

- A workshop organized by the CRC to review and explain the HPMP; and
- Periodic workshops on protecting historic properties. These workshops will also be organized by the CRC and include instruction by qualified archaeologists, ethnographers, and historians.

In addition, a Project crew manual shall be developed to help Project crews understand their responsibilities while in the field. The manual should be consistent with the procedures in the HPMP.

4.2 Archaeological Program

The HPMP Archaeological Program is a dynamic program intended to provide PacifiCorp staff and other parties with specific determination procedures for identifying the appropriate level of review for PacifiCorp activities and potential monitoring. The program contains three basic components:

1. Mapped locations of known and potential archaeological sites (confidential).
2. List of PacifiCorp activities and their potential effects (Exhibit A).
3. Standardized protocol for activity review levels and monitoring (Table 4.2-1 and Figure 4.2-1).

The first two components are generally described in Sections 2.5 and 2.2 of the HPMP, respectively. These items are the building blocks of the Archaeological Program and are the basis for activity review for public lands and standardized decision-making procedures. Activity review on private lands is addressed in Section 4.2.4.

4.2.1 Activities that Fulfill Section 106 without Agency Review

The CRC will identify the proposed activity within Exhibit A in relationship to its physical location on public lands:

- PacifiCorp activities with no effect,

- PacifiCorp activities with low effect,
- PacifiCorp activities with medium effect, or
- PacifiCorp activities with high effect.

PacifiCorp has fulfilled its Section 106 compliance and no further action is required if the activity meets one or more of these criteria:

- **The proposed PacifiCorp activity is listed in Exhibit A as a low or no effect and would not occur within a known historic property.**
- **For activities defined as low or medium effect, the CRC can define an alternative approach to the activity so that it has no effect.**
- **The activity would occur on a location that has been surveyed twice or more and no historic property has been located.**
- **The activity is located within a specific area that has been previously mitigated for the same activity encompassing the same footprint.**

For activities that meet the above criteria, PacifiCorp may conduct the proposed activity without the need for further action or review under Section 106. For activities that do not meet the above criteria, the CRC must follow the steps identified in Section 4.2.2 below to complete Section 106 requirements.

4.2.2 Agency Review Process

The CRC will complete the following steps to determine the review, monitoring, and reporting requirements for ground-disturbing activities on public lands. This will involve a proposed activity falling into one of three levels of review:

Level 1 Review: NOTIFICATION

Level 2 Review: COORDINATION

Level 3 Review: CONSULTATION

**Step 1:
Identify the appropriate Level of Review for the proposed PacifiCorp activity.**

To determine the appropriate level of review, the CRC will identify the proposed activity within Exhibit A as one of the following: PacifiCorp activities with no effect, PacifiCorp activities with low effect, PacifiCorp activities with medium effect, or PacifiCorp activities with high effect. Activities listed in Exhibit A as low, medium, or high effect will re-

quire review and approval at either the **NOTIFICATION, COORDINATION, or CONSULTATION** level by USDA-FS, USDI-BLM, and/or SHPO. The level of review will depend upon whether the location of the activity occurs on either a known historic property or on a low, medium, or high probability location for historic properties. Refer to **Table 4.2-1** and **Figure 4.2-1** (Process Chart) for the level of review identified for the location and type of activity and the decision-making process to be followed for it.

Table 4.2-1. CRC Decision Matrix: Level of Section 106 Review and Monitoring Requirements for Archaeological Resources.

Probability of Historic Properties where Activity is Proposed ¹	Potential Effect of Proposed PacifiCorp Activity on Historic Properties ²			
	No Effect	Low Effect	Medium Effect	High Effect
Low Probability	PROCEED	NOTIFICATION (Level 1) ³	NOTIFICATION (Level 1 Review) ³	NOTIFICATION (Level 1) ³
Medium Probability	PROCEED	NOTIFICATION (Level 1) ³	COORDINATION (Level 2) ³	COORDINATION (Level 2) ³
High Probability	PROCEED	COORDINATION (Level 2) ³	COORDINATION (Level 2) ³	CONSULTATION (Level 3) ³
Known Historic Properties	COORDINATION (Level 2) ³	CONSULTATION (Level 3) ³	CONSULTATION (Level 3) ³	CONSULTATION (Level 3) ³

Notes: 1. Refer to Section 2.5 (Historic Properties in the Areas of Potential Effect). 2. Refer to Exhibit A (PacifiCorp Activities). 3. Refer to Section 4.2.2 (Agency Review Process) for input to this table.

The process identified in Table 4.2-1 and Figure 4.2-1 has been developed with and approved by the signatory Parties of this HPMP. The procedures for specific levels of review and monitoring are addressed in the following sections. The specific conditions of monitoring plans and consultation for PacifiCorp activities that require Level 2 or Level 3 review will be addressed in the Annual Meeting and documented in the 3-Year Historic Properties Action Plan.

How does the CRC determine the Level of Section 106 Review?

~~~~~  
The CRC identifies the PacifiCorp activity in Exhibit A, compares it with the location of the activity on confidential maps, and follows the procedures identified in both Table 4.2-1 and Figure 4.2-1.

Insert Figure 4.2-1 Process Chart

Back of Figure 4.2-1 Process Chart

**Step 2:  
Submit Cultural Review Form to appropriate agency.**

The CRC will complete a Cultural Review Form for PacifiCorp activities on federal land. The Cultural Review Form will include a description of the proposed activity, location information, and the CRC's determination of the required level of review (see Step 1 above). Exhibit D provides an example of this form.

When Project activities occur on federal lands, PacifiCorp will submit the form to the appropriate federal agency for review. The federal land manager will review and return the form to the CRC within 30 days with their comments and confirmation or recommended change to the level of review. This will either confirm the level of review or will indicate that further coordination is necessary prior to initiating work. Once both Parties agree on the level of review and protective measures, PacifiCorp will then execute these measures and initiate the proposed activity.

When Project activities occur on private lands, PacifiCorp will submit the Cultural Review Forms to the SHPO for review. Similarly, the SHPO will review and return these forms to the CRC within 30 days with comments on the proposed activities. This will either conclude the review phase or will indicate that further coordination with the SHPO is necessary prior to initiating work. Once both Parties agree on the level of review and protective measures, PacifiCorp will then execute these measures and initiate the proposed activity.

The CRC will follow the agreed-upon procedures for review and compliance stated in the Cultural Review Form.

**Step 3:  
Complete the activity according to the Section 106 Review requirements.****4.2.3 Procedures for Review: Notification, Coordination, or Consultation**

Proposed activities on public lands are subject to three levels of review: **NOTIFICATION**, **COORDINATION**, or **CONSULTATION**. The CRC is responsible for determining the level of review necessary prior to the Annual Meeting for activities that may have the potential to affect historic properties and receiving confirmation on the proposed protective measures from the federal land managers and/or SHPO. The CRC will follow a standardized methodology to determine the level of review necessary for PacifiCorp activities, which is dependant on the activity location and its potential effect on the resource. The CRC will follow the standardized process in Section 4.2.2. The de-

termination may require USDA-FS, USDI-BLM, or tribal assistance. Specific procedures associated with each level of review are described below.

- **Level 1 Review – NOTIFICATION.** PacifiCorp must notify the USDA-FS and/or USDI-BLM of the proposed activity 30 days prior to implementation and document it in the 3-Year Historic Properties Action Plan. Once the 30-day review period has passed and there is no objection from the federal land managers, PacifiCorp may proceed with the activity without further deliberation.
- **Level 2 Review – COORDINATION.** Activities subject to Level 2 Review will be addressed at the Annual Meeting and documented in the 3-Year Historic Properties Action Plan. Where proposed PacifiCorp activities have the potential to affect historic properties, PacifiCorp will establish requirements for potential pre-activity and/or post-activity monitoring or other activities, which are subject to USDA-FS and/or USDI-BLM review and approval. SHPO will have pre-project review at the Annual Meeting. Once the Parties have agreed upon potential avoidance and/or monitoring procedures, PacifiCorp may proceed with the activity.

In cases where immediate PacifiCorp action is required on lands that may affect historic properties and the timing of such action cannot be coordinated through an Annual Meeting, PacifiCorp will notify the USDA-FS or USDI-BLM at least 30 days prior to implementation of the proposed activity. Examples of such situations include implementation of unexpected PacifiCorp activities that require attention prior to the Annual Meeting or when an archaeological site is discovered on lands scheduled for near-term maintenance or operations. PacifiCorp will meet with the federal land manager to determine whether the location or nature of the proposed activity could be modified to avoid potential effects on historic properties. If modification of the activity would not result in the avoidance of impacts, PacifiCorp will establish requirements for pre-activity and/or post-activity monitoring or other activities, which are subject to USDA-FS and/or USDI-BLM review and approval. Once the 30-day notification period is over and the Parties have agreed upon avoidance and/or monitoring procedures, PacifiCorp may proceed with the activity.

- **Level 3 Review – CONSULTATION.** For these activities, PacifiCorp will provide the SHPO with a full review of the proposed activity and establish opportunities for the federal land manager and tribes to review and comment on the activity. The CRC will send a Cultural Review Form to the appropriate federal land manager indicating the need for consultation, as well as a complete project proposal. The CRC, federal land manager, and the SHPO will collectively determine consultation

***What is the primary difference between Levels of Review 1, 2, and 3?***

~~~~~

There are three primary differences:

- 1. The amount of interaction between Parties identified to achieve agreement on proposed protective measures;**
- 2. Documentation requirements; and**
- 3. Level of mitigation likely to be needed as part of the activity.**

needs, which may require additional meetings to discuss and review proposed monitoring and/or mitigation measures associated with the activity and to reach agreement.

PacifiCorp will be responsible for developing a Data Recovery Plan, finalizing the Cultural Review Form, and reporting consultation efforts in the Action Plan. The results of consultation may also be formalized and documented through an MOU, to which the federal land managers shall be signatories. The CRC, federal land managers, and the SHPO will establish a schedule for the MOU and establish criteria or identify actions that indicate when the terms of the MOU have been fulfilled.

4.2.4 Private Lands

PacifiCorp's consultation requirements for preserving and protecting historic properties on private lands are different from those on public lands. Consultation with federal land managers is not necessary or required. However, the CRC will collaborate with the private land owner and the SHPO to address the protection of historic properties potentially affected by PacifiCorp activities.

Similar to the process for addressing historic properties on public lands, the CRC will identify the level of potential effects of the activity in Exhibit A. For activities that meet the criteria listed in Section 4.2.1, PacifiCorp will conduct the proposed activity without the need for further action or review under Section 106. If the activity does not meet the criteria, the CRC will notify the SHPO and private land owner of the proposed activity and its effect on potential or known resources and establish a process for additional coordination and/or consultation.

4.2.5 Monitoring Procedures and Mitigation Measures

Monitoring

Archaeological monitoring is appropriate when a maintenance or construction activity is occurring in Level 2 or Level 3 Review situations, except for known sites. The CRC or a qualified archaeologist will be present as a Monitor during ground-disturbing operations and is authorized to halt operations should archaeological material be revealed. If cultural materials are found, all project activities will cease in order to determine what has been discovered. Upon halting an operation on private lands, a qualified archaeologist will evaluate the materials, assess its potential significance, and make recommendations to PacifiCorp on next steps. Upon halting an operation on public lands, a qualified archaeologist from the federal agency will evaluate the materials, assess potential significance, and make recommendations to PacifiCorp on next steps. If the material is not considered significant, the operation is permitted to continue. If the material is considered significant, PacifiCorp will develop an appropriate site protection plan, which could include avoidance, protection in place, or data recovery for review and approval by the appropriate federal agency and/or SHPO. The site protection plan will be documented

in the 3-Year Historic Properties Action Plan and discussed at the Annual Meeting with involved parties.

Mitigation Measures

Mitigation, or measures added to a project to prevent, reduce, or correct an impact, will vary according to site, proposed impacts, and project requirements. There are several types of mitigation measures, including avoidance, site protection, and data recovery.

Avoidance

As part of standard internal review procedures, the CRC will review any proposed activity that may affect historic properties. The preferred strategy for dealing with potential adverse effects related to historic properties in the APE is to avoid these effects by ensuring that ongoing or proposed activities, including routine maintenance, will avoid eligible or unevaluated sites. A key to avoiding eligible or unevaluated sites is to ensure that Project maintenance and planning personnel are trained to be aware of the probability of historic properties and to follow procedures detailed in this HPMP for obtaining approvals for activities.

Site Protection

If avoidance cannot be accomplished, mitigation such as site preservation measures could be implemented to prevent adverse Project-related effects. In general, site protection is considered more desirable than data recovery because it preserves the site in place. Site protection consists of measures taken to bury or armor a site to make it less susceptible to the effects of motorized-vehicle traffic, vandalism, and erosion. PacifiCorp will judge the feasibility of site protection on a case-by-case basis. In some cases, however, site protection may not prove to be practical or cost-effective. In this instance, other mitigation measures may be necessary. Data recovery is the management measure of last resort.

When complete avoidance of an archaeological site is not feasible, limiting activities to avoid ground disturbances may be appropriate, such as:

- Restrict public and work crew access to site areas through closing roads, adding gates, or planting vegetation barriers.
- Use fencing, earthen berms, and other devices to protect properties from nearby Project activities.
- Route construction activities and other Project effects away from sites by careful design of access routes and drainage channels.
- After data recovery has been completed, cover affected areas of the site with clean sterile fill, geotextile cloth, and/or other protective coverings, while limiting immediate and long-term disturbances caused by the covering (soil disturbance and compac-

tion, chemical changes, etc.). Provisions should be made to ensure future access to the covered areas.

- Stabilize the erosion of cutbanks and slopes with protective covers (e.g., riprap), vegetation, and/or engineered modifications to slope angles. If the stabilization requires some ground disturbance or covering, some limited data recovery to obtain data from these areas will be necessary.
- Design structures over archaeological sites to minimize subsurface disturbance, which may also require some limited data recovery.
- Allow only rubber-tired vehicles on existing roads.
- Conduct activities during dry periods to avoid rutting.
- Restrict vegetation removal/control to measures that can minimize vegetation without disturbing the ground surface in archaeological sites.
- Restrict road improvements or new road construction to non-site areas.

If site protection measures are inadequate or infeasible, data recovery will be implemented to mitigate adverse Project-related effects.

Data Recovery

Data recovery is a type of mitigation that is used when impacts to the site cannot be avoided.

PacifiCorp will develop Data Recovery Plans with a qualified archaeologist and for review and approval by the federal land managers and SHPO where impacts to historic properties cannot be avoided. The plans will establish guidelines and procedures for data recovery investigations that recover a substantial sample of the scientific data contained in the site that will otherwise be lost to the adverse Project effects. Archaeological data recovery often serves as mitigation in instances where a National Register-listed or eligible site cannot be avoided or preserved. Data recovery consists of archaeological excavations on a scale sufficient to document the site in some detail. The ACHP has published a *Recommended Approach for Consultation on the Recovery of Significant Information from Archaeological Sites* (64 Federal Register [FR] 27085-87, 18 May 1999) that provides guidance on this issue.

PacifiCorp will retain an archaeologist to conduct the excavations, analyze the recovered materials, and prepare a report. Where data recovery is required, PacifiCorp will apply for the necessary permits (e.g., ARPA) through the appropriate federal land manager or state agency. The focus of investigations will generally be on the portions of the site where adverse effects are likely, but may include larger portions of the site, dependent on the type of impacts and the structure of the site. Information from the effort will be distributed to the SHPO, the federal land manager, and the tribes as appropriate.

4.3 Historic Structures Program

The HPMP Historic Structures Program, currently in preparation, is a dynamic program intended to provide PacifiCorp staff and other parties with specific determination procedures for identifying the appropriate level of review for PacifiCorp activities and rehabilitation requirements. Program components will be documented in the Historic Structures Plan (HSP), to be included as Exhibit I to this HPMP. The program contains three basic components:

1. Sensitivity of historic buildings and structures.
2. List of PacifiCorp activities and their potential effects.
3. Standardized protocol for project activity review and preservation.

Sections 4.3.1 through 4.3.4 (below) provide the basic tenets of the Historic Structures Program. Steps 1 and 2 are described in the HSP (Exhibit I). These steps are the building blocks of the HSP and are the basis for project activity review and standardized decision-making procedures. Please refer to Exhibit I of this HPMP for more specific data on the detailed character-defining features of designated historic buildings and structures, guidelines for their maintenance, and proposed modifications or upkeep measures identified to maintain their continual use.

4.3.1 Activities that Comply with Section 106 without SHPO Review

PacifiCorp has fulfilled its Section 106 compliance and no further action is required if the activity meets one of these criteria:

- **The activity is permitted by the historic structure's Maintenance Plan in Exhibit I of this HPMP.**
- **The CRC can define an alternative approach to the activity so that it has no effect.**

For activities that meet the above criteria, PacifiCorp may conduct the proposed activity without the need for further action or review under Section 106. For activities that do not meet the above criteria, the CRC must follow the steps below to complete Section 106 requirements.

How does the CRC determine the Level of Section 106 Review?

~~~~~

**The CRC identifies the PacifiCorp activity in the HSP, compares it with the historical sensitivity of structures identified in the HSP, and follows the appropriate level of review**

### 4.3.2 Activity Review Process

The CRC will complete the following steps to determine the review, rehabilitation methods, and reporting requirements for activities that require SHPO review under Section 106.

**Step 1:**  
**Review Maintenance Plans in the Historic Structures Plan (Exhibit I).**

The Historic Structures Plan (Exhibit I of this HPMP) contains individually tailored “Maintenance Plans” for historic structures identified within the Project boundary that are potentially sensitive to Project activities. Maintenance Plans identify the activities associated with the structure that may require coordination or consultation with the SHPO. The CRC will consult the Maintenance Plans for the appropriate level of review with the SHPO if needed. The SHPO’s involvement will depend upon the historic sensitivity of the structure and the type of activity proposed.

### 4.3.3 Procedures for SHPO Review

The CRC has previously established the appropriate review with the SHPO necessary for many activities that may have the potential to affect historic buildings and structures. These procedures are documented in the HSP (Exhibit I). The CRC does not need to notify the SHPO for project activities identified in the Maintenance Plans of the HSP that have already been approved by the SHPO. However, for activities not approved in the HSP that may result in an adverse effect to a structure, the CRC will either coordinate or consult with the SHPO, as described below.

**Step 2:**  
**Initiate SHPO review and submit Section 106 documentation.**

For activities not approved in the HSP Maintenance Plan that may result in an adverse effect to a structure, the CRC will either coordinate or consult with the SHPO. These activities will require the following processes:

- **SHPO Coordination.** PacifiCorp will prepare alternate approaches to the activity to reduce impacts to the structure. PacifiCorp will propose mitigation measures or other activities necessary to avoid adverse effects. The SHPO must approve that the effect on the structure has been sufficiently mitigated to allow the conditioned activity to be executed.
- **SHPO Consultation.** PacifiCorp will provide the SHPO with a full review of the proposed activity and establish opportunities for public comment on the action.

Consultation is conducted to review options for avoidance (if any) and to define mitigation measures. Additional meetings may be needed to discuss and review proposed mitigation measures associated with the activity and to reach agreement. The results of an adverse effect must be formally documented with the SHPO.

For SHPO coordination or consultation, the CRC will complete and submit the SHPO's "Section 106 Documentation and Effects Form" to the SHPO. The Documentation and Effects Form includes a description of the proposed project activity, structure information, and photo documentation. Exhibit G provides an example of this form. The SHPO website should be accessed to obtain the most recent version. The SHPO will review and return this form to the CRC within 30 days with comments on proposed activities and review requirements. This will either conclude the activity review phase or will indicate that further consultation with the SHPO is necessary prior to initiating work.

Consultation is conducted to further review options for avoidance (if any) and to define mitigation measures. PacifiCorp will provide the SHPO with a full review of the proposed activity and establish opportunities for public comment on the action where consultation is needed. Additional meetings may be needed to discuss and review proposed mitigation measures associated with the activity and to reach agreement. The results of an adverse effect must be formally documented as directed by the SHPO. The CRC will monitor the completion of the activity to ensure that the stipulations of the agreement are followed. The CRC will record the activity and the results of consultation in a report to the SHPO within 60 days of completion.

The specific conditions of rehabilitation methods and consultation for PacifiCorp activities will also be addressed at the Annual Meeting and documented in the 3-Year Historic Properties Action Plan.

**Step 3:**  
**Complete the activity according to approved SHPO requirements.**

Once both Parties agree upon the appropriate project activities and protection measures defined in the HSP (Exhibit I) or through coordination/consultation, PacifiCorp will execute these measures and initiate the activity. The CRC will follow the agreed-upon procedures for review and compliance stated in the HSP or final Documentation and Effects Form (Exhibit G).

#### **4.3.4 Rehabilitation Treatment Standards**

PacifiCorp follows the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* as guidance for the protection of PacifiCorp's historic buildings and structures (36 CFR

Part 68; July 12, 1995 Federal Register Vol. 60, No. 133). PacifiCorp has adopted “rehabilitation” as the appropriate level of treatment for developments at the North Umpqua Hydroelectric Project and will adhere to the following "rehabilitation" standards during the term of the current license:

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved, where possible.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The CRC is responsible for implementing rehabilitation standards and mitigation. Through application of these standards, PacifiCorp will maintain the integrity of the Pro-

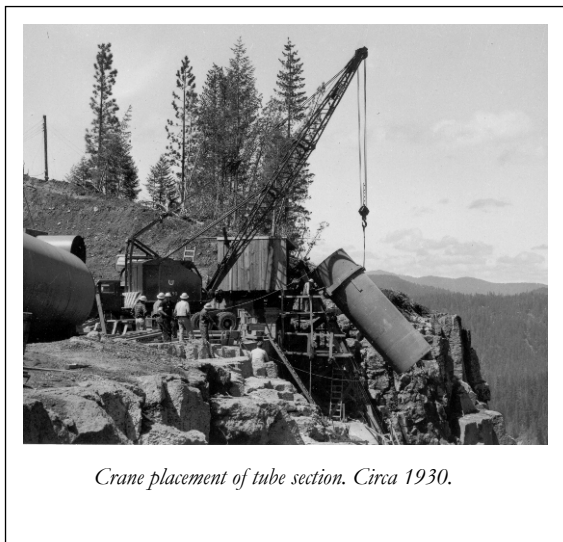
ject's National Register-eligible resources while continuing to provide safe and efficient production of energy. The CRC shall coordinate with historic preservation planners, maintenance crews, and architects as appropriate to ensure proper implementation of the standards.

Please refer to Exhibit I of this HPMP for more specific data on the detailed character-defining features of designated historic resources, state historic property inventory forms, guidelines for their maintenance, proposed modifications or upkeep needed for their continual use, and proposed mitigation for adverse effects.

#### 4.4 Procedures for Curation

PacifiCorp and the federal land managers are committed to the curation of artifacts, archaeological materials, photographs, and associated documents of historic buildings.

PacifiCorp recognizes that cultural material on federal land is the property of the federal



*Crane placement of tube section. Circa 1930.*

government. The CRC will follow federal guidelines for curation as set forth in 36 CFR 79 (Curation of Federally Owned and Administered Archaeological Collections), including the functioning of the facilities, curation policies, and operating procedures. The CRC will notify the appropriate federal agency when discoveries are made on federal lands and will contact a professional archaeologist and the SHPO when discoveries are made on private lands. PacifiCorp will provide Project-related historic properties (e.g., artifacts) that inform the public of the historical setting and significance of the Project facilities to a museum that meets state historic curation qualifications. The museum will act as the repository for

these materials. PacifiCorp will also encourage private land owners to donate Project-related cultural resources to the museum or other educational purpose.

#### 4.5 Procedures for Conducting Future Surveys

PacifiCorp conducted an inventory of prehistoric archaeological resources, historic cultural resources, and traditional cultural properties between the years of 1992 and 1994. The objectives of the inventory were to: (1) characterize cultural resources associated with the existing Project and proposed new facilities; (2) collect information necessary to assess anticipated effects associated with operational changes and the proposed Project modifications (e.g., restoration of existing Project, and proposed new facilities); and (3) identify measures to protect or enhance the resources and mitigate impacts where necessary. The survey provides the initial base of data that will be used in a GIS database for future mapping.

The need for surveys related to specific Project activities will be addressed at the Annual Meeting by PacifiCorp, USDI-BLM, and the USDA-FS. The established monitoring procedures associated with Project activities will likely be sufficient to protect historic properties without the need of additional survey work. However, where a professional archaeologist and the Parties involved determine that additional survey work is necessary, or where surveys of other areas are requested due to vandalism or looting, these Parties will coordinate a strategy to define the method, approach, objectives, and specific procedures for the survey as appropriate.

#### **4.6 Procedures for Inadvertent Discovery**

Over the 35-year license period, unexpected discoveries of sites, features, and artifacts are likely to occur. Such discoveries may be detected by federal agency staff, law enforcement officers, PacifiCorp Project crews and patrol staff, tribal members, or members of the general public. PacifiCorp will work cooperatively with responsible agencies to ensure that: (1) those who make discoveries know how and where to report their finds; (2) information is shared with those who need to know it; (3) discovered sites, features, or artifacts are documented and protected in the same manner as previously recorded historic properties; and (4) tribal concerns and legal requirements relating to human remains, funerary objects, sacred objects, and objects of cultural patrimony are satisfied. The CRC is responsible for ensuring that regulatory requirements are met related to such discoveries (36 CFR §800.13). Specific procedures for inadvertent discovery are listed and described in Exhibit E.

#### **4.7 Procedures for the Discovery of Vandalism and Looting**

Evidence of looting or vandalism may be discovered by Project personnel during routine activities or chance encounters in the field. In these events, PacifiCorp personnel will follow the procedures below.

- Immediately contact the CRC and stop work until given further notice.
- Avoid damaging or disturbing any evidence that may be at or near the site.

Upon receiving information that vandalism or looting may have been discovered by staff, the CRC will follow the procedures below.

- Immediately notify law enforcement officials when vandalism or looting occurs on private lands, or the appropriate federal land manager when vandalism or looting occurs on public lands. The federal agency will be responsible for notifying the appropriate law enforcement officials in these instances.
- Assist law enforcement officials as requested.
- Coordinate with the SHPO and the federal land management agency or tribes to assess the effects of the looting or vandalism once the investigation has been concluded. This assessment may require a trained archaeologist.

- After the assessment, PacifiCorp will mitigate the looting or vandalism according to the recommendations of the federal land managers on public lands and the SHPO on private lands.
- Report the discovery of looting and vandalism and provide a summary of actions taken, including repair or mitigation that occurred as a result, in the 3-Year Historic Properties Action Plan.

#### **4.8 Treatment of Human Remains**

If human remains are encountered within the Project boundary, whether during planned maintenance and construction activities, authorized archaeological excavations, or as a result of natural processes, a specific protocol will be strictly followed. These procedures for the treatment of human remains are listed and described in Exhibit F.

#### **4.9 Reporting Requirements**

The HPMP includes four potential reporting requirements:

- 3-Year Historic Properties Action Plan Reporting;
- Site Protection and Data Requirements;
- Reporting to the State Historic Preservation Office; and
- Periodic Reporting to FERC.

##### **4.9.1 3-Year Historic Properties Action Plan Reporting**

As discussed in Section 3.2, PacifiCorp will prepare a 3-Year Historic Properties Action Plan that will document activities completed during the prior year, specific planned activities of the upcoming year, and estimated activities for the following 2 years. PacifiCorp will submit a draft plan to the Parties 1 month prior to each Annual Meeting, held in the fall, for review (Exhibit D). The proposed PacifiCorp activities documented in the plan will be addressed at the Annual Meeting.

After the Annual Meeting, PacifiCorp will finalize the 3-Year Action Plan and submit it to all Parties for approval. The final 3-Year Action Plan shall be completed and submitted to SHPO by January 15<sup>th</sup> of each calendar year.

##### **4.9.2 Site Protection and Data Recovery Plans**

Where mitigation measures are necessary to address historic properties as decided at the Annual Meeting or through other review procedures, a Site Protection Plan or Data Recovery Plan will be prepared. These plans will require review and approval by federal agencies and SHPO, and will be documented in an appendix to the 3-Year Historic Properties Action Plan as part of the summary of the previous year's historic preservation activities.



### **4.9.3 Reporting to the State Historic Preservation Office**

PacifiCorp will submit a draft and final 3-Year Historic Properties Action Plan to the SHPO; the draft will be prepared and submitted for review at least 1 month prior to the fall Annual Meeting, and the final will be submitted prior to January 15 of the following year. The SHPO will have 30 days to review the final plan prior to its full implementation by PacifiCorp, USDI-BLM, the USDA-FS, or others.

As mentioned above, PacifiCorp must also meet SHPO's reporting requirements and prepare a Site Protection or Data Recovery Plan for those activities that require monitoring and meet Level 3 Consultation criteria for archaeological resources. These types of reports, which are required to meet Oregon SHPO guidelines, must be submitted to the SHPO 90 days prior to implementation of the proposed activity. Please refer to Exhibits D and G for information on SHPO reporting requirements and sample forms.

### **4.9.4 Periodic Reporting to FERC**

The Programmatic Agreement between FERC and the SHPO adopting the provisions contained within this HPMP requires the following FERC reporting: "The Licensee will, within 30 days of every anniversary of the license issuing, file a report with the Commission, the SHPO, the Tribes, USDA-FS, and USDI-BLM of activities conducted under the implemented CRMP [HPMP]. The report will contain a detailed summary of any cultural resources work conducted during the preceding year, if no work was completed, a letter from the Licensee will be prepared to that effect, and will satisfy the intent of this stipulation" (Programmatic Agreement, filed February 27, 2003, pg. 3, I,B). Because the final 3-Year Action Plan contains the same reporting information requested in the PA, the Action Plan will be submitted to the parties to satisfy this requirement until license expiration in 2038.

## **4.10 Procedures for Emergency Situations**

Emergency procedures are put into action when life or properties are at risk by an unpredictable action. This could include fire, flood, extreme weather conditions, or facility malfunction, such as canal blockages or flume failures resulting in an accidental water release. Because every emergency situation is unique, appropriate response procedures are best determined at the time of the emergency.

### **4.10.1 Preventative Measures for Archaeological Sites**

The specific locations of impacts from various emergency conditions cannot be predicted; however, the areas that may be affected by scouring due to accidental water release can be anticipated.

The following preventative measures will be followed by PacifiCorp personnel:

- Identify areas potentially subject to impacts, such as areas downhill from existing or planned canals or penstocks that may be affected by water scouring, and survey these areas for cultural resources. Special attention will be given to any high probability areas that may be affected by a potential water release.
- Conduct an evaluation of archaeological sites downslope from canals where accidental water release could impact these resources (including a boundary determination and Determination of Eligibility at site 35DO169).
- Conduct an evaluation of the archaeological site located downslope from the forebay where accidental water release could impact this resource.

If any resources are identified, coordinate with the federal land manager and SHPO at the Annual Meeting to determine appropriate steps to avoid or mitigate any future impacts from an accidental water release. Such steps may include data recovery or the installation of measures that would protect the resource from an accidental water release.

#### **4.10.2 Preventative Measures for Historic Buildings and Structures**

For historic buildings and structures, PacifiCorp personnel will adhere to the following preventative procedures prior to an emergency action that might affect support buildings, hydroelectric facilities and structures, and transmission lines.

- All Project facilities and surrounding areas will be cleared of unnecessary flammable material, such as old wood, downed logs, and excessive compilation of paper products.
- Facilities will be kept in their best working order to prevent irreversible damage due to lack of property maintenance.
- All facilities will have fire extinguishers and smoke detectors in place per Occupational Safety and Health Administration (OSHA) standards.

#### **4.10.3 Emergency Procedures**

During emergencies, PacifiCorp staff may not be able to follow all cultural resource management restrictions to the fullest extent possible. Before, during, or after such events, staff will adhere to the following procedures:

- The CRC will report the emergency and the activities being taken to the SHPO and the federal land manager within 24 hours of the onset of the emergency. The CRC will facilitate agency review of the action and cooperate to minimize the effects of PacifiCorp activities during the emergency.
- The CRC will consult appropriate federal land managers and arrange for a professional archaeologist to survey the area affected by the emergency activities following the event to determine if any resources have been affected. Special attention will be paid to areas with known resources or high probability areas.
- The CRC will consult appropriate federal land managers and the SHPO to determine the appropriate mitigation actions if effects to a resource are discovered.

- PacifiCorp will mitigate any effects according to the results of the consultation and the procedures identified in this HPMP.

As part of ongoing coordination, the agencies may require a post-event site visit to evaluate the adequacy of PacifiCorp's response, and subsequent meetings to discuss the event and any mitigation measures implemented or proposed. In addition to these efforts, PacifiCorp will present information related to emergency maintenance activities at the following year's Annual Meeting.

#### **4.11 Procedures for Interpretation and Education**

PacifiCorp will support various interpretive and educational programs to foster an understanding and appreciation of the area's historic properties. These activities, listed below, should be administered through the CRC.

- Support the USDA-FS program of Passports in Time (PIT), which allows members of the general public to participate in archaeological tests of selected sites and educates the participants on the process and value of archaeological research.
- Donate surplus or outdated equipment that may have historical interest to appropriate museums or historical societies.
- In coordination with appropriate federal agencies, provide discovered Project-related cultural resources to a museum that meets state historic curation qualifications. The museum will act as the repository for these materials.
- Encourage private land owners to donate discovered Project-related cultural resources to the museum or other educational purpose.
- Provide interpretive information (signs, displays, printed material) at sites accessible to the public in coordination with the USDA-FS and the USDI-BLM. The interpretive materials would include displays of cultural resources, including prehistoric artifacts, evidence of early Euro-American settlement of the area, and the development of the North Umpqua Hydroelectric Project.
- Provide interpretive material at locations accessible to residents and company guests. Interpretive material, including copies of Toketee (the book written by original Project engineer John Boyle describing the history of the Project), historic photos, and written material will be placed inside the Clearwater Guest House, the recreation hall, the cookhouse, and other buildings at Clearwater Operations Center to convey their history to the users of the buildings.
- Preserve and protect historic photos. PacifiCorp has extensive files of photos from the original development of the Project. These will continue to be preserved – possibly through a digital photo record and database.
- Seek input from, and coordinate with, the federal land managers, the SHPO, and the tribes when selecting the content, location, and design of the interpretive or educational materials. Other groups such as the National Trust for Historic Preservation, the National Park Service, other tribal organizations, the Oregon State Museum of Anthropology, Association of Oregon Archaeologists, and local historical museums

may also be of assistance in defining interpretive and educational materials and selecting consultants.

- Seek to leverage other sources of funding. Many organizations provide matching grants for these types of activities.
- Select interpretive activities that avoid damage to NRHP-eligible and unevaluated resources and do not encourage vandalism opportunities.

As part of the license application, PacifiCorp has allocated some funding for interpretive and educational activities related to cultural resources. These enhancement measures are included with other implementation plans in the following implementation schedule.

## 4.12 Implementation Schedule

Historic properties actions planned in this HPMP are expected to be undertaken according to the schedule in Table 4.12-1. A specific timeline for the period of the license beyond the 5th year will be developed cooperatively between PacifiCorp and the other managing agencies as part of the Annual Meeting.

According to the proposed schedule, annual training workshops, Action Plan, annual stakeholder meetings, and site monitoring activities would occur each year throughout the license period. Other unscheduled actions may include the recording and evaluations of additional sites located through planned or opportunistic surveys. Schedules for these actions will be determined by the CRC and discussed with the agencies and tribes at the Annual Meeting.

***Table 4.12-1. Proposed Schedule of Implementation Actions.***

| <b>Annual Obligations: Each License Year</b>                                                                                                                                                                                                       | <b>Schedule</b>                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| <b>Annual Meeting</b><br>Hold Annual Meeting for coordination among PacifiCorp, the federal land managers, and tribes.                                                                                                                             | Fall                                                                              |
| <b>3-Year Historic Properties Action Plan</b><br>Prepare a draft and final Action Plan for agency, tribal, and SHPO review and comment.                                                                                                            | Draft due 30 days prior to Annual Meeting.<br>Final to Parties before January 15. |
| <b>Train Project Personnel</b>                                                                                                                                                                                                                     | Ongoing                                                                           |
| <b>Tribal Involvement</b><br>Make contact with tribal governments to maintain open communication among FERC, the Cow Creek Band of Umpqua Tribe of Indians, the Confederated Tribes of Grand Ronde, and the Confederated Tribes of Siletz Indians. | September; ongoing                                                                |
| <b>Monitor specified historic properties (see Section 4.2.5) in areas within the Project boundary</b>                                                                                                                                              | Annually; during reservoir drawdowns.                                             |

**Table 4.12-1. Proposed Schedule of Implementation Actions.**

| <b>2006</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Appoint Cultural Resources Coordinator.</li> <li>• Train Project Operations staff.</li> <li>• Complete mapping of archaeological probability areas.</li> <li>• Complete Exhibit I of the HPMP.</li> <li>• Prepare Project Curation Standards for Artifacts and Documentation.</li> <li>• Enter into agreement with appropriate institutions for curation of artifacts and display of historic materials, photographs, and documentation.</li> <li>• Conduct DOEs on the sites identified in Table 2.5-1 with insufficient data.</li> <li>• Prepare a schedule for data recovery of historically significant sites that may be affected by PacifiCorp activities scheduled over the next 3 years, as well as for ongoing activities. The schedule should include Data Recovery Plans for all sites determined NRHP eligible in Table 2.5-1 that would be adversely affected by PacifiCorp activities.</li> <li>• Conduct data recovery on scheduled sites.</li> <li>• Conduct an evaluation of all historically significant buildings and structures to identify maintenance and protection needs.</li> <li>• Establish a maintenance schedule for historic structures in critical need of maintenance.</li> </ul> |
| <b>2007</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <ul style="list-style-type: none"> <li>• Conduct data recovery on scheduled sites.</li> <li>• Conduct maintenance on historically significant structures, as scheduled.</li> <li>• Finalize the confidential maps showing known and potential locations of historic properties.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>2008</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <ul style="list-style-type: none"> <li>• Conduct data recovery on scheduled sites.</li> <li>• Conduct maintenance on historically significant structures, as scheduled.</li> <li>• Install an interpretive display for the public at the Toketee Powerhouse that documents the history of the North Umpqua Hydroelectric Project and the importance of this powerhouse.</li> <li>• Provide protective measures for historic photos.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| <b>2009</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <ul style="list-style-type: none"> <li>• Conduct data recovery on scheduled sites.</li> <li>• Conduct maintenance on historically significant structures, as scheduled.</li> <li>• Design and install an interpretive marker or plaque on all major historic structures and buildings, including each of the powerhouses and all of the enclosed buildings.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>2010</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <ul style="list-style-type: none"> <li>• Conduct data recovery on scheduled sites.</li> <li>• Conduct maintenance on historically significant structures, as scheduled.</li> <li>• Display artifacts and interpretive materials at appropriate public settings such as the Colliding Rivers Visitors Center in Glide, the Douglas County Museum, or as a traveling exhibit.</li> <li>• Formal review and update (if needed) of the HPMP per Section 5.3.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>2011</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <ul style="list-style-type: none"> <li>• Update the HPMP and implementation schedule per Section 5.3.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



## 5.0 HPMP REVIEWS AND UPDATE PROCEDURES

**H**istoric properties management is an ongoing process that will change as additional resources are identified, new issues arise, and cultural values evolve. This section describes adoption and amendment procedures to maintain and administer appropriate and effective historic properties management strategies over the term of the new license.

### 5.1 Adoption of the HPMP

This HPMP has been finalized in accordance with the Programmatic Agreement (refer to Exhibit C) and the North Umpqua Settlement Agreement. FERC is a signatory to the PA, which directs PacifiCorp to implement an HPMP that fulfills FERC guidelines as the proper methods for managing historic properties within the Project area. As part of the Section 106 consultation process, this HPMP has been reviewed by federal land management agencies (USDA-FS and USDI-BLM), the Oregon SHPO, the Cow Creek Band of Umpqua Tribe of Indians, the Confederated Tribes of Grand Ronde, the Confederated Tribes of Siletz Indians, and FERC. All parties were provided with multiple opportunities to comment. Comments received were considered and incorporated into this document where appropriate. After successful deliberations with PacifiCorp on the terms of this document, the federal land management agencies, the SHPO, and PacifiCorp approved and signed the document. The adoption of this HPMP fulfills the stipulations of the PA and the North Umpqua Settlement Agreement Section 18.0.

### 5.2 Amendment Procedures

As historic properties management needs may change with changing cultural values and uses of the Project vicinity, this HPMP may require amendment. Changes in hydro-power technology or methods, additional archaeological or historical research, or other factors may introduce unanticipated conditions with the potential to affect historic properties. Amending the HPMP to account for such changes may be necessary. Any of the signatory Parties to the HPMP may suggest an amendment and should submit the contents of the amendment in writing to all signatory Parties. The amendment shall not become incorporated into this HPMP until all signatory Parties have reached agreement on the contents of the amendment.

### 5.3 Review of the HPMP

PacifiCorp, in consultation with other stakeholders, will conduct a formal review of the HPMP every 5 years, beginning in the fall of the 5<sup>th</sup> year after adoption of the final HPMP. This review would reassess the plan's goals and examine the programs' components, their history of implementation, and their degree of success in furthering the plan's goals. The review is expected to focus particularly on the degree of success in the

protection of historic properties and mitigation for Project effects, and include in its purview consideration of the public benefits that have resulted from the activities. The review process should include input from participants in the Annual Meeting. A formal report of the review, with acknowledgment of the programs' successes as well as recommendations for changes, will be part of the subsequent 3-Year Historic Properties Action Plan. If the review's recommendations include formal amendment of the PA or the HPMP, then PacifiCorp will propose specific amendments through consultation in accordance with 36 CFR §800.14(b). Neither a new HPMP, the renewal of this HPMP, nor or any changes to this HPMP shall occur without a PA among all Parties (PacifiCorp, USDA-FS, USDI-BLM, and the SHPO). The tribes are invited to provide input to the process, as well.



## 6.0 GLOSSARY OF TERMS AND DEFINITIONS

**K**ey terms and definitions used throughout the HPMP and relevant to historic resource management within the Project area are defined below.

***Approval*** – Confirmation of concurrence with plans, designs, activities, and schedules prior to implementation by the party or parties assigned the responsibility in the Settlement Agreement.

***Archaeological Properties*** – Any material remains of human life or activities (e.g., sites, features, or objects) that can provide understanding of past human behavior as defined by the Archaeological Resources Protection Act.

***Archaeological Site*** – An area that contains 10 or more artifacts or a cultural feature. Examples of prehistoric archaeological resources in the study area include Native American tools, flakes, and cultural features such as rockshelters and cairns. Examples of historic-era archaeological resources include trash scatters, building foundations, and other artifacts.

***Archaeology*** – A method of the discovery, study, and reconstruction of past human cultures from material remains such as artifacts and sites.

***Area of Potential Effects (APE)*** – The APE is the geographic area or areas where an undertaking may cause changes in the character or use of historic properties. The Project contains three APEs. APE No. 1 includes the existing Project, proposed new facilities, transmission line rights-of-way (ROWs), access routes, and sediment disposal sites and focuses on effects to prehistoric archaeological resources. APE No. 2 delineates an area for historic structures and settings, including the APE No. 1 and an additional 0.25-mile buffer along the transmission line ROWs. APE No. 3 delineates an area for traditional cultural properties, including the APE No. 1 and an additional 0.5-mile buffer on both sides of the transmission line ROWs and around Project facilities. The potential for visual impacts to historic resources as a result of the Project is also considered in this APE.

***Artifact*** – Any object made, modified, or used by humans, usually but not necessarily portable.

***Authority*** – The legal right to approve or modify an action or proposed action; this is based on statute, regulations, or legal agreements.

***Consultation*** – Formal discussions for the purposes of developing and/or reviewing proposed activities and implementation plans. Consultation involves providing another party an opportunity for review and input regarding a proposed plan or activity. The ob-

jective of consultation is to obtain input and reach a joint understanding of requirements for the activity or plans. The results of consultation are generally documented in reports, letters, or memoranda of agreement. Informal consultation generally pertains to the results of meetings, exchange of e-mail, or other informal communication between parties. Formal consultation involves procedures that are covered by agency regulations, such as consultation with the USDA-FS under Section 106 of the National Historic Preservation Act, and tribal consultation. See also *Level 3 Review*.

**Coordination** – A process between agencies and PacifiCorp of cooperatively reviewing and analyzing PacifiCorp activities and agreeing on methods to eliminate or avoid impacts to historic properties within limits established by specific agency delegations, procedures, or legal authority. Coordination occurs best through positive working relationships between the agencies and the licensee. See also *Level 2 Review*.

**Cultural Resources** – Refers to those nonrenewable remains of human activity, occupation, artifacts, ruins, works of art, architecture, and areas of religious significance that were of importance in human events. These resources consist of physical remains and areas where significant human events occurred – even though physical evidence of such events no longer exists and the physical setting immediately surrounding the actual resource has changed.

**Cultural Review Form** – A confidential form submitted to the USDA-FS and USDI-BLM identifying the activity location, nearby cultural sites, and the recommended level of agency review (coordination, notification, or consultation).

**Culture** – The customs, beliefs, and ways of life of a group of people.

**District** – A district, or historic district, possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources, and from its significance. It must be important for historical, architectural, archaeological, engineering, or cultural values.

**Environmental Setting** – The entire parcel as of the date of landmark or historic monument designation, on which is located a landmark or historic monument, and to which it relates historically, physically, and/or visually. Environmental setting includes, but is not limited to, accessory structures and buildings, walkways and driveways, vegetation (including trees, gardens, lawns), walls, fences, gateways, rocks, and open space.

**Funding** – Money that is available and has been committed by an organization to accomplish an activity, project, or program. Funding represents monies currently available for expenditure for the designated work, compared to a budget that may only represent a plan or projection for use of future anticipated funding.

***Ground-Disturbing Activity*** – Any activity that will result in the disruption or removal of in-situ surface soils or sediments.

***Guideline*** - A statement of recommended, but not mandatory, practice in typical situations, with deviations allowed if professional judgment or scientific/engineering study indicates the deviation to be appropriate.

***Historic*** – Referring to the time after written records or after the Europeans first came and wrote about the people and events in America.

***Historic Buildings and Structures*** – Also known as *Architectural and Engineering Properties*. Resources that could include districts, sites, buildings, structures, or other objects associated with or that convey some aspect of American history, architecture, engineering, and/or culture (USDI 2005). Examples of historic architectural and engineering resources in the study area include homestead sites, cabins, or other physical evidence of recent human habitation, including the Project facilities themselves.

***Historic Preservation*** – The research, excavation, protection, restoration, and rehabilitation of buildings, structures, objects, districts, areas, and sites significant in the history, architecture, archaeology, or culture of the local area or the nation.

***Historic Properties*** – Those properties determined eligible for listing on the National Register of Historic Places. These may include historic and prehistoric archaeological sites, districts, buildings, structures, and objects.

***Historical Archaeological Properties*** – Historic archaeological properties are those that date after the European entry into the New World. The Historic period begins at somewhat different times in different regions.

***Implementation*** – Accomplishment of on-the-ground or on-site construction, restoration, reconstruction, maintenance, or operational activities that relate to HPMP objectives. Implementation normally will not take place until the appropriate agencies or officials approve required permits, designs, and/or implementation plans.

***Improvement*** – Any building, structure, place, site, structural work of art, landscape feature, plant life, life form, scenic condition, parking facility, fence, gate, wall, or other object constituting a physical betterment of real property, or any part of such betterment.

***Involvement*** – The inclusion of tribes or other people in the Section 106 process. Involvement can focus on addressing sensitive tribal issues as they relate to the Project in an informal but meaningful manner.

***Jurisdiction*** – The legal right to control and regulate the use and activities on lands or roads. National Forest lands and rights-of-way on these lands are under the control of the USDA-FS (with the exception of private roads).

***Level 1 Review*** – See “Notification.”

***Level 2 Review*** – Level 2 review is the review process for a proposed activity that includes a 30-day notice of the activity, coordination, and may include monitoring of the activity with the federal land manager. See also “Coordination.”

***Level 3 Review*** – Level 3 review is the consultation process agreed to by the parties that includes a 30-day notice of an activity and consultation with both the SHPO and the federal land manager. See also “Consultation.”

***License*** – The FERC license for the North Umpqua Hydroelectric Project, FERC Project No. 1927.

***Maintenance*** – The act of keeping fixed assets in acceptable condition. It includes preventive maintenance, normal repairs, replacement of parts and structural components, and other activities needed to preserve a fixed asset so that it continues to provide acceptable service and achieves its expected life. Maintenance excludes activities aimed at expanding the capacity of an asset or otherwise upgrading it to serve needs different from, or significantly greater than, those originally intended.

***May*** – This word is not normally synonymous with “should” and does not normally express certainty as “will” or “shall” do. It is used to indicate a certain measure of likelihood or possibility, and is used to express a desire, contingency, purpose, or result.

***Mitigation*** – Measures added to a project or activity to prevent, reduce, or correct its impact.

***Monitoring*** – Monitoring typically refers to reconnaissance-level field investigation of an archaeological site by a professional archaeologist. Monitoring is often conducted to ensure that Project crews do not adversely affect discovered resources during excavation activities.

***Must*** - This word, like the word “shall,” is primarily of mandatory effect (State ex rel. McCabe v. District Court of Third Judicial Dist. in and for Deer Lodge County, 106 Mont. 272, 76 P.2d 634, 637); and in that sense is used in antithesis to “may.”

***Native American*** – The first people living in North and South America. Many groups of people today are Native Americans and have ancestors who lived in the country for thousands of years before Columbus came. They are also called American Indian, First American, Alaska Native, and Native People.

**Notification** – An announcement of an activity to occur. In this case, PacifiCorp is required to notify federal land managers 30 days in advance of specific activities prior to action. Notification is the action required under “Level 1 Review” by PacifiCorp.

**Parties** –PacifiCorp, the USDA-FS, the USDI-BLM, and SHPO.

**Patrol** – The action of guarding or investigating a sensitive site to protect it from unwanted disturbances. Site patrols are typically conducted to deter site disturbances.

**Prehistoric Archaeological Properties** – Prehistoric archaeological properties in the New World are those that pre-date contact with Europeans. In North America, prehistoric occupations are characterized by the absence of written records and, for all practical purposes, the absence of metal tools.

**Prehistory/Prehistoric** – Information about past events prior to the recording of events in writing. The period of prehistory differs around the world depending upon when written records became common in a region.

**Preservation** – The act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not within the scope of this treatment; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

**Project** – The North Umpqua Hydroelectric Project, FERC Project No. 1927, including all its associated lands within the FERC Project boundary, and facilities that are operated and maintained by PacifiCorp.

**Project Boundary** – The FERC Project boundary as amended in the new license.

**Project Vicinity** – This term is used generally to address lands near the Project.

**Project Proposal Form** – A form describing a proposed PacifiCorp action for submittal to the USDA-FS and/or USDI-BLM.

**Properties Eligible for Inclusion in the National Register** – Properties that have been formally determined to be eligible and all other properties that meet the National Register criteria.

**Reconstruction** - The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or ob-

ject for the purpose of replicating its appearance at a specific period of time and in its historic location.

**Rehabilitation** – The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.

**Remains** – Also known as *Human Remains*. Any part of a deceased human being in any stage of decomposition, together with any artifacts or other materials known or reliably assumed to have been on or interred with the deceased human being.

**Restore** – The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

**Shall** - As used in the SA and the HPMP, this word is imperative and mandatory. “Shall” is a word of command, and one that has always or must be given a compulsory meaning; as denoting obligation.

**Should** - The past tense of shall; ordinarily implying duty or obligation; although usually no more than an obligation of propriety or expediency, or a moral obligation, thereby distinguishing it from “ought.” It is not normally synonymous with “may,” and although often interchangeable with the word “would,” it does not ordinarily express certainty as “will” and “shall” do.

**Standard** - A statement of required, mandatory, or specifically prohibitive practice regarding land management, safety, or other procedures.

**Traditional Cultural Properties** – Resources that are districts, sites, buildings, structures, or objects that embody traditional cultural values and are historically and traditionally associated with those values. TCPs are properties or locations that have associations “with cultural practices or beliefs of a living community and (a) are rooted in that community’s history, and (b) are important in maintaining the continuing cultural identity of the community” (USDI 1992).

**Will** - An auxiliary verb commonly having the mandatory sense of “shall” or “must.” It is a word of certainty, while the work “may” is one of speculation and uncertainty.

## 7.0 REFERENCES

### 7.1 Literature

- ACHP (Advisory Council on Historic Preservation). 1980. Treatment of Archaeological Properties: A Handbook. U.S. Government Printing Office. Washington, D.C. November.
- ACHP. 1990. Consulting About Archaeology Under Section 106. U.S. Government Printing Office, Washington, D.C.
- ACHP. 2002. Using Section 106 to Protect Historic Properties.
- Boyle, John C. 1977. Toketee.
- FERC (Federal Energy Regulatory Commission) and ACHP. 2002. Guidelines for the Development of Historic Properties Management Plans for Hydroelectric Projects. May 20, 2002.
- FERC. 2003. Policy Statement on Consultation with Indian Tribes in Commission Proceedings. Federal Register: August 6, 2003 (Vol. 68, No. 151, pp. 46452-46456).
- FERC. 2003. FERC License Order for the North Umpqua Hydroelectric Project.
- PacifiCorp. 1994a. Final Technical Report for Cultural Resources of the North Umpqua Hydroelectric Project. Prepared by EDAW, the Oregon State Museum of Anthropology (B. O'Neill and L. White), and Rob Winthrop. Portland, OR. April.
- PacifiCorp. 1994b. Appendix 3.3-1: Cultural Resource Inventory of the North Umpqua Hydroelectric Project, Douglas County Oregon Report. Oregon State Museum of Anthropology Report 94-2. Prepared by B. O'Neill and L. White. Eugene, OR. April.
- PacifiCorp. 1995a. Application for New License for Major Modified Project (FERC Project No. 1927). Exhibit E, Volume 5, Section 5, Portland, OR. January.
- PacifiCorp. 1995b. Draft Cultural Resources Management Plan. North Umpqua Hydroelectric Project (FERC Project No. 1927). Prepared by EDAW, Inc. Seattle, WA. September.
- PacifiCorp. 1995c. Draft Historic Buildings Plan. North Umpqua Hydroelectric Project (FERC Project No. 1927). Prepared by EDAW, Inc. Seattle, WA. December.
- PacifiCorp, USDA-FS (U.S. Department of Agriculture – Forest Service), NMFS (National Marine Fisheries Service), USDI-FWS (U.S. Department of the Interior – Fish and Wildlife Service), USDI-BLM (U.S. Department of the Interior – Bureau of Land Management), ODEQ (Oregon Department of Environmental Quality), ODFW (Oregon Department of Fish and Wildlife), and OWRD (Oregon Water Resources Department). 2001. Settlement

Agreement (SA) Concerning the Relicensing of the North Umpqua Hydroelectric Project. FERC Project No. 1927. Douglas County, Oregon. June 13, 2001.

PacifiCorp. 2004a. Aesthetics Management Plan (AMP). North Umpqua Hydroelectric Project (FERC Project No. 1927). Prepared by EDAW, Inc. Seattle, WA.

PacifiCorp. 2004b. Historic Properties Management Plan (HPMP) - Draft. Prepared for PacifiCorp by EDAW, Seattle, Washington. December 2004.

PacifiCorp. 2004c. Erosion Control Plan (ECP). North Umpqua Hydroelectric Project (FERC Project No. 1927). Prepared by Washington Infrastructure.

PacifiCorp. 2004d. Vegetation Management Plan (VMP). North Umpqua Hydroelectric Project (FERC Project No. 1927). Prepared by EDAW, Inc. Seattle, WA.

PacifiCorp. 2004e. Recreation Resource Management Plan. North Umpqua Hydroelectric Project (FERC Project No. 1927). Prepared by EDAW, Inc. Seattle, WA.

PacifiCorp. 2004f. Transportation Management Plan. North Umpqua Hydroelectric Project (FERC Project No. 1927). Prepared by EDAW, Inc. Seattle, WA.

PacifiCorp. 2006 (In Process). Resource Coordination Plan (RCP). North Umpqua Hydroelectric Project (FERC Project No. 1927). Prepared by EDAW, Inc. Seattle, WA.

USDA-FS (U.S. Department of Agriculture Forest Service). 2000. Umpqua National Forest Heritage Inventory Strategy. April.

USDI (U.S. Department of the Interior). 1977. Guidelines for Local Surveys: A Basis for Preservation Planning.

USDI. 1992. National Register Bulletin 38. Guidelines for Evaluating and Documenting Traditional Cultural Properties. U.S. Department of the Interior, National Park Service. U.S. Government Printing Office. Washington, D.C.

USDI. 1995. The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring and Reconstruction Historic Buildings. 36 CFR Part 68; July 12, 1995 Federal Register Vol. 60, No. 133.

USDI. 1998. The Secretary of the Interior's Standards and Guidelines for Federal Agency Historic Preservation Programs Pursuant to the National Historic Preservation Act. Federal Register, April 24, 1998.



## 7.2 Personal Communications

Personal Communication, HPMP Development Meeting No. 1 between the Parties, Roseburg, OR, April 14, 2003.

Personal Communication, HPMP Development Meeting No. 2 between the Parties, Salem, OR, June 6, 2003.

Personal Communication, HPMP Development Meeting No. 3 between the Parties, Eugene, OR, June 24, 2003.

Personal Communication, HPMP Development Meeting No. 4 between the Parties, Roseburg, OR, July 22, 2003.

Personal Communication, HPMP Development Meeting No. 5 between the Parties, Salem, OR, October 7, 2003.

Personal Communication, HPMP Development Meeting No. 6 between the Parties, conference call, November 25, 2003.

Personal Communication, telephone call between N. Bird, EDAW and C. Legard, Advisory Council on Historic Preservation, November 20, 2003.

## 7.3 Internet Websites

ACHP. 2004. Protection of Historic Properties (incorporating amendments effective August 5, 2004). 36 CFR Part 800. Available at URL = <http://www.achp.gov/regs-rev04.pdf>.

OSHPO (Oregon State Historic Preservation Office). 2006. Available at URL = [http://www.hcd.state.or.us/shpo/services\\_arch.php](http://www.hcd.state.or.us/shpo/services_arch.php).

16 U.S.C. 470, the National Historic Preservation Act of 1966 as amended through 2000. Available at URL = <http://www.cr.nps.gov/hps/laws/NHPA1966.htm>

USDI. 2005. Secretary of the Interior's Standards for Architectural and Engineering Documentation. Available at URL = [http://www.cr.nps.gov/local-law/arch\\_stnds\\_6.htm](http://www.cr.nps.gov/local-law/arch_stnds_6.htm).



## **HPMP**

## **EXHIBITS**

- A PacifiCorp Activities with the Potential to Affect Historic Properties**
- B Settlement Agreement Excerpts: Sections 18, 21.5, and 22**
- C Programmatic Agreement**
- D 3-Year Historic Properties Action Plan Framework and Draft Cultural Review Form**
- E Protocol for Inadvertent Discovery**
- F Protocol for the Treatment of Human Remains**
- G Oregon SHPO Section 106 Documentation and Effects Forms**
- H Memorandum of Understanding between USDA-FS and PacifiCorp Regarding the Implementation of the Settlement Agreement**
- I Historic Structures Plan (HSP)**



## Exhibit A

### **PACIFICORP ACTIVITIES WITH POTENTIAL TO AFFECT HISTORIC PROPERTIES**

The following matrix supports *Table 4.2-1. CRC Decision Matrix: Level of Section 106 Review and Monitoring Requirements for Archaeological Resources* of this document, which establishes the appropriate level of agency and public review pursuant to Section 106 of the NHPA. The matrix provides a list of PacifiCorp activities that may affect historic properties in varying degrees. The matrix should be used to first identify planned activities, and then to determine the activity's potential effect on historic properties. Planned activities should be identified and discussed at the Annual Meeting. If activities arise over the course of the year that were not identified at the Annual Meeting, then PacifiCorp will contact the appropriate agency(ies) and provide information on potential effects, based on the matrix contents. If an activity occurs that is not specifically listed in the matrix, PacifiCorp will contact the appropriate agency, and the level of effect of the activity will be determined collaboratively by the Parties. In general, PacifiCorp will modify actions whenever possible to avoid impacts to these resources.

For those activities not listed below that require immediate attention, a special meeting will be held between the appropriate agencies and the SHPO, if needed, to determine the activity's level of effect and added to this matrix during the next HPMP update. Revisions or updates to this Exhibit will also be addressed by the Parties at the Annual Meeting and incorporated into the Final 3-Year Historic Action Plan. The SHPO will review both the draft and final 3-Year Historic Properties Action Plan, and their comments will be included as appropriate.

## PacifiCorp Activities with a Potential to Affect Historic Properties.

| Reference <sup>1</sup> | PACIFICORP ACTIVITIES                                                                                                                                                                                       | Potential to Affect Historic Properties |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
|                        | Construction                                                                                                                                                                                                |                                         |
|                        | <b>Aquatic Resources</b>                                                                                                                                                                                    |                                         |
| SA 4.1.1 (a)           | Design upstream fish passage facilities                                                                                                                                                                     | None                                    |
| SA 4.1.1 (b)           | Install a video camera and video recording system to count fish at the Soda Springs fish ladder                                                                                                             | None                                    |
| SA 4.1.1 (f)           | Design and provide tailrace barriers at Soda Springs powerhouse                                                                                                                                             | None                                    |
| SA 4.1.1 (f)           | Design and provide tailrace barriers at Slide Creek                                                                                                                                                         | None                                    |
| SA 4.1.2 (a)           | Design downstream fish passage facilities at Soda Springs                                                                                                                                                   | None                                    |
| SA 4.1.2 (f)           | Improve downstream fish passage over the spillway at Soda Springs Dam                                                                                                                                       | None                                    |
| SA 4.3.1 a.            | Modify upstream fish passage facilities at Lemolo No. 2                                                                                                                                                     | None                                    |
| SA 4.3.2 a             | Install a fish screen at the Fish Creek intake                                                                                                                                                              | None                                    |
| SA 5.5                 | Install and maintain gauge stations at the head of the bypass reaches to monitor compliance with the instream flow regimes                                                                                  | None                                    |
| SA 6.1                 | Reroute peaking flows from Lemolo No. 2 powerhouse (via a pipe to Stinkhole)                                                                                                                                | High                                    |
| SA 6.9                 | Evaluate the current bypass flow configuration at Slide Creek powerhouse; if necessary, install a new emergency bypass valve to prevent adverse impacts to aquatic resources during emergency shutdowns     | None                                    |
| SA 7.5                 | Design reconnections of Clearwater River to the Toketee bypass reach, as well as the modification of Clearwater 1 Dam at Stump Lake, to allow passage of sediment and woody debris during high-flow events. | Medium                                  |
| SA 8.2                 | Enhance spawning habitat in the area from Slide Creek powerhouse upstream to the confluence of Fish Creek                                                                                                   | Low                                     |
| SA 8.2.4               | Place boulders at Slide Creek to evaluate how gravel deposits are affected by different boulder sizes and configurations under the full range of existing flow regimes                                      | Low                                     |
| SA 10.2                | Design and construct a crossing structure at the Stump Lake dam (for amphibians and macroinvertebrates)                                                                                                     | Medium                                  |
| SA 10.3                | Design and construct a structure to reconnect the Clearwater and North Umpqua rivers.                                                                                                                       | Medium                                  |
| SA 10.4                | Remove existing diversion structures on Lemolo Nos. 1 and 2 waterways                                                                                                                                       | Low                                     |
| SA 10.5                | Restore riparian habitat along White Mule Creek                                                                                                                                                             | Medium                                  |
| SA 10.6 pt. 1          | Reconnect Priority 1 aquatic sites (intercepted tributaries and drainages)                                                                                                                                  | Low                                     |
| SA 10.6 pt. 2          | Reconnect Priority 2 aquatic sites (intercepted tributaries and drainages)                                                                                                                                  | Low                                     |
|                        | <b>Terrestrial Resources</b>                                                                                                                                                                                |                                         |
| SA 11.2                | Install 34 new wildlife crossings to maximize opportunities for wildlife movement                                                                                                                           | Low                                     |
| SA 11.4                | Excavate at least nine wildlife underpasses below Project penstocks                                                                                                                                         | Medium                                  |
| SA 11.5 pt. 1          | Enhance or create wetland habitat to improve stillwater breeding amphibian habitat at Fallen Mountain Creek-Lemolo No. 2                                                                                    | Medium                                  |
| SA 11.5 pt. 2          | Enhance or create wetland habitat to improve stillwater breeding amphibian habitat at Lemolo No. 1 Forebay expansion                                                                                        | High                                    |
| SA 11.5 pt. 3          | Enhance or create wetland habitat to improve stillwater breeding amphibian habitat at Stump Lake Wetland                                                                                                    | High                                    |
| SA 11.5 pt. 4          | Enhance or create wetland habitat to improve stillwater breeding amphibian habitat at Lemolo Lake Wetland                                                                                                   | High                                    |
| SA 11.5 pt. 5          | Enhance or create wetland habitat to improve stillwater breeding amphibian                                                                                                                                  | TBD                                     |

## PacifiCorp Activities with a Potential to Affect Historic Properties.

| Reference <sup>1</sup> | PACIFICORP ACTIVITIES                                                                                                                                                                                 | Potential to Affect Historic Properties |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
|                        | habitat at Wetland Area #1                                                                                                                                                                            |                                         |
| SA 11.5 pt. 6          | Enhance or create wetland habitat to improve stillwater breeding amphibian habitat at Wetland Area #2                                                                                                 | TBD                                     |
| SA 11.5 pt. 7          | Enhance or create wetland habitat to improve stillwater breeding amphibian habitat at Wetland Area #3                                                                                                 | TBD                                     |
| SA 11.5 pt. 8          | Enhance or create wetland habitat to improve stillwater breeding amphibian habitat at Stinkhole                                                                                                       | High                                    |
| SA 13.1                | Modify Project power poles to minimize adverse effects to birds                                                                                                                                       | Low                                     |
| EMS                    | Transmission line pole replacements                                                                                                                                                                   | High                                    |
| EMS                    | Removal of transmission line poles                                                                                                                                                                    | High                                    |
| EMS                    | Digging of trenches for new foundations, water or sewer lines, or pit toilets                                                                                                                         | High                                    |
| EMS                    | Construction of new roads                                                                                                                                                                             | High                                    |
| EMS                    | Recreation site development where Project facilities will involve ground disturbance.                                                                                                                 | Medium                                  |
| FS PA, Apx A           | Fence construction and maintenance that does not require blading of the fence line and that does not disturb rock cairns or channel animals in transportation corridors through archaeological sites. | Low                                     |
|                        | <b>Land Use / Land Management/Facilities</b>                                                                                                                                                          |                                         |
| SA 14.2                | Develop a waterway drainage/shutoff system in the event of a flume failure on any section of the Fish Creek, Lemolo No. 2, and Clearwater No. 2 Project Waterways                                     | Low                                     |
| SA 14.2 pt. 1          | Develop and implement an emergency waterway shutoff and drainage system – Fish Creek                                                                                                                  | High                                    |
| SA 14.2 pt. 2          | Develop and implement an emergency waterway shutoff and drainage system – Lemolo No. 2                                                                                                                | High                                    |
| SA 14.2 pt. 3          | Develop and implement an emergency waterway shutoff and drainage system – Clearwater No. 2                                                                                                            | High                                    |
| SA 15.6                | Upgrade inventoried culverts to 100-year flood standard (7.5% of inventory per year)                                                                                                                  | Low                                     |
| SA 16.2                | Develop and implement a landscape plan for the Clearwater switching station and maintenance area                                                                                                      | Low                                     |
| SA 17.8                | Provide capital improvements at existing recreation facilities and future expansion areas                                                                                                             | TBD                                     |
|                        | <b>Operations &amp; Maintenance</b>                                                                                                                                                                   |                                         |
|                        | <b>Aquatic Resources</b>                                                                                                                                                                              |                                         |
| SA 4.1.1(c )           | Prepare operation and maintenance plans for new fish passage facilities at Soda Springs                                                                                                               | None                                    |
| SA 5.1                 | Implement minimum instream flow regimes on the North Umpqua River                                                                                                                                     | None                                    |
| SA 5.1                 | Implement flows at Soda Springs bypass                                                                                                                                                                | None                                    |
| SA 5.2                 | Re-evaluate instream flows at Clearwater No. 2 bypass reach                                                                                                                                           | None                                    |
| SA 5.3                 | Reconsider and adjust instream flows                                                                                                                                                                  | None                                    |
| SA 5.4                 | Reroute discharge from the Lemolo No. 2 powerhouse to Toketee Reservoir                                                                                                                               | High                                    |
| SA 6.5                 | Limit ramping rates in the Soda Springs bypass reach (target of 0.2 feet per hour) and in all other bypass reaches (target of 0.5 feet per hour)                                                      | None                                    |
| SA 7.2                 | Develop a gravel augmentation program (for below Soda Springs Dam)                                                                                                                                    | Low                                     |
| SA 7.3                 | Provide for passage of woody debris at Soda Springs and Slide Creek Reservoirs                                                                                                                        | Low                                     |

## PacifiCorp Activities with a Potential to Affect Historic Properties.

| Reference <sup>1</sup> | PACIFICORP ACTIVITIES                                                                                                                                                                                                                                                                                            | Potential to Affect Historic Properties |
|------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| SA 7.4                 | Provide passage of sediment past Slide Creek Dam                                                                                                                                                                                                                                                                 | Low                                     |
| SA 9.3                 | Manage seasonal water levels at Lemolo Reservoir as defined in the SA                                                                                                                                                                                                                                            | Low                                     |
| SA 9.5                 | Salvage and relocate live fish from Project waterways during maintenance shutdowns (use of roads)                                                                                                                                                                                                                | None                                    |
| SA 9.6                 | Enhance rainbow trout populations in the upper North Umpqua watershed as specified in the ODFW MOU                                                                                                                                                                                                               | None                                    |
| SA 4.1.1 f             | Maintain existing protection measures at the Soda Springs tailrace until new tailrace barriers are installed                                                                                                                                                                                                     | None                                    |
| SA 4.1.1 f             | Maintain existing protection measures at the Slide Creek tailrace until new tailrace barriers are installed                                                                                                                                                                                                      | None                                    |
| SA 4.1.2               | Maintain downstream passage facilities (i.e., screens) at Soda Springs                                                                                                                                                                                                                                           | None                                    |
| SA 4.3.2               | Maintain downstream passage facilities (i.e., screens) at Fish Creek                                                                                                                                                                                                                                             | None                                    |
| SA 5.5                 | Monitor and maintain gauge stations to monitor compliance with the instream flow regimes                                                                                                                                                                                                                         | None                                    |
| FS PA, Apx A           | Place monitoring stations where no ground disturbance is involved (e.g., stream gauges)                                                                                                                                                                                                                          | Low                                     |
| FS PA, Apx A           | Place instream structure that does not involve ground-disturbing activities                                                                                                                                                                                                                                      | Low                                     |
| FS PA, Apx C           | Remove logjams and debris dams in water using hand labor or small mechanical devices                                                                                                                                                                                                                             | None                                    |
| EMS                    | Collect stream gage data and maintain gage                                                                                                                                                                                                                                                                       | None                                    |
| EMS                    | Inspect Hydro Facility (powerhouse, substations, waterways, forebays, penstocks, dams, etc) activities that require visual and physical inspection of equipment where there will be no new ground disturbance                                                                                                    | None                                    |
| EMS                    | Forebay maintenance activities that include the removal of trash rack vegetation where there will be no new ground disturbance                                                                                                                                                                                   | None                                    |
| EMS                    | Canal maintenance activities where no new ground disturbances would occur including canal drainage, debris removal, patching and dam and penstock inspection activities that require visual inspections on adjacent access roads. Equipment such as a 4WD truck, dump truck, bobcat, and excavator could be used | None                                    |
|                        | <b>Terrestrial Resources</b>                                                                                                                                                                                                                                                                                     |                                         |
|                        | <b>Routine Hydro Facility Maintenance</b>                                                                                                                                                                                                                                                                        |                                         |
|                        |                                                                                                                                                                                                                                                                                                                  |                                         |
| FS PA, Apx A           | Install new routine signs or markers within or alongside existing roadways or trailways                                                                                                                                                                                                                          | Low                                     |
| FS PA, Apx A           | Campground, non-historic company housing or facilities operation and maintenance when no new ground disturbance occurs (i.e., repair of existing buried utilities, tables, and fire rings) and no alterations to historic properties are involved.                                                               | Low                                     |
| FS PA, Apx A           | Flood or storm damage repair to roads, bridges, canals, flumes, and other facilities when the facility involved is not of historic significance and the rehabilitation is confined to the previously affected area.                                                                                              | Low                                     |
| FS PA, Apx A           | New construction of aboveground water holding tanks and lines with no new ground disturbance, if outside historic cluster boundary.                                                                                                                                                                              | None                                    |
| FS PA, Apx A           | Campground, non-historic company housing or facilities and maintenance when there may be new ground disturbance but no alterations to historic properties.                                                                                                                                                       | Medium                                  |
| FS PA, Apx B           | Installation of buried utilities when placed in previously disturbed ground.                                                                                                                                                                                                                                     | Medium                                  |



## PacifiCorp Activities with a Potential to Affect Historic Properties.

| Reference <sup>1</sup> | PACIFICORP ACTIVITIES                                                                                                                                                                                                                                     | Potential to Affect Historic Properties |
|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
| FS PA, Apx B           | Placing riprap material on eroding lake, reservoir, or river shoreline where there may be new ground disturbance but no alterations to historic properties.                                                                                               | Medium                                  |
| EMS                    | Waterway inspection activities for hydro facilities that require visual inspection of waterways by traveling on adjacent access roads by 4WD vehicles.                                                                                                    | Low                                     |
| EMS                    | Exterior painting of penstock. Surfaces and colors should be approved prior to painting (refer to Aesthetics Plan). Access by 4WD truck or similar vehicles allowed where there will be no new ground disturbance.                                        | None                                    |
| EMS                    | Sediment removal/disposal activities where there will be no new ground disturbance, such as forebay drainage, sediment excavation and transportation to approved disposal sites. 4WD truck, excavators, or dump trucks allowed.                           | Low                                     |
| EMS                    | Conductor and insulator replacement upon failure (e.g. high winds or lightning) on Level 1 roads. ATV, 4WD truck or pedestrian access allowed where there will be no new ground disturbance.                                                              | Low                                     |
| EMS                    | Cross arm replacement on poles which are dragged or trucked to site and replaced via 4WD truck or boom truck.                                                                                                                                             | Medium                                  |
| EMS                    | Replacing anchor wires using 4WD truck, excavator, or other similar equipment outside of known sites.                                                                                                                                                     | Medium                                  |
| EMS                    | Pole replacement outside of known sites requiring the creation of landing pads and pole laydown areas, digging new pole and anchor wire holes, and restringing conductor. 4WD truck, boom truck, FMC, excavator, D8-CAT, line truck equipment acceptable. | Medium                                  |
| EMS                    | Upgrade or add new conductors or lines to existing poles, when there is no change in pole configuration                                                                                                                                                   | None                                    |
| EMS                    | Inspect lines and poles testing activities (visual and physical ground inspection) that require bore samples and chemical pole treatment. Access by ATV, 4WD truck or by pedestrians allowed where there will be no new ground disturbance                | None                                    |
|                        | <b>Road and Trail Maintenance</b>                                                                                                                                                                                                                         |                                         |
| SA 15.2a               | Maintain PacifiCorp-responsibility Hydro Roads to USDA-FS standards                                                                                                                                                                                       | Low                                     |
| SA 15.2b               | Maintain PacifiCorp-responsibility Transmission Line Roads to USDA-FS standards                                                                                                                                                                           | Medium                                  |
| EMS/FS PA, Apx B       | Maintenance on Level 2, 4, & 5 roads (non-native, rocked and hardened roads.)                                                                                                                                                                             | Low                                     |
| FS PA, Apx A           | Trail reconstruction within existing trail right-of-way.                                                                                                                                                                                                  | Low                                     |
| FS PA, Apx A           | Trail obliteration when there are minor route changes where there are no historic properties or features.                                                                                                                                                 | Low                                     |
| FS PA, Apx A           | Removing and replacing non-historic culverts that are located entirely within the road prism.                                                                                                                                                             | Low                                     |
| FS PA, Apx A           | Seismic operations on maintained roads or trails, including the controlled placement or subsurface use of explosive charges, where no blading, or other land modifications are necessary.                                                                 | Low                                     |
| FS PA, Apx B           | Rocking non-native road surfaces (to armor against road surface erosion and maintain design drainage configuration against traffic impacts, especially where roads must remain open during wet periods).                                                  | Medium                                  |
| FS PA, Apx B           | Road decommissioning including ripping, culvert removal, out sloping, water barring, stabilization (following analysis) potentially unstable fills, and seeding and planting native vegetation, and mulching if needed.                                   | Medium                                  |
| FS PA, Apx B           | Designated road or trail closures accomplished with gates, barricades, berms, and waterbars.                                                                                                                                                              | Medium                                  |
| FS PA, Apx B           | Seeding and planting, blading, or the ripping of native- or nonnative-surfaced                                                                                                                                                                            | Medium                                  |

## PacifiCorp Activities with a Potential to Affect Historic Properties.

| Reference <sup>1</sup> | PACIFICORP ACTIVITIES                                                                                                                                                                                                                              | Potential to Affect Historic Properties |
|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
|                        | roadways or trailways.                                                                                                                                                                                                                             |                                         |
| FS PA, Apx B           | Relocation of trail segments.                                                                                                                                                                                                                      | Medium                                  |
| FS PA, Apx C           | Maintenance, snow removal, and resurfacing when confined to an existing road prism, parking lot, or heliport where either historic properties (roads, railroad grades, etc.) or where native surface roads (maintenance level 1) are not involved. | None                                    |
| EMS                    | Installation of aquatic connectivity crossings also known as a low water crossing within existing roadway.                                                                                                                                         | Low                                     |
| EMS                    | Removal of sidecasted dirt and rock material stockpiled along canals and adjacent roads.                                                                                                                                                           | Low                                     |
|                        | <b>Vegetation Management</b>                                                                                                                                                                                                                       |                                         |
| FS PA, Apx A           | Planting on streamside landslides or flood deposit “high-bars” near streams and rivers.                                                                                                                                                            | Low                                     |
| FS PA, Apx A           | Encroachment thinning around hydro and transmission line corridors using hand methods to lop branches and cut small trees, and leaving debris on the ground.                                                                                       | Low                                     |
| FS PA, Apx A           | Meadow mowing to prevent encroachment by brush species and establishment of noxious weeds.                                                                                                                                                         | Low                                     |
| FS PA, Apx B           | Hazard tree removal using existing skid trails or roads.                                                                                                                                                                                           | Medium                                  |
| FS PA, Apx C           | Aerial or hand vegetation spraying/fertilization or grass seeding.                                                                                                                                                                                 | None                                    |
| FS PA, Apx C           | Eradicate invasive plant species through the application of herbicides and hand removal (including hand tools such as shovels to dig up roots)                                                                                                     | None                                    |
| FS PA, Apx C           | Recurrent brushing (hand, machine, chipping) activities to control vegetation within the existing clearing limits of roads, trails, parking lots, in power line corridors, or outside known sites.                                                 | None                                    |
| FS PA, Apx C           | Mulch and re-vegetate bare, erosion-prone surfaces such as cuts and fills                                                                                                                                                                          | None                                    |
| EMS                    | Vegetation removal adjacent to canals or forebays where no new ground disturbances would occur. Equipment such as a 4WD truck, chainsaw, chipper, loader with claw shovel could be used.                                                           | Low                                     |
|                        |                                                                                                                                                                                                                                                    |                                         |
|                        | <b>Wildlife</b>                                                                                                                                                                                                                                    |                                         |
| SA 11.1                | Maintain wildlife bridges or crossings                                                                                                                                                                                                             | Low                                     |
| FS PA, Apx C           | Install nesting platforms and boxes                                                                                                                                                                                                                | None                                    |
|                        | <b>Other</b>                                                                                                                                                                                                                                       |                                         |
| FS PA, Apx B           | Proposed undertakings in areas that have been surveyed twice under an inventory strategy meeting current standards where no historic properties are affected.                                                                                      | Medium                                  |
|                        | <b>Land Use / Land Management/Facilities</b>                                                                                                                                                                                                       |                                         |
| SA 14.2                | Waterway drainage and shutoff system implementation (use).                                                                                                                                                                                         | Medium                                  |
| SA 15.5.1              | Perform deferred critical and non-critical bridge maintenance                                                                                                                                                                                      | Low                                     |
| SA 15.6                | Maintain and upgrade culverts based on inventory                                                                                                                                                                                                   | Low                                     |
| SA 17.1                | Implement the RRMP and associated programs                                                                                                                                                                                                         | Low                                     |
| FS PA, Apx C           | Replacement of non-historic recreational, special designation, bulletin boards or information signs, barrier posts, and visitor registers within the existing footprint in both Forest Service developed sites and PacifiCorp facilities.          | None                                    |
| FS PA, Apx C           | Construction of snow fences for safety purposes or to accumulate snow for small water facilities.                                                                                                                                                  | None                                    |

## PacifiCorp Activities with a Potential to Affect Historic Properties.

| Reference <sup>1</sup> | PACIFICORP ACTIVITIES                                                                                                                                                                                   | Potential to Affect Historic Properties |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|
|                        | Plan Development & Monitoring                                                                                                                                                                           |                                         |
|                        | <b>Aquatic Resources</b>                                                                                                                                                                                |                                         |
| SA 4.1.1 (d/e)         | Develop a postconstruction evaluation/monitoring plan for upstream passage facilities at Soda Springs Dam                                                                                               | None                                    |
| SA 4.1.2 (b)           | Develop operational and maintenance plans and a postconstruction evaluation program for testing downstream fish passage facilities at Soda Springs                                                      | None                                    |
| SA 4.3.1 (c/d)         | Develop operation and maintenance plans for the Fish Creek and Lemolo No. 2 fishways for upstream fish passage at Soda Springs Dam                                                                      | None                                    |
| SA 4.3.2 b             | Develop operation and maintenance plans and a proposed postconstruction evaluation/monitoring program for testing new fish screen facilities                                                            | None                                    |
| SA 5.5                 | Monitor instream flows (at gauging stations)                                                                                                                                                            | None                                    |
| SA 6.2.1               | Develop a monitoring plan to evaluate the effects of current ramping levels on anadromous fish at Slide Creek                                                                                           | None                                    |
| SA 6.4.4               | Record stage changes on the Wild and Scenic Reach below Soda Springs powerhouse                                                                                                                         | None                                    |
| SA 7.2.1               | Develop a Gravel Augmentation Implementation Plan                                                                                                                                                       | None                                    |
| SA 7.2.2               | Prepare a monitoring plan for the gravel augmentation program below Soda Springs                                                                                                                        | None                                    |
| SA 8.2.2               | Prepare a monitoring plan for the spawning habitat restoration program on Slide Creek                                                                                                                   | None                                    |
| SA 8.3.3               | Prepare a monitoring plan for the alluvial habitat restoration/creation program                                                                                                                         | None                                    |
| SA 8.3                 | Prepare a feasibility assessment, implementation plan, and monitoring plan for restoration or creation of spawning habitat in the Soda Springs bypass reach, mainstem North Umpqua, and its tributaries | Low                                     |
|                        | <b>Terrestrial Resources</b>                                                                                                                                                                            |                                         |
| SA 11.3                | Develop and implement a monitoring plan for the new wildlife crossings                                                                                                                                  | None                                    |
| SA 12.1                | Develop a Vegetation Management Plan                                                                                                                                                                    | Low                                     |
| SA 14.1                | Finalize the Erosion Control Plan (ECP)                                                                                                                                                                 | None                                    |
|                        | <b>Land Use / Land Management/Facilities</b>                                                                                                                                                            |                                         |
| SA 17.10               | Fund recreation-related monitoring at the Project.                                                                                                                                                      | None                                    |
| FS PA                  | (USDA-FS) Prepare an annual monitoring report for the SHPO                                                                                                                                              | None                                    |

Notes: 1. “SA” refers to the Settlement Agreement; see Exhibit B of the HPMP, Vol 1. “FS PA” refers to the 2004 Programmatic Agreement between the USDA-FS and the Oregon SHPO. “EMS”, Environmental Management System, establishes appropriate PacifiCorp activities not specifically covered by the SA or PA.



## Exhibit B

### SETTLEMENT AGREEMENT EXCERPTS: SECTIONS 18, 21.5, and 22

AMONG  
PACIFICORP  
USDA FOREST SERVICE  
NATIONAL MARINE FISHERIES SERVICE  
USDI FISH & WILDLIFE SERVICE  
USDI BUREAU OF LAND MANAGEMENT

OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY  
OREGON DEPARTMENT OF FISH AND WILDLIFE  
OREGON WATER RESOURCES DEPARTMENT

DATED  
JUNE 13, 2001

CONCERNING THE RELICENSING OF THE  
NORTH UMPQUA HYDROELECTRIC PROJECT  
FERC PROJECT NO. 1927-008  
DOUGLAS COUNTY  
OREGON

#### SECTION 18. CULTURAL RESOURCES

18.1. Cultural Resources Management Plan. PacifiCorp developed a draft Cultural Resources Management Plan (the “CRMP”) as part of the 1995 Application for New License (PacifiCorp’s 1995 License Application). PacifiCorp shall complete the final CRMP by 2003 and submit it to the USDA-FS for approval. PacifiCorp will incorporate the Historic Buildings Plan (PacifiCorp, 1995) into the CRMP when revised. When finalized, the CRMP will define and describe the manner in which archeological and historic resources will be protected and how impacts to these resources will be mitigated over the term of the New License. The consultation process among the USDA-FS, BLM, State Historic Preservation Office (“SHPO”), Advisory Council on Historic Preservation (“ACHP”), and the tribes will be defined in the final CRMP. PacifiCorp shall implement the final CRMP commencing on the date that the New License becomes final.

18.2. Programmatic Agreement. A Programmatic Agreement will be developed in consultation with and for execution by FERC, SHPO, ACHP, USDA-FS, BLM, and PacifiCorp consistent with the terms and conditions of the CRMP.

18.3. Site Discovery. PacifiCorp shall conduct archeological site discovery surveys before ground-disturbing activities in accordance with the USDA-FS Umpqua National Forest Heritage Inventory Strategy, April 2000, as amended.

18.4. Protection, Restoration, and Recovery. PacifiCorp shall protect, restore, or recover data from archeological sites as provided in site-specific plans approved by SHPO, USDA-FS, and BLM. The schedule for recovery of known sites will be established in the final CRMP.

18.5. Public Outreach. PacifiCorp shall provide public outreach, interpretive displays, and cultural resource sensitivity training to company personnel as identified in the CRMP.

18.6. Monitoring. Commencing on the Effective Date until implementation of the CRMP, PacifiCorp shall continue its current level of monitoring and protection of known cultural sites in consultation with USDA-FS, BLM, SHPO, and ACHP. Upon implementation of the CRMP, PacifiCorp shall conduct a monitoring program pursuant to the final CRMP. This will include annual monitoring of known sites and project activities identified in pre-License Cultural Resource Survey, maintained as confidential records under the National Historic Preservation Act, held by the USDA-FS, SHPO, and PacifiCorp, and located in High Probability zones, which zones are identified in the USDA-FS Umpqua National Forest Heritage Inventory Strategy, April 2000, as amended. Looted sites, as identified in the CRMP, may require monitoring on intervals that will be determined among PacifiCorp, BLM, and the USDA-FS on a site-specific basis.

18.7. Timing of Implementation. Monitoring of existing sites will begin upon completion of the final CRMP. PacifiCorp will continue to coordinate all operations and maintenance actions through the USDA-FS and BLM prior to the New License becoming final. A program for coordinating operations and maintenance will be established in the final CRMP.

## **SECTION 21. COORDINATION AND DECISION MAKING**

**21.5 Site-Specific Plans and Construction Schedules.** Commencing upon the Effective Date, PacifiCorp shall, in consultation with the USDA-FS, NMFS, USFWS, ODFW, and ODEQ, develop site-specific plans for construction activities under this Agreement that will result in ground or habitat disturbance, whether within or outside of water bodies. Such plans shall be prepared in accordance with the Implementation Schedule for such activities and shall include a construction schedule providing for in-river and riparian construction during noncritical periods for affected resources. PacifiCorp will submit completed plans to the USDA-FS (in addition to any agencies that may be required to approve such plans under other provisions of this Agreement) for review and approval prior to initiating any construction activities and before filing the construction schedule with FERC. For measures to be implemented more than two years after the applicable NEPA decision, the USDA-FS will review and approve NEPA documentation to assure its accuracy and currency prior to scheduled implementation. PacifiCorp will coordinate and seek any necessary approvals for any ground disturbances greater than one acre, or in-stream work that may affect the fishery or cause turbidity, with state agencies, including ODFW, Division of State Lands, OWRD, and ODEQ, as required by applicable state laws. PacifiCorp shall conduct Sensitive Species and Survey and Manage Species protocol surveys for rare, endemic species within 400 feet of any ground- or habitat-disturbing activity that may occur as a result of these measures. The list of species and survey protocols shall be derived from then current USDA-FS regulations, manuals, policies, and handbooks. PacifiCorp shall include measures to prevent erosion in all site-specific plans.

**SECTION 22 . IMPLEMENTATION OF AGREEMENT**

- 22.1. Parties Bound. The Parties shall be bound by this Agreement for the term of the New License unless this Agreement is sooner terminated as provided in this Section 22, except that if a Party withdraws as allowed by this Agreement, that Party shall not be bound following such withdrawal.
- 22.2. Resolution of Disputes Before License Order. The following events may occur before the time FERC issues an order granting a New License, and the Parties shall seek to resolve any disputes regarding such events as provided in this Section 22.
- 22.2.1. Actions Inconsistent with This Agreement. If any of the following occur prior to FERC granting a New License: Final Terms and Conditions under FPA sections 4(e), 18, or 10(j) are filed with FERC that are inconsistent with this Agreement;
- b. 401 Certification is denied or issued with conditions inconsistent with this Agreement;
  - c. A TMDL determination is made that is inconsistent with this Agreement;
  - d. A state water right is denied, or issued with conditions inconsistent with this Agreement;
  - e. The final biological opinion developed pursuant to the ESA requires measures inconsistent with this Agreement;
  - f. A final TMDL load allocation or water quality management plan has not been made with respect to any identified water-quality-limited parameter at the Project, and ODEQ reserves the right to modify the 401 Certification requirements pursuant to a TMDL determination to be made after the New License becomes final without agreement with PacifiCorp on the range of requirements that may be imposed, or
  - g. An adverse finding by USDA-FS and BLM under section 7(a) of the WSRA as described under Section 1.1.10 above,

then this Agreement shall be deemed modified to conform to the action of the Governmental Party, unless any Party provides notice that it disputes the inconsistency during the applicable appeal period under the conditioning agency's regulations or within 30 days after such action of the Governmental Party in each case, and such Party initiates the ADR Procedures. Any Party may, in addition, initiate the appeal procedure described in Section 22.4.2. If PacifiCorp completes ADR and the relevant appeals, or abandons appeals, and one or more of the above items remains materially inconsistent with this Agreement and, in the case of the 401 Certification, is Materially Adverse, PacifiCorp may withdraw from this Agreement. If, after ADR and completion or abandonment of any appeals, one or more of the above items remains



materially inconsistent with this Agreement, a Governmental Party may withdraw from this Agreement. Further, if condition 22.2.1.f above exists, or if ODEQ includes in its 401 Certification conditions materially inconsistent with Sections 1.1.6.2.a and b, PacifiCorp may withdraw from this Agreement in accordance with this Section 22.

The conditions of the 401 Certification, as modified by inclusion of TMDL conditions, shall be “Materially Adverse” to PacifiCorp if the sum of (a) increased capital costs caused solely by such certification plus (b) increased operating costs caused solely by such certification plus (c) lost power revenue due to operating restrictions caused solely by such certification, all converted to net present value using an 8 percent discount rate, is greater than \$10 million (escalated in accordance with Section 22.4.4 below). This determination of Materially Adverse shall be calculated using the procedures and assumptions set forth in **Schedule 22.2.1** attached to this Agreement. No Party may submit this definition of Materially Adverse to ODEQ or the Oregon Environmental Quality Commission in connection with the 401 Certification application or argue in any proceeding, other than a proceeding regarding enforceability of this Agreement, that the definition is relevant to the 401 Certification determination. ODEQ may not consider this definition of Materially Adverse in consideration of the 401 Certification application. In determining whether the 401 Certification is Materially Adverse, if ODEQ imposes a range of requirements dependent on determinations to be made after the New License becomes final, PacifiCorp may base its calculations on the most stringent of such requirements applied pursuant to the terms of such requirements, taking into account the average monthly hydrograph for years 1963-1991 contained in the PacifiCorp 1995 application. If PacifiCorp determines that the 401 Certification, as modified by inclusion of TMDL conditions, is Materially Adverse, PacifiCorp shall notify the other Parties, and if any Party disagrees with such conclusion, the final and binding determination of such effect shall be made by a technical consulting firm acceptable to all parties. The Parties shall submit the 401 Certification, as modified by the TMDL determinations, to the consulting firm. The consulting firm shall assess the economic impact of the 401 Certification, as modified by the TMDL determinations, using the assumptions provided in this Section 22.2.1 and **Schedule 22.2.1** and shall advise the Parties of its determination within 30 days after submittal. The consultant’s determination shall be final for the purposes of dispute resolution under this Agreement. PacifiCorp shall pay the cost of the technical consulting firm.

#### 22.2.2. PacifiCorp Fails To Perform Interim Measures.

If PacifiCorp fails to perform measures required by this Agreement to be performed whether or not the New License has become final as shown on **Appendix A**, and such failure is not excused by force majeure, any

Governmental Party may provide notice to PacifiCorp of such failure. If such failure is not cured within 30 days, or if such failure is not curable within 30 days and PacifiCorp has not commenced a cure within that period and diligently completed such cure, the Governmental Party or Parties may withdraw from this Agreement. At any time after notice to PacifiCorp and prior to withdrawal, the Governmental Party may immediately initiate the ADR Procedures, seek judicial relief, or petition FERC to include the interim measure as a required term of PacifiCorp's annual license and enforce such term.

Upon withdrawing from this Agreement, a Governmental Party shall be free, to the extent allowed by law, to amend its terms, conditions, and recommendations to FERC in connection with the New License; shall no longer be bound by this Agreement; and may exercise any remedy available under applicable laws.

22.3. Resolution of Disputes After Order Issuing New License.

22.3.1. New License Conditions Inconsistent with This Agreement. If the New License issued by FERC, either initially or following conclusion of appeals, contains any modification of the PM&E Measures stated in this Agreement, fails to include any PM&E Measures included in this Agreement, or includes additional measures related to the matters covered by this Agreement (referred to as the New License being "inconsistent with this Agreement"), this Agreement shall be deemed modified to conform to the New License, unless a Party provides notice to the other Parties that it objects to the modification, addition, or deletion and initiates ADR Procedures within 30 days after the date of the license order or the conclusion of all appeals, as appropriate. The disputing Party or Parties may, in addition, initiate the rehearing procedure described in Section 22.3.6 and such Party's rehearing request shall constitute notice to the other Parties of the dispute. If the New License does not contain all of the PM&E Measures because FERC expressly determines that it does not have jurisdiction to adopt or enforce the omitted PM&E Measures, the Parties agree, provided the measure is otherwise enforceable under this Agreement or applicable laws and no Party believes that the omission creates a material inconsistency, that they shall be bound by the entire Agreement, including those PM&E Measures omitted by FERC. If the New License becomes final, after any appeals or after the Parties abandon further appeals, and remains materially inconsistent with this Agreement, then except as provided in the preceding sentence, a Party whose interests are affected by a material inconsistency may withdraw from this Agreement. The Governmental Parties reserve any remedies under applicable law to enforce the PM&E Measures contained in this Agreement but omitted by FERC. Change in Terms and Conditions During License Term.

If (1) any Governmental Party changes its Final Terms and Conditions applicable to PacifiCorp, (2) any Governmental Party changes certifications or permits under its own legal authorities that affect the Project, or (3) any Party petitions FERC to change the terms of the New License, any Party may give notice that it believes such action or petition is inconsistent with this Agreement and may commence ADR Procedures. A Party may also seek rehearing or appeal of such action as provided in Section 22.3.7 below. PacifiCorp may propose amendments to the New License that would resolve the inconsistency created by such action. If, after conclusion of ADR and after completion or abandonment of appeals, the inconsistent condition sought by a Governmental Party is imposed by FERC and is materially inconsistent with this Agreement, PacifiCorp may withdraw from this Agreement.

#### 22.3.3. PacifiCorp Fails To Perform License Terms.

If PacifiCorp fails to perform any of the provisions of this Agreement included in the New License and is not excused by force majeure, a Governmental Party may give PacifiCorp notice and an opportunity to cure within 30 days of such notice. If PacifiCorp fails to cure the problem within that period, or if such failure is not curable within 30 days and PacifiCorp has not commenced a cure within that period and diligently completed such cure, any Party who objects to such failure to perform may give notice to the other Parties and commence ADR Procedures. In addition, the aggrieved Party or Parties may petition FERC to enforce such provision and, if unsuccessful, seek rehearing or appeal or, if and as appropriate, the remedies of mandamus or specific performance. The Governmental Parties reserve any remedies under applicable law to enforce the PM&E Measures contained in this Agreement but not enforced by FERC. If, after all remedies at FERC are exhausted, FERC does not enforce the provision and PacifiCorp fails to perform the provision, any Governmental Party may withdraw from this Agreement.

#### 22.3.4. PacifiCorp Fails To Perform Covenants of This Agreement Not Included in the New License.

If PacifiCorp fails to perform any of its obligations under this Agreement that are not included as terms in the New License, any Governmental Party may give PacifiCorp notice of the failure and an opportunity to cure within 30 days of such notice. If PacifiCorp fails to cure the problem within that period, or if such failure is not curable within 30 days and PacifiCorp has not commenced a cure within that period and diligently completed such cure, the Governmental Party may seek specific performance of this Agreement. If PacifiCorp's performance of the obligation is not obtained and if PacifiCorp's failure is materially inconsistent with the terms of this Agreement, the aggrieved

Governmental Party may withdraw from this Agreement. The Governmental Parties reserve any remedies under applicable law to enforce the PM&E Measures contained in this Agreement.

22.3.5. Action by Third Party.

If, during the term of a New License, a third party successfully petitions FERC or obtains a court order modifying the operation of the Project in a manner that is materially inconsistent with this Agreement, then any Party who objects to such order may give notice to the other Parties and commence ADR Procedures to determine whether such inconsistency can be mitigated by agreement of the Parties. In addition, the aggrieved Party or Parties may seek rehearing or appeal of such order. If, after pursuit of the ADR Procedures or other proceedings, the order complained of remains in effect, or as modified is still materially inconsistent with this Agreement, any Party may withdraw from this Agreement.

22.3.6. Review of FERC Actions.

Any Party may petition FERC for rehearing and may seek judicial review of any FERC act or omission, at or subsequent to the New License becoming final, that is inconsistent with this Agreement. The ADR Procedures do not preclude any Party from timely filing for and pursuing rehearing under 18 CFR § 385.713(b), or judicial review, of the inconsistent action. However, the Parties shall follow the ADR Procedures to the extent reasonably practicable while such appeal of an inconsistency is pursued. If a Party has filed for rehearing or judicial review of any inconsistent action and the Parties subsequently agree unanimously to modify this Agreement to conform to the inconsistent action, the filing Party or Parties shall withdraw the appeal, or recommend such withdrawal, as appropriate.

22.3.7. Review of Other Agency Actions.

To the extent provided by applicable law, PacifiCorp or a Governmental Party may seek administrative rehearing and judicial review of any action by a Governmental Party inconsistent with this Agreement. The ADR Procedures do not preclude any Party from timely filing and pursuing an appeal under the respective Governmental Agency's applicable rules, or judicial review, of any such action that is inconsistent with this Agreement, or any other final condition that relates to subjects not resolved by this Agreement. However, the Parties shall follow ADR Procedures to the extent reasonably practicable while any such appeal of an inconsistency is pursued. If a Party has filed for administrative rehearing or judicial review of any inconsistent action and the Parties subsequently agree to modify this Agreement to conform to the

inconsistent action, the filing Party or Parties shall withdraw the appeal, or recommend such withdrawal, as appropriate.

- 22.4. Cooperation Among Parties. The Parties shall cooperate in the performance of this Agreement and compliance with related license articles. Among other things, the Parties shall cooperate in implementing the PM&E Measures, conducting studies, performing monitoring, and conducting all other activities related to the implementation of this Agreement. Responsibility for Costs.

PacifiCorp shall pay for the cost of actions required of PacifiCorp by this Agreement and by the New License. PacifiCorp shall have no obligation to reimburse or otherwise pay any other Party for its assistance, participation, or cooperation in any activities pursuant to this Agreement or the New License, except as specified in this Agreement or as required by law.

22.4.2. PacifiCorp Solely Responsible for Operations of Project.

By entering into this Agreement, none of the Parties, except for PacifiCorp, have accepted any legal liability or responsibility for the operation of the Project.

22.4.3. Availability of Funds.

Implementation of this Agreement for a Party that is a federal agency is subject to the requirements of the Anti-Deficiency Act, 31 USC §§ 1341-1519, and the availability of appropriated funds. Nothing in this Agreement is intended or shall be construed to require the obligation, appropriation, or expenditure of any money from the U.S. Treasury. The Parties acknowledge that the Governmental Parties that are federal agencies shall not be required under this Agreement to expend any federal agency's appropriated funds unless and until an authorized official of each such agency affirmatively acts to commit such expenditures, as evidenced in writing. Implementation of this Agreement by Governmental Parties that are state agencies is subject to the availability of appropriated funds. Nothing in this Agreement is intended or shall be construed to require the obligation, appropriation, or expenditure of any money from the Treasury of the State of Oregon. The Parties acknowledge that the Governmental Parties that are state agencies shall not be required under this Agreement to expend any appropriated funds unless and until an authorized official of each such agency affirmatively acts to commit such expenditures, as evidenced in writing.

22.4.4. Escalation of Costs.

Unless otherwise indicated, all costs or payment amounts specified in dollars shall be deemed to be stated as of the year 2001, and PacifiCorp

shall escalate such sums as of January 1 of each following year (starting in January 2002) according to the following formula:

$$AD = D \times \frac{(NGDP)}{IGDP}$$

WHERE:

AD = Adjusted dollar amount as of January 1 of the year in which the adjustment is made.

D = Dollar amount prior to adjustment.

IGDP = GDP-IPD for the third quarter of the year before the previous adjustment date (or, in the case of the first adjustment, the third quarter of the year before the Effective Date).

NGDP = GDP-IPD for the third quarter of the year before the adjustment date.

“GDP-IPD” is the value published for the Gross Domestic Product Implicit Price Deflator by the U.S. Department of Commerce, Bureau of Economic Analysis in the publication Survey of Current Business, Table 7.1 (being on the basis of 1987 = 100), in the third month following the end of the applicable quarter. If that index ceases to be published, any reasonably equivalent index published by the Bureau of Economic Analysis may be substituted by the Parties. If the base year for GDP-IPD is changed or if publication of the index is discontinued, the Parties shall promptly make adjustments or, if necessary, select an appropriate alternative index to achieve the same economic effect.

## 22.5. Reopener, Modification, Review, or Amendment.

22.5.1. Reopener or Modification. During the term of the New License, except as provided in the Final Terms and Conditions and this Agreement, the Governmental Parties may not seek to modify or add to the PM&E Measures or other obligations of PacifiCorp or seek to amend the New License pursuant to standard FERC reopener provisions, except in the event of materially changed factual circumstances (including, but not limited to, new listings of threatened or endangered species under the ESA) or facts not known or understood at the date of the New License, or as a result of statutes or regulations enacted or amended after the date of the final order issuing the New License. The acting Governmental Party shall provide PacifiCorp at least 90 days’ notice to consider the Governmental Party’s position. A Governmental Party shall not be required to comply with this 90-day-notice provision if it believes an emergency situation exists, or if required to meet its responsibilities under statutes or regulations enacted or amended after the date of the

final order issuing the New License. If a Governmental Party modifies or adds to the PM&E Measures or other obligations of PacifiCorp or succeeds in amending the New License pursuant to this Section 22.5.1, the other Parties may object and respond in accordance with Section 22.3.2 above. 25-Year Review. During the twenty-fifth year of the New License, in addition to and without limiting other opportunities for amendment, review, and modification consistent with the terms of this Agreement, the Parties shall, in consultation with one another through the RCC, review the PM&E Measures and the New License terms to determine whether they are consistent with (1) federal and state land or resource management plans adopted or amended after the date of the New License and (2) federal and state laws and regulations enacted or amended after the date of the New License. If any Governmental Party identifies an inconsistency between this Agreement or the New License and such new plans, laws, or regulations, the Parties shall take the following steps:

- a. The RCC shall strive to resolve the inconsistency in a manner that requires the least change in the terms of this Agreement or the New License. If the RCC reaches consensus on a remedy, that remedy shall be implemented.
- b. If the RCC cannot reach consensus on a remedy for the inconsistency, after implementing all steps outlined in Section 21 above, the Parties shall employ the ADR Procedures. If the Parties reach agreement through the ADR Procedures, they shall implement the agreed-upon remedies, subject to FERC approval if required.
- c. If the Parties cannot reach agreement through the ADR Procedures, any Party may petition FERC to modify the New License to address the inconsistency. The Governmental Parties reserve their authorities under laws other than the FPA to require implementation of such modifications. Any Party adversely affected by a change in the PM&E Measures or other obligations of the Parties under this Agreement made pursuant to this Section 22.5.2 without agreement of all the Parties may object and respond in accordance with Section 22.3.2 above.

22.5.3. Amendment of New License PacifiCorp shall not seek to amend the New License, except as expressly provided in this Agreement. Prior to filing a proposed license amendment that would affect performance of the covenants in this Agreement, PacifiCorp shall provide the other Parties at least 90 days' notice of its intention to do so. Promptly following the giving of such notice, PacifiCorp shall consult with Parties responding within 30 days of such notice regarding the need for and the purpose of the amendment. PacifiCorp shall not be required to comply

with this 90-day-notice provision if it believes an emergency situation exists or if required to meet its responsibilities under applicable law or an order of an agency with jurisdiction over PacifiCorp. In such an emergency situation, PacifiCorp shall give notice to FERC and the Governmental Parties within five days of the event. PacifiCorp shall not oppose an intervention request by any other Party that satisfies FERC's procedural requirements. A Project license amendment that, as approved by FERC, would adversely affect this Agreement is subject to Section 22.3.2. Amendment of Project Boundary. PacifiCorp, USDA-FS, and BLM, following mutual consultation, shall petition FERC to revise the project boundary to ensure that all appropriate PMEs contained in sections 4 through 18 are enforceable by FERC under the New License. In connection with any such petition to FERC, PacifiCorp shall modify Exhibit G (as filed with FERC February 21, 2000) to its license application and submit the modified exhibit to FERC. In the event any new special use authorizations or permits are required as a result of project boundary modifications, the USDA-FS or BLM shall attempt to conform all conditions in such authorizations or permits to this Agreement. If the conditions in such authorizations or permits are materially inconsistent with the terms of this Agreement, such inconsistency shall be resolved in accordance with Sections 22.2 and 22.3 of this Agreement.

- 22.6. Amendment or Extension of Agreement. This Agreement may be amended at any time during the term of the New License, and extended with or without amendments for the term(s) of any annual license(s) that may be issued after the foregoing New License has expired, with the unanimous agreement of all Parties. Any amendment or extension of this Agreement shall be in writing and executed by all Parties. As appropriate, the Parties will submit a statement to FERC in support of the amendment or extension. Dispute Resolution.

- 22.7.1. General. Except to the extent that FERC or other agency with jurisdiction over the Project has a procedure that precludes implementation of Sections 22.7.1 through 22.7.3 (the "ADR Procedures"), all disputes among the Parties regarding the obligations of the Parties under this Agreement shall, at the request of any Party, be the subject of a nonbinding alternative dispute resolution ("ADR") procedure among the disputing Parties, as stated in Sections 22.7.1 through 22.7.3. Each Party shall cooperate in good faith to promptly schedule, attend, and participate in the ADR. The Parties agree to devote such time, resources, and attention to the ADR as are needed to attempt to resolve the dispute at the earliest time possible. Each Party shall implement promptly all final agreements reached, consistent with its applicable statutory and regulatory responsibilities. Nothing in Sections 22.7.1 through 22.7.3 is intended or shall be construed to affect or limit the authority of FERC, the Governmental Parties, or other agency with



jurisdiction over the Project to resolve a dispute brought before it in accord with its own procedure and applicable law.

22.7.2. ADR Procedures. A Party claiming a dispute shall give notice of the dispute within 30 days of the Party's actual knowledge of the act, event, or omission that gives rise to the dispute, unless this Agreement provides otherwise. At a minimum and in any dispute subject to these ADR Procedures, the Parties shall hold two informal meetings within 30 days after notice to attempt to resolve the disputed issue(s). If the informal meetings fail to resolve the dispute, the Parties may attempt to resolve the dispute using a neutral mediator jointly selected within 15 days after notice by a Party that the informal meetings did not resolve the dispute. The mediator shall mediate the dispute during the next 60 days after their selection. Any of these time periods may be reasonably extended or shortened by agreement of the Parties, or as necessary to conform to the procedure of an agency or court with jurisdiction over the dispute. Unless otherwise agreed among the Parties, each Party shall bear its costs for its own participation in the ADR Procedures and jointly share the costs of any neutral mediator. Pending resolution of any dispute under these ADR Procedures, and subject to the authority of FERC or other agency with jurisdiction to order otherwise, PacifiCorp may continue operating the Project in the manner of its operation prior to the time the dispute arose.

22.7.3. Enforcement of Agreement After Dispute Resolution. Any Party may seek specific performance of this Agreement by any other Party, in a court of competent jurisdiction after compliance with the ADR Procedures. No Party shall be liable in damages for any breach of this Agreement, any performance or failure to perform a mandatory or discretionary obligation imposed by this Agreement, or any other cause of action arising from this Agreement, provided that a Party may seek specific performance to secure payment of money as provided in this Agreement or monetary penalties under applicable law. Nothing in Sections 22.7.1 through 22.7.3 is intended or shall be construed to affect or limit the jurisdiction of any agency or court as established under applicable law.

22.8. Withdrawal from Agreement.

22.8.1. Withdrawal of a Party from Agreement. A Party may withdraw from this Agreement only as expressly provided in this Section 22.

22.8.2. Method of Withdrawal. A Party may exercise its right to withdraw from this Agreement by 60 days' advance notice.

22.8.3. Continuity After Withdrawal. The withdrawal of a Party does not terminate this Agreement for the remaining Parties. However, if any

Party withdraws from this Agreement, any other Party may elect to withdraw without further ADR Procedures, after providing notice, within 60 days of the withdrawal of the other Party. If a Party withdraws from this Agreement, the withdrawing Party shall not be bound by any term contained in this Agreement, except as provided in Section 1.2.

- 22.9. Termination of Agreement. This Agreement may be terminated by mutual agreement of the Parties or by withdrawal of all Parties.

## **Exhibit C**

**Programmatic Agreement  
Among the  
Federal Energy Regulatory Commission  
and the  
Oregon State Historic Preservation Officer  
for  
Managing Historic Properties that May be Affected  
by a License Issuing to  
PacifiCorp  
For the Operation of the  
North Umpqua Hydroelectric Project in  
Douglas County, Oregon  
(FERC No. 1927)**



**PROGRAMMATIC AGREEMENT  
AMONG  
THE FEDERAL ENERGY REGULATORY COMMISSION  
AND THE  
OREGON STATE HISTORIC PRESERVATION OFFICER  
FOR  
MANAGING HISTORIC PROPERTIES THAT MAY BE AFFECTED  
BY A LICENSE ISSUING TO  
PACIFICORP  
FOR THE OPERATION OF THE  
NORTH UMPQUA HYDROELECTRIC PROJECT  
IN DOUGLAS COUNTY, OREGON  
(FERC No. 1927)**

**WHEREAS**, the Federal Energy Regulatory Commission or its staff (hereinafter, "Commission") proposes to issue a new license to PacifiCorp (hereinafter, "Licensee") to continue operating the North Umpqua Hydroelectric Project (hereinafter, "Project") as authorized by Part I of the Federal Power Act, 16 U.S.C. Sections 791(a) through 825(r) *as amended*; and

**WHEREAS**, The Commission has determined that issuing such a license may affect properties included in or eligible for inclusion in the National Register of Historic Places (hereinafter, "historic properties"); and

**WHEREAS**, the "Draft Cultural Resources Management Plan, North Umpqua Hydroelectric Project, FERC Project No. 1927, Douglas County Oregon", dated September 1995, provides a description of PacifiCorp's original proposal for constructing and operating the Project, historic properties, and anticipated effects identified as of the date of this Programmatic Agreement; and

**WHEREAS**, the USDA, Umpqua National Forest (hereinafter, "UNF") and USDI, Bureau of Land Management (hereinafter, "BLM") manage lands within the Project, and have responsibilities for the issuance of permits under the Archeological Resources Protection Act (16 U.S.C. 470aa to 470ll; hereinafter, "ARPA") to the Licensee for archeological work on UNF and BLM lands; and

**Programmatic Agreement  
Project No. 1927**

**Page 2**

**WHEREAS, the Commission has consulted with the Oregon State Historic Preservation Officer (hereinafter, "SHPO") pursuant to 36 C.F.R. Section 800.14(b) of the Advisory Council's on Historic Preservation (hereinafter, "Council") regulations (36 C.F.R. Part 800), implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f; hereinafter, "Section 106"); and**

**WHEREAS, the Licensee has participated in the consultation and has been invited to concur in this Programmatic Agreement; and**

**WHEREAS, UNF and BLM have agreed to participate in the Section 106 consultation regarding the Project under the terms of this Programmatic Agreement, and have been invited to concur in this Programmatic Agreement; and**

**WHEREAS, the Project may affect lands important to the Confederated Tribes of Grande Ronde, the Confederated Tribes of the Siletz Indians, and the Cow Creek Band of Umpqua Tribe of Indians (hereinafter, the "Tribes") and the Tribes have participated in the consultation and have been invited to concur in this Programmatic Agreement; and**

**WHEREAS, the Commission will require the Licensee to implement the provisions of this Programmatic Agreement as a condition of issuing a new license for the Project;**

**NOW THEREFORE, the Commission and the SHPO agree that the Project will be administered in accordance with the following stipulations in order to satisfy the Commission's Section 106 responsibilities during the term of the Project's license.**

### **S T I P U L A T I O N S**

**The Commission will ensure that, upon a license issuing for this Project, the Licensee implements the following stipulations. All stipulations that apply to the Licensee will similarly apply to any and all of the Licensee's successors. Compliance with any of the following stipulations does not relieve the Licensee of any other obligations it has under the Federal Power Act, the Commission's regulations, or its license.**

**Programmatic Agreement  
Project No. 1927**

**Page 3**

## **I. CULTURAL RESOURCES MANAGEMENT PLAN**

- A. Upon license issuing for this Project, the Licensee shall implement a final Cultural Resources Management Plan (hereinafter, "CRMP") based on the PacifiCorp, et al. June 15, 2001 Settlement Agreement for this Project and filed with the Commission on June 21, 2001.<sup>1</sup>**
- B. The Licensee will, within 30 days of every anniversary of the license issuing, file a report with the Commission, the SHPO, the Tribes, UNF, and BLM of activities conducted under the implemented CRMP. The report will contain a detailed summary of any cultural resources work conducted during the preceding year; if no work was completed, a letter from the Licensee will be prepared to that effect, and will satisfy the intent of this stipulation.**

## **II. DISPUTE RESOLUTION**

- A. If at any time during implementation of this Programmatic Agreement and the resulting CRMP, the SHPO, the Tribes, the Licensee, UNF, BLM, or the Council object to any action or any failure to act pursuant to this Programmatic Agreement or the CRMP, they may file written objections with the Commission.**
- 1. The Commission will consult with the objecting party, and with other parties as appropriate, to resolve the objection. The Commission may initiate on its own such consultation to remove any of the Commission's objections.**
- B. If the Commission determines that the objection cannot be resolved, the Commission will forward all documentation relevant to the dispute to the Council and request that the Council comment. Within 30 days after receiving all pertinent documentation, the Council will either:**
- 1. Provide the Commission with recommendations, which the Commission will take into account in reaching a final decision regarding the dispute; or**

---

<sup>1</sup> All consulting parties need to respond within 30 days of receipt of a request for review of a finding or determination involving the CRMP.

**Programmatic Agreement  
Project No. 1927****Page 4**

- 2. Notify the Commission that it will comment pursuant to 36 C.F.R. Section 800.7(c)(1) through (c)(3) and Section 110(a)(1) of National Historic Preservation Act, and proceed to comment.**

**C. The Commission will take into account any Council comment provided in response to such a request, with reference to the subject of the dispute, and will issue a decision on the matter. The Commission's responsibility to carry out all actions under this Programmatic Agreement that are not the subject of dispute will remain unchanged.**

### **III. AMENDMENT AND TERMINATION OF THIS PROGRAMMATIC AGREEMENT**

- A. The Commission, the SHPO, the Tribes, UNF, BLM, or the Licensee, may request that this Programmatic Agreement be amended, whereupon these parties will consult in accordance with 36 C.F.R. Section 800.14(b) to consider such amendment. If the Programmatic Agreement is amended, the Commission will file the amended Programmatic Agreement with the Council.**
- B. The Commission or the SHPO may terminate this Programmatic Agreement by providing 30 days written notice to the other parties, provided that the Commission, the SHPO, the Tribes, UNF, BLM, the Licensee, and the Council consult during the 30-day notice period in order to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the Commission will comply with 36 C.F.R. Sections 800.3 through 800.7(c)(3), with regard to individual actions covered by this Programmatic Agreement.**

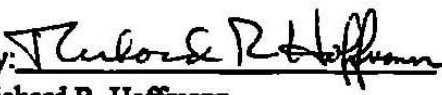
**Execution of this Programmatic Agreement evidences that the Commission has satisfied its responsibilities pursuant to Section 106 of the National Historic Preservation Act, as amended, for all individual actions carried out under the license. Provided, however, that unless and until the Commission issues the license for the Project and this Programmatic Agreement is incorporated by reference therein, this Programmatic Agreement has no independent legal effect for any specific license applicant or Project.**



**Programmatic Agreement  
Project No. 1927**

**Page 5**

**FEDERAL ENERGY REGULATORY COMMISSION**

By:  Date: 12/10/02  
Richard R. Hoffmann  
Director, Division of Environmental and Engineering Review

Programmatic Agreement  
Project No. 1927

Page 6

**OREGON STATE HISTORIC PRESERVATION OFFICE**

By: James Hamrick Date: 3 Jan 2003  
James M. Hamrick  
Deputy State Historic Preservation Officer

**Programmatic Agreement  
Project No. 1927**

**Page 7**

**CONCUR: PACIFICORP**

By. 

Date: 1/31/2003

**John Sample**

**Licensing Project Manager**

**Programmatic Agreement  
Project No. 1927**

**Page 8**

**CONCUR: USDA, UMPQUA NATIONAL FOREST**



By:  Date: 1/8/03

**James A. Caplan  
Forest Supervisor**

**Programmatic Agreement  
Project No. 1927**

**Page 9**

**CONCUR: USDI, BUREAU OF LAND MANAGEMENT, OREGON STATE OFFICE**

By:  Date:   
/ Elaine M. Brong  
State Director

**Programmatic Agreement  
Project No. 1927**

**Page 10**

**CONCUR: CONFEDERATED TRIBES OF THE GRANDE RONDE TRIBAL  
COUNCIL**

**By:\_\_\_\_\_ Date:\_\_\_\_\_**  
**Mark Mercier**  
**Chairman**

**Programmatic Agreement  
Project No. 1927**

**Page 11**

**CONCUR: CONFEDERATED TRIBES OF THE SILETZ INDIANS**

**By:\_\_\_\_\_ Date:\_\_\_\_\_**  
**Delores Pigsley**  
**Chairperson**

**Programmatic Agreement  
Project No. 1927**

**Page 12**

**CONCUR: COW CREEK BAND OF UMPQUA TRIBE OF INDIANS**

By: Sue M. Shaffer Date: 10 03  
**Sue Shaffer**  
**Chairperson**



## Exhibit D

### 3-YEAR HISTORIC PROPERTIES ACTION PLAN FRAMEWORK

CALENDAR YEAR \_\_\_\_\_

North Umpqua Hydroelectric Project  
FERC Project No. 1927

#### AUTHORIZATIONS

Final Approved:

\_\_\_\_\_  
PacifiCorp

\_\_\_\_\_  
Date

\_\_\_\_\_  
USDA-FS

\_\_\_\_\_  
Date

\_\_\_\_\_  
BLM

\_\_\_\_\_  
Date

#### ATTACHMENTS

**PacifiCorp** Project Work Plan (PWP) No.s:

Attachments:

**USDA-FS** PWP No.s:

Attachments:

**BLM** PWP No.s:

Attachments:

### 1.0 SUMMARY OF PLANNED ACTIVITIES FOR CURRENT YEAR (year)

#### Annual Operations and Maintenance

- Project Work Plan # (including: level of effect, notification/coordination/consultation requirements, stakeholders, schedule)
- Project Work Plan #
- Project Work Plan #

**Project Developments**

- Project Work Plan #
- Project Work Plan #

**HPMP Obligations**

- Year One activities

**Evaluation of Effectiveness of Avoidance**

- Identify projects where avoidance of impacts can be achieved
- Identify projects where avoidance of impacts cannot be achieved

**Summary of Monitoring / Mitigation / Permitting Required**

- Year One monitoring / mitigation / permitting
- Permitting or compliance with other federal requirements

**Interpretation and Educational Activities**

- Activity
- Activity

**Reporting and Implementation Schedule**

- Work Program
- Schedule consultations
- Next steps Finalize the Historic Properties Action Plan

**2.0 SUMMARY OF RESULTS FROM PREVIOUS YEAR (year)****Projects Completed Last Year**

- Summarize activities (total no. of sites monitored, no. of projects monitored, project acres monitored, no. of looting incidents documented with damage assessments, annual monitoring report)
- Progress
- Issues

**Projects Not Completed Last Year and Carried Forward to Current Year**

- Summarize activities
- Summarize potential issues

**Unanticipated Events**

- Summarize activities

### **3.0 SUMMARY OF PLANNED ACTIVITIES FOR THE NEXT TWO FOLLOWING YEARS ( year - year)**

#### **Estimated Project Developments**

- Activity
- Activity

#### **Potential Monitoring / Mitigation / Permitting Issues**

- Potential issues
- Foreseen permitting or compliance issues

#### **HPMP Obligations**

- Year \_\_\_\_ through \_\_\_\_ activities

#### **Interpretation and Educational Activities**

- Activity
- Activity

#### **Estimated Implementation Schedule**

- Matrix
- Identification of priority projects and steps in which they should be carried out

### **4.0 CHANGES IN HPMP RESPONSIBILITIES OF THE PARTIES: ASSUMPTIONS, INVOLVEMENT, AND TERMS**

#### **Assumptions**

- Changes







#### **Parties Involvement**

- Changes

#### **New Terms**

- Changes

**DRAFT CULTURAL REVIEW FORM**

| Cultural Resources Review Form<br>North Umpqua Hydroelectric Project                                                                                                                                    |          |                                                                                                                                |                  |  |    |    |    |                  |  |  |  |  |  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------|------------------|------------------------------------------------------------------------------------|----|----|----|------------------|--|--|--|--|--|
| <b>PROJECT INFORMATION</b>                                                                                                                                                                              |          |                                                                                                                                |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| Date  9/15/2006                                                                                                        |          | Project Description <div>Test project description</div>                                                                        |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| Project Name <div>Test Project</div>                                                                                                                                                                    |          |                                                                                                                                |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| Site Location(s)                                                                                                                                                                                        |          |                                                                                                                                |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| <table border="1"><thead><tr><th>Township</th><th>Range</th><th>Section</th><th>Development</th></tr></thead><tbody><tr><td>15</td><td>15</td><td>36</td><td>Clearwater No. 1</td></tr></tbody></table> | Township | Range                                                                                                                          | Section          | Development                                                                        | 15 | 15 | 36 | Clearwater No. 1 |  |  |  |  |  |
| Township                                                                                                                                                                                                | Range    | Section                                                                                                                        | Development      |                                                                                    |    |    |    |                  |  |  |  |  |  |
| 15                                                                                                                                                                                                      | 15       | 36                                                                                                                             | Clearwater No. 1 |                                                                                    |    |    |    |                  |  |  |  |  |  |
| Project Start Date:                                                                                                    |          | Project Manager <div></div>                                                                                                    |                  | Phone <div></div>                                                                  |    |    |    |                  |  |  |  |  |  |
| Project Completion Date:                                                                                               |          | Engineer <div></div>                                                                                                           |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| License Order No <div></div>                                                                                                                                                                            |          | Cultural <div></div>                                                                                                           |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| SA Section <div></div>                                                                                                                                                                                  |          | Workplan number <div>0</div>                                                                                                   |                  | Project Notification Number <div>0</div>                                           |    |    |    |                  |  |  |  |  |  |
| <b>PROJECT CLASSIFICATION AND REVIEW</b>                                                                                                                                                                |          |                                                                                                                                |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| Activity Type <div>(select 1)</div>                                                                                                                                                                     |          | Reporting Requirements                                                                                                         |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| Archaeology Site? <input type="radio"/>                                                                                                                                                                 |          | <input type="checkbox"/> Annual Report - FS, BLM, SHPO                                                                         |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| Site Description: <div></div>                                                                                                                                                                           |          | <input type="checkbox"/> Monitoring Report (due 30 days after project close)                                                   |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
|                                                                                                                                                                                                         |          | <input type="checkbox"/> Survey Report - FS, BLM, SHPO                                                                         |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
|                                                                                                                                                                                                         |          | Cultural Sites < 0.25 mi                                                                                                       |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| Previous Archaeological Investigations <div></div>                                                                                                                                                      |          |                                                                                                                                |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| <b>FOR AGENCY USE ONLY</b>                                                                                                                                                                              |          |                                                                                                                                |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| Level of Review: <div></div>                                                                                                                                                                            |          | Review Outcome                                                                                                                 |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
|                                                                                                                                                                                                         |          | <input type="checkbox"/> Proceed                                                                                               |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
|                                                                                                                                                                                                         |          | <input type="checkbox"/> Monitor post activities                                                                               |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
|                                                                                                                                                                                                         |          | <input type="checkbox"/> Consultation Required                                                                                 |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| Target Agency Approval Date                                                                                          |          | Additional Conditions                                                                                                          |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
|                                                                                                                                                                                                         |          | <b>Agency Review Completed</b> <input type="checkbox"/>                                                                        |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
|                                                                                                                                                                                                         |          | Reviewer <div></div> Agency <div></div>                                                                                        |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
| Detailed Maps <input type="checkbox"/> Map <div></div>                                                                                                                                                  |          | File # <div></div> Date Review Completed  |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
|                                                                                                                                                                                                         |          | PacifiCorp Routing:                                                                                                            |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
|                                                                                                                                                                                                         |          | <div></div> <input type="checkbox"/> <div></div> <input type="checkbox"/>                                                      |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |
|                                                                                                                                                                                                         |          | <div></div> <input type="checkbox"/> <div></div> <input type="checkbox"/>                                                      |                  |                                                                                    |    |    |    |                  |  |  |  |  |  |

## Exhibit E

### PROTOCOL FOR INADVERTENT DISCOVERY

Despite best efforts, it is possible for PacifiCorp maintenance and construction activities to encounter unknown archaeological resources that might be historic properties. USDA-FS and BLM own and are responsible for archaeological resources encountered on federal property and will follow their protocols for inadvertent discoveries. During routine maintenance and construction activities, if PacifiCorp staff encounter any archaeological resources that appear to be older than 50 years on PacifiCorp or private property, the following protocol will be implemented.

- If any member of a construction, maintenance, or other field crew believes that he or she has discovered an archaeological resource, work adjacent to the discovery will stop, and the work supervisor will be immediately notified. The area of work stoppage will be determined in consultation with PacifiCorp's Cultural Resources Coordinator (CRC) and will be adequate to provide for the security, protection, and integrity of the cultural materials.
- The work supervisor will take appropriate steps to protect the discovery site and summon the CRC. At a minimum, the immediate area of the discovery site will be secured. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Work in the immediate area will not be re-started until evaluation and any needed treatment of the discovery has been completed.
- The CRC will determine whether the discovery is potentially eligible for listing in the National Register of Historic Places.
- If the discovery appears to be eligible for listing in the National Register of Historic Places, the CRC will immediately contact the SHPO to seek consultation regarding appropriate treatment. If the SHPO determines that the discovery is an eligible prehistoric or historic Native American deposit, PacifiCorp will consult with the appropriate tribes to determine potential cultural heritage significance and the appropriate treatment of the find. Treatment measures may include mapping, photography, limited probing and sample collection, or other activity.
- The CRC will prepare a report on the methods and results of the treatment measures within 4 months of completion of the measures. The report will be addressed to the SHPO. PacifiCorp will provide a review copy of the draft report to the SHPO and the tribes. After a 30-day review period, PacifiCorp will make revisions that take into account review comments and provide a copy of the final report to each of these Parties.



## Exhibit F

### Protocol for the Treatment of Human Remains

If human remains are encountered on USDA-FS or BLM lands, whether during planned maintenance and construction activities, authorized archaeological excavations, or as a result of natural processes, the federal land managers will be responsible for the treatment of human remains. If human remains are encountered on PacifiCorp or private property, the following protocol will be strictly followed:

- If any member of a construction, maintenance, or other field crew believes that he or she has discovered human remains, work adjacent to the discovery will stop, and the work supervisor will be immediately notified. PacifiCorp will determine an area of work stoppage that is adequate to provide for the security, protection, and integrity of the remains.
- The work supervisor will take appropriate steps to protect the discovery site and summon an appropriate PacifiCorp representative. At a minimum, the immediate area of the discovery site will be secured. Vehicles, equipment, and unauthorized personnel will not be permitted to traverse the discovery site. Work in the immediate area will not be re-started until evaluation and any needed treatment of the discovery has been completed.
- PacifiCorp will direct that human remains and associated funerary objects or archaeological materials be left in place until the county medical examiner or designated professional archaeologist authorizes their removal.
- PacifiCorp will immediately contact the appropriate Sheriff's or County Medical Examiner's Office and ask their staff to determine that the remains are not part of a potential crime scene. PacifiCorp will inform the officials that the tribes are very concerned about avoiding disturbance as well as respectful and confidential treatment of human remains. A forensic anthropologist may be required to determine whether the remains are of Native American ancestry.
- PacifiCorp will contact SHPO staff immediately by telephone and inform them of the discovery. The SHPO will be kept informed of all discussions regarding the remains until their final status is resolved.
- PacifiCorp will contact the Commission on Indian Services (CIS) and representatives of the appropriate tribes immediately. Representatives of these groups will be invited to be present during the Medical Examiner's inspection of the remains.
- If the remains are determined to be Native American, PacifiCorp will work with the tribes and SHPO to determine and implement appropriate treatment. Funerary items and associated archaeological materials would be reburied along with the human remains.
- If the remains are determined not to be Native American, PacifiCorp will consult with SHPO and others as needed to determine and implement appropriate

treatment. This may include using historical documentation in an attempt to locate familial descendants and ask what treatment they prefer.

- PacifiCorp will allow reburial on utility property if the tribes or descendants desire that action. Selection of a PacifiCorp-managed reburial location will take into account foreseeable future uses of the location.
- The location of reburials will be noted on planning maps to prevent future disturbance. These maps will not be available to the public.
- PacifiCorp will treat areas of known burials, both *in-situ* and reburials, with the respect accorded.



## **Exhibit G**

**OREGON  
STATE HISTORIC PRESERVATION OFFICE  
NHPA SECTION 106  
DOCUMENTATION AND EFFECTS  
FORMS**





**Oregon**

John A. Kitzhaber, M.D., Governor

**Parks and Recreation Department**

State Historic Preservation Office

1115 Commercial St. NE

Salem, OR 97301-1012

(503) 378-4168

FAX (503) 378-6447

DATE: February 26, 2001

TO: Local, State or Federal Agencies Seeking Section 106 Clearance for  
Federally Funded, Licensed, or Permitted Activities

FROM: Oregon State Historic Preservation Office

SUBJECT: Section 106 Documentation and Effects Forms for Above Ground Resources

To Whom It May Concern:

Enclosed you will find a copy of the new Section 106 Documentation and Effects Forms that are being introduced by the Oregon SHPO for use in the resource identification and project effects phases of all Section 106 projects that affect above-ground resources.

These forms were developed by SHPO staff in an effort to provide agencies and consultants a clearer indication of the kind of information that is required for efficient Section 106 review. By standardizing the format of 106 submittals for all agencies, we believe the survey and review processes will be simplified and streamlined. Ultimately, this valuable information will be integrated into the Oregon Statewide Inventory database as required by the National Park Service, simplifying future research and adding to the current body of identified historic properties.

One form should be used for each individual property that is surveyed within the Area of Potential Effects of the project. All fields should be completed. The form is currently available in hard copy, or in Microsoft Word format on computer disc or by email.

Use of this form for property and project documentation is required after April 15, 2001.

If you have any questions or need additional assistance, please contact Christine Curran at extension 229 or Liz Carter at extension 233.

Sincerely,

James M. Hamrick  
Deputy State Historic Preservation Officer



# Oregon

John A. Kitzhaber, M.D., Governor

**Parks and Recreation Department**

State Historic Preservation Office

1115 Commercial St. NE

Salem, OR 97301-1012

(503) 378-4168

FAX (503) 378-6447

**DATE:** February 2001

**TO:** Local, State or Federal Agencies Seeking Section 106 Clearance for Federally Funded, Licensed, or Permitted Activities

**FROM:** Oregon State Historic Preservation Office

**SUBJECT:** Minimum Requirements for Project Proposal Documentation for Above-Ground Historic Resources

Under Section 106 of the National Historic Preservation Act of 1966 (Public Law 89-665) 16 U.S.C. 470-470m, and under federal regulations governing protection of historic and cultural resources (36 CFR 800), federal agencies (and the local or state agencies to which the federal agency has delegated responsibility) are directed to avoid undertakings which adversely affect properties which are included in or eligible for inclusion in the National Register of Historic Places.

Any project element calling for alteration or demolition of historically or architecturally significant property (normally 50 years or older) or property contributing to the integrity of a cohesive older neighborhood or historic district, and any project element calling for disturbance of previously undeveloped ground in the course of new construction is required by federal regulations to be cleared by the State Historic Preservation Office on a case-by-case basis.

Information on the project and on each individual property that may be affected by the project will be submitted on the Section 106 Documentation and Effect Forms (attached). Completion of all fields on the forms (as applicable) is required for processing above-ground Section 106 requests. The completed forms should impart the following information:

**Project Information:**

- A description of the project, including preliminary work writeup or list of improvements being considered.
- Address of the property or site and a map that clearly shows the geographic location on which the project will take place. This map should include Township, Range and Section coordinates, and nearest cross street, labeled, or nearest intersection of roads or water courses labeled as appropriate.
- An assessment of the potential effect the project will have on properties that are listed or considered eligible for listing in the National Register of Historic Places.

**Property Information:**

- Original color photographs or high resolution laser-printed color images (**no xeroxes, no polaroids**) of the targeted building(s) within the Area of Potential Effects, showing context of the project, are required. The photos must clearly show the entire resource as well as the immediately surrounding area.
- A physical description, including date of construction, and any visible alterations that have been made.
- A statement indicating whether or not the building or site is identified in any local cultural resource inventory (information available from local planning departments), or is listed in the National Register individually, or as a "contributing" resource within a National Register district. Check our web site for a list of National Register properties by county: [www.prd.state.or.us/about\\_shpo.html](http://www.prd.state.or.us/about_shpo.html).
- An assessment of the potential National Register eligibility of the identified resources.

Incomplete submittals will be returned with a request for additional information.

**If your program is recurring, you may wish to initiate a Programmatic Agreement (PA) between the SHPO and the parent federal agency. PAs are frequently used to reduce regulatory requirements.**

Once the needed documentation is received, SHPO can provide comment on resource eligibility and project effect. Although it is the responsibility of the agency to determine eligibility and then consult with SHPO, we have found that requests for preliminary comment tend to eliminate delays and clarify subsequent steps. Many projects can be cleared without further cost or delay.

The State Historic Preservation Office, a unit of the State Parks and Recreation Department, is located at 1115 Commercial Street NE, Suite 2, Salem, OR 97301-1002. Telephone questions may be addressed to staff preservation specialists Christine Curran at (ext. 229) or Liz Carter (ext. 233).

Sincerely,

A handwritten signature in black ink, appearing to read "James Hamrick". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

James M. Hamrick  
Deputy State Historic Preservation Officer

[Get editable version of form](#)
**OREGON INVENTORY OF HISTORIC PROPERTIES  
SECTION 106 DOCUMENTATION FORM**

|                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| Agency/Project::                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                              |
| Street Address:                                                                                                                                                                                                                                                                                                                                                                                                                            | City, County:                                                                                                                |
| USGS Quad Name:                                                                                                                                                                                                                                                                                                                                                                                                                            | District, Grouping or Ensemble?                                                                                              |
| Township:    Range:    Section:    Tax Lot #:                                                                                                                                                                                                                                                                                                                                                                                              | Name:                                                                                                                        |
| Current Use:                                                                                                                                                                                                                                                                                                                                                                                                                               | Date of Construction:                                                                                                        |
| Architectural Classification/Resource Type:                                                                                                                                                                                                                                                                                                                                                                                                | Alterations & Dates:                                                                                                         |
| Window Type & Material:                                                                                                                                                                                                                                                                                                                                                                                                                    | Exterior Surface Materials:                                                                                                  |
| Roof Type & Material:                                                                                                                                                                                                                                                                                                                                                                                                                      | Primary:                                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                            | Secondary:                                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                            | Decorative:                                                                                                                  |
| Condition:                                                                                                                                                                                                                                                                                                                                                                                                                                 | Integrity:                                                                                                                   |
| <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor                                                                                                                                                                                                                                                                                                               | <input type="checkbox"/> Excellent <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor |
| <p>Insert photograph of resource here</p>                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                              |
| <b>Preliminary National Register Findings:</b><br><input type="checkbox"/> National Register listed    Potentially Eligible: <input type="checkbox"/> Individually <input type="checkbox"/> As part of District<br><input type="checkbox"/> Not Eligible: <input type="checkbox"/> In current state <input type="checkbox"/> Irretrievable integrity loss <input type="checkbox"/> Lacks Distinction <input type="checkbox"/> Not 50 Years |                                                                                                                              |
| <b>State Historic Preservation Office Comments:</b><br><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur:<br><input type="checkbox"/> Potentially Eligible Individually <input type="checkbox"/> Potentially Eligible As part of District <input type="checkbox"/> Not Eligible                                                                                                                                       |                                                                                                                              |
| Signed _____ Date _____<br><b>Comments:</b>                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                              |

 Surveyor/Agency: \_\_\_\_\_ Date Recorded: \_\_\_\_\_ **106 Documentation Pg 1**

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SECTION 106 DOCUMENTATION FORM**

|                                                                                                                                                                                     |                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Street Address:                                                                                                                                                                     | City, County:                                                                                                                                                                              |
| Architect, Builder or Designer (if known):                                                                                                                                          | Property Category:<br><input type="checkbox"/> Building <input type="checkbox"/> Structure <input type="checkbox"/> District <input type="checkbox"/> Site <input type="checkbox"/> Object |
| Owner:<br><input type="checkbox"/> Private <input type="checkbox"/> Local Government <input type="checkbox"/> State <input type="checkbox"/> Federal <input type="checkbox"/> Other |                                                                                                                                                                                            |
| Name:                                                                                                                                                                               |                                                                                                                                                                                            |
| Address:                                                                                                                                                                            |                                                                                                                                                                                            |
| City, State, Zip:                                                                                                                                                                   |                                                                                                                                                                                            |
| Phone:                                                                                                                                                                              |                                                                                                                                                                                            |
| Description of Property (including exterior alterations & approximate dates), Significance Statement, and Sources. (Use continuation sheets if necessary):                          |                                                                                                                                                                                            |

Surveyor/Agency: \_\_\_\_\_ Date Recorded: \_\_\_\_\_ 106 Documentation Pg 2

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OREGON INVENTORY OF HISTORIC PROPERTIES  
**SECTION 106: SUPPLEMENTAL PHOTOGRAPHS**

Street Address:

City, County:

View:

View:

Surveyor/Agency: \_\_\_\_\_ Date Recorded: \_\_\_\_\_ 106 Documentation Pg 3



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OREGON INVENTORY OF HISTORIC PROPERTIES  
**SECTION 106 DOCUMENTATION FORM**  
Continuation Sheet

|                 |               |
|-----------------|---------------|
| Street Address: | City, County: |
|                 |               |

Surveyor/Agency: \_\_\_\_\_ Date Recorded: \_\_\_\_\_ 106 Documentation Pg 4

Historic Properties Management Plan  
September 2006

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**SECTION 106: LEVEL OF EFFECT**  
**Continuation Sheet**

|                 |               |
|-----------------|---------------|
| Agency/Project: |               |
| Street Address: | City, County: |
|                 |               |

Surveyor/Agency: \_\_\_\_\_ Date Recorded: \_\_\_\_\_

**106 Effect Pg 2**



## **Exhibit H**

**Memorandum of Understanding  
Between the  
United States Department of Agriculture  
United States Forest Service  
and  
PacifiCorp  
Regarding the Implementation of the  
North Umpqua Settlement Agreement**

**June 23, 2004**



MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
UNITED STATES DEPARTMENT OF AGRICULTURE  
UNITED STATES FOREST SERVICE  
AND  
PACIFICORP  
REGARDING THE  
IMPLEMENTATION OF THE NORTH UMPQUA SETTLEMENT AGREEMENT

June 23, 2004

**Purpose**

- A. The U.S. Department of Agriculture-Forest Service ("USDA-FS") and PacifiCorp are parties to the North Umpqua Settlement Agreement dated June 13, 2001 (the "Settlement Agreement"). On November 18, 2003, PacifiCorp received from the Federal Energy Regulatory Commission ("the Commission") a new license to operate the North Umpqua Hydroelectric Project ("the New License"). The New License incorporates the terms of the Settlement Agreement as license terms, conditions, and requirements.
- B. The Settlement Agreement and the New License require PacifiCorp to implement measures for the protection, mitigation and enhancement of the environment ("PM&E Measures") during the term of the New License. Under Section 21.5 of the Settlement Agreement, PacifiCorp is required to prepare site-specific plans for the implementation of PM&E Measures. Under Sections 21.5 and 21.7 of the Settlement Agreement, the USDA-FS is to evaluate whether existing National Environmental Policy Act ("NEPA," 42 U.S.C. §§ 4321 *et seq.*) analyses for the PM&E Measures are adequate and if not, to direct PacifiCorp to complete additional NEPA analyses prior to implementation of such measures.
- C. On May 13, 2003, the USDA-FS revised its national policy concerning the agency's implementation of NEPA with respect to hydroelectric projects. See Letter from Tom L. Thompson, Deputy Chief for the National Forest System, to Regional Foresters (May 13, 2003). Under the revised national policy, the USDA-FS recognizes the Commission as the responsible lead federal action agency for the purpose of conducting NEPA analysis of USDA-FS mandatory conditions and related PM&E Measures required by the license as issued or amended over the license term. The revised USDA-FS policy leads to an altered understanding between PacifiCorp and the USDA-FS as to how NEPA analyses will be completed under sections 21.5 and 21.7 of the Settlement Agreement.
- D. The USDA-FS and PacifiCorp have a common interest in the effective implementation of the terms of the Settlement Agreement and the New License. The USDA-FS and PacifiCorp enter into this Memorandum of Understanding ("MOU") to clarify their interpretation of USDA-FS NEPA obligations as they relate to license implementation.

**It is mutually agreed that:**

1. PacifiCorp shall continue to develop site-specific plans to implement PM&E measures in consultation with the USDA-FS and other agencies as provided in Section 21.5 of the Settlement Agreement and Article 301 of the New License. Once such plans have been developed and site-specific implementation measures identified by the USDA-FS and PacifiCorp, the plans shall be filed with the Commission for review and approval in accordance with Section 21.5 of the Settlement Agreement and Article 301 of the New License. The Commission, as the responsible lead federal action agency, will determine whether sufficient NEPA analyses have previously been completed for PM&E Measures. The USDA-FS and PacifiCorp shall defer to NEPA determinations made by the Commission.
2. Similarly, under Section 21.7 of the Settlement Agreement, the USDA-FS and PacifiCorp shall defer to the Commission for its determination whether sufficient NEPA analysis has previously been completed for any given PM&E measure. PacifiCorp shall prepare, at the direction of the Commission, any required NEPA analyses for PM&E Measures, and shall coordinate development of such analyses with the USDA-FS. PacifiCorp shall not be required to fund or implement additional environmental studies except to the extent required to do so by the Commission. PacifiCorp shall continue to schedule submissions to the Commission and other agencies such that any necessary environmental review can be completed in time for the PM&E Measures to be implemented on the schedule required by the New License and Settlement Agreement.
3. The USDA-FS and PacifiCorp regard the above changes in procedure to be consistent with Section 21.7 of the Settlement Agreement, and recognize that USDA-FS NEPA procedures may change yet again consistent with new policies, regulations or laws. Accordingly, this MOU may be terminated by the USDA-FS or PacifiCorp upon providing thirty (30) days written notice to the other party.
4. PacifiCorp and the USDA-FS shall coordinate in communicating the contents of this MOU to the Commission, to the other parties to the Settlement Agreement, and all other persons.
5. This MOU may be modified at any time by mutual consent of the signatory parties or their designees.
6. This MOU is not intended to obligate the USDA-FS to make any financial expenditures in violation of any law or regulation.
7. Except as specifically provided with respect to implementation of NEPA review by the Commission, this MOU does not in any way alter the obligations of PacifiCorp or the USDA-FS under the Settlement Agreement.

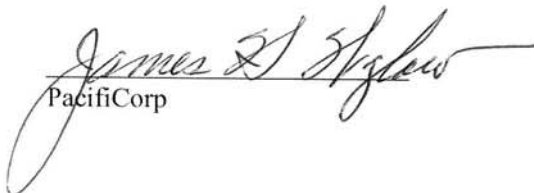


8. Nothing in this MOU shall be construed as preventing the USDA-FS from complying with its obligations under any laws or regulations.

APPROVAL

  
\_\_\_\_\_  
Forest Supervisor  
Umpqua National Forest

  
\_\_\_\_\_  
DATE

  
\_\_\_\_\_  
PacifiCorp

  
\_\_\_\_\_  
DATE



# **Exhibit I**

## **Historic Structures Plan (HSP)**

*The Historic Structures Plan (HSP), part of the Historic Structures Program,  
will be on file with PacifiCorp.*

