

**BEFORE THE PUBLIC UTILITY COMMISSION  
OF OREGON**

<b>IN THE MATTER OF IDAHO POWER COMPANY'S  PETITION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.</b>	<b>Docket: PCN 5  Amended Opening Testimony  Intervenor: John C. Williams</b>
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**Date: February 01, 2023**

**John C. Williams, Intervenor**

**P.O. Box 1384  
La Grande, Oregon 97850**

Q: Please state your name, address, and interest in this matter.

A: John C. Williams, P.O. Box 1384, La Grande, Oregon 97850. I am an impacted landowner in Union County. I derive income from my property through livestock grazing and fee-hunting; and for 40 years this has proved to be a viable and sustainable land-use practice. Should B2H cross the property the fee hunting would almost surely end likely leading to practices much less balanced.

Q: Can you describe the location your property?

A: My property is 2600 acres: west, north, and south of the west side of Morgan Lake Park in Union County. It is bounded on the south by the center line of the right of way of **a vacated** section of Morgan Lake Road (called the Mill Canyon Road on the USGS maps). It is zoned as Timber-grazing land (A-4) and crossed by two creeks (Sheep and Rock).

Q: Did you participate in the EFSC contested case process? And what were your issues?

A: Yes. I contested the completeness of the archeology studies required under OAR-345-022-0090, Historical, Cultural, and Archeological Resources. (HCA-7).

Q: These resources do not have to do with your income? Why are they concerning?

A: "There is nothing new in the world, except the history you do not know."

Q: How long have you been trying to protect these historical, cultural, and archeological resources?

A: Since I became aware of the archeological and cultural resources during the first pedestrian survey by Idaho Power's contractor, Tetra Tech in 2016.

Q: What were the results of that survey?

A: They discovered/found a pre-contact hunting blind, 5.14 meters outside the Direct Analysis Area (DAA) from an access road to the proposed Morgan Lake route of the B2H.

Q: Has this been your only archeological survey?

A: No. Another archeologist and I spent an afternoon surveying the affected area, and the Tetra Tech crew returned this past summer.

Q: Who is this archeologist and what are his credentials?

A: His name is Shawn Steinmetz and he is my witness. See his CV in Exhibit 1. He will be testifying about: completeness and adequacy of the archeological study. In order to comply with the procedural schedule, as clarified by ALJ Mellgren on January 25, 2023 conference meeting, I have inserted his written testimony into the record as Exhibit 1.a. and appended the Programmatic Agreement as Exhibit 3.

Q: Do you have any concerns about this study?

A: I was concerned about the adequacy and completeness of their effort and I contacted Mr. Steinmetz, who came out onto my property in 2021 and during a cursory survey of the proposed route through my land identified two archaeological sites that IPC had not documented. This information was shared with IPC's archaeological contractor, Tetra Tech. With this new

knowledge, IPC's archaeological contractor, Tetra Tech, located and documented the additional archaeological sites in the summer of 2022. During this time additional survey and subsurface testing at high probability areas and at isolated find locations were conducted. The results of this work are pending, but additional archaeological sites were located and documented during this time. The CPCN should not be granted until these studies are completed so that we can better understand how the B2H project could impact the archaeological sites on my property.

In the B2H Historic Properties Programmatic Agreement, IPC stated it would conduct archeological survey in a phased approach. This has occurred on my property, but the second phase reporting has not been completed. A Visual Assessment of Historic Properties Study Plan reconnaissance level survey has been completed, but an intensive level survey reporting is pending. The High Probability Areas Assessment has been completed on my property, but determinations of National Register eligibility have not been completed. Maps shared with me concerning the placement of transmission towers show that two archaeological sites could be directly impacted by their construction, yet their National Register eligibility has not been completed. No avoidance plan for archaeological sites on my property has been developed and a site mitigation plan has yet to be completed (if needed). These and any other incomplete studies should be completed before IPC obtains the CPCN.

There were many changes made to the route design and access roads on my property in 2022 and it does not seem those plans are finalized even today. IPC should have all of its right-of-way needs worked out and land owners should understand how those needs affect our property before IPC is granted their CPCN request. Until the issues I have presented in this testimony are completed I believe that it is premature to issue the CPCN to IPC.



Q: Is the pre-mature nature of the CPCN application your only concern?

A: NO. There is an alternative to using this route; and if I understand the rules correctly, this should be considered. [ORS 758.015; OAR 860--25-0030] In my opinion, the BLM preferred route (aka NEPA route) is much less problematic, than either the Morgan Lake or the Mill Creek/Canyon routes that IPC brought forward in their application to EFSC. After years of study and analysis by the federal agencies, BLM, USFS, etc, they agree with me because the “Glass Hill Alternative” (not the Morgan Lake route) was selected as the “environmentally-preferred route” in the NEPA process, and the Record of Decision (ROD) reflects this.

Q: Is there anything that you would like to enter into the record?

A: Yes. I would like to enter into the record the briefing to the case pending at the Oregon Supreme Court, by petitioner Mr. Michael McAllister, (see Exhibit 2), as the best explanation. The Amicus Brief (also Exhibit 2) filed in the pending Supreme Court case may provide context to this question as well.

Furthermore, I would like to state for the record that I have two maps deemed “not for public review or comment” (one from the Memorandum of Easement Option Agreement packet), indicating current site selections for the undertaking. (See Exhibit 4). From these maps, there are aspects that I find deeply concerning. For example, if the new access road plan is selected, it will intersect the NEPA route on Whiskey Creek Road. The NEPA route avoids the archeological sites on my property near Morgan Lake, Morgan Lake Park itself--including the wetlands of Twin Lake, the registered segments of the Oregon Trail, portions of Ladd Marsh Wildlife Refuge, the Glass Hill Natural Area which also includes a Rocky Mountain Elk Foundation conservation easement, and at least 5 miles of access roads.

Q: Is there anything else?

A: Yes. I understand from OAR 860-025-0030(2)(d) that the petition is to include forecasted estimates of costs as required for the OPUC's examination/review. This includes, under subsection (A) properties, or "parcels of land" that IPC may need to acquire. Appraisals have not been completed; necessary archeological surveys are incomplete and necessary mitigations have not been calculated; add to these, the other mitigation costs for timber, fish and wildlife habitat (eg: for Sage Grouse), weed applications, and there are just too many unknowns for any forecast to be reliable, especially when IPC continues to apply for Amendments to the Site Certificate (to ODOE/EFSC) creating more uncertainty about the exact location of the facility in all counties and the parcels impacted.

For all of the reasons above, I urge you to terminate or pause this docket. Please do not waste any more of mine or the ratepayers' money on this permitting process. Idaho Power is inefficient and the impacted landowners should not be inconvenienced until necessary.

I hereby declare that the above statements are true to the best of my knowledge and belief, and I understand that they are made for use as evidence in administrative and court proceedings and are subject to penalty for perjury.

Dated this first day of February, 2023.

/s/ John C. Williams

John C. Williams

## **EXHIBIT 1**

### **Witness #1:**

#### **CV\_Shawn Steinmetz**

Shawn R. Steinmetz

62365 Lizabeth Lane, La Grande, Oregon

#### **Positions Held**

Hoyo

January 2022-Present

President of Hoyo. Hoyo is a non-profit cultural resource organization. The mission of Hoyo is to aid in protecting, preserving, and perpetuating cultural resources through identification, education, and documentation.

Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program, March 1998-December 2021.

Archaeologist/Ethnographer. Supervise up to nine people on archaeological surveys, test excavation projects, and oral history investigations. Conducted geophysical surveys using ground-penetrating radar. Created work products using GPS and ArcMap GIS. Wrote archaeological inventory and traditional use inventory reports.

Mount Emily Archaeological Consulting, May 1997-March 1998.

Field Director. Responsible for a five person field crew. Conducted archaeological surveys.

Monitored known sites within project areas. Documented archaeological sites, prepared site forms, field maps, and archaeological reports. Managed test excavation.

Ochoco National Forest, April-May 1997.

Archaeologist. Conducted cultural resource survey for a timber sale project. Recorded a variety of archaeological sites.

Deschutes National Forest, January-March 1997.

Archaeologist. Wrote archaeological management plan. Included a summary of all sites in the area, an analysis of work done on each site, a synthesis of the history, prehistory, and ethnography of the area, and recommendations for protection of the sites.

Umpqua National Forest, June-November 1996.

Archaeologist. Supervised one person on archaeological field reconnaissance and documentation of archaeological sites. Monitored sites and completed project reports.

Wenatchee National Forest, April-December 1995.

Archaeologist/Crew Leader. Supervised four people conducting archaeological survey projects.

Documented archaeological sites, managed crew logistics, and prepared survey related data.

Wallowa-Whitman National Forest, May-September 1993.

Archaeologist. Conducted archaeological surveys for forest projects. Conducted archaeological subsurface testing. Recorded historic and prehistoric sites. Wrote project reports. Worked with a team to document a historic mining complex in the Seven Devils National Recreation Area.

Hells Canyon National Recreation Area, April 1992-January 1993.

Archaeologist. Created a survey design and then conducted cultural resource surveys, including subsurface testing at more than 20 sites. Wrote site and inventory reports. Documented archaeological sites. Supervised two people. Assisted in a historic structure restoration project. Monitored construction activity to protect cultural resources.

Deschutes National Forest, January-April 1992.

Archaeologist. Supervised a two person crew conducting archaeological survey. Wrote site and inventory reports. Worked with other departments to ensure that cultural resource sites were adequately protected.

Hells Canyon National Recreation Area, June-November 1991.

Archaeologist. Documented sites, emphasis on rock art, winter villages sites, and rock shelters. Wrote cultural resource site reports and inventory reports. Supervised two people in subsurface testing project.

Wallowa-Whitman National Forest, June-September 1986, 1987, 1988, and 1989.

Cultural Resources Technician. Supervised three people on cultural resource surveys. Prepared and implemented survey design. Completed cultural resource site forms and inventory reports.

Wallowa-Whitman National Forest, June-September 1985.

Cultural Resources Technician. Reviewed cultural resource site and inventory reports. Performed lithic analysis. Created an archaeological database. Coordinated the exchange and sharing of cultural resource database with the Forest's Ranger Districts. Managed the cultural resource master files and master location maps.

Wallowa-Whitman National Forest, September 1984-June 1985.

Cultural Resources Technician. Assisted with survey. Conducted archaeological excavation. Documented archaeological sites, prepared site reports, field maps, and report maps.

Bureau of Land Management, Baker Resource District, June-September 1983.

Cultural Resources Technician. Volunteered to assist in field survey, recorded and mapped archaeological sites.

## Education

Oregon State University, Corvallis, Oregon Bachelor of Science in Anthropology, June 1991

## Teaching and Public Education

- Indian Lake Cultural Resource Training, Pendleton, OR. May 2001.

Instructor at the weeklong CTUIR CRPP cultural resource recognition and recording class.

Taught participants a map reading and compass use module and site recording class.

- Indian Lake Cultural Resource Training, Pendleton, OR. June 1998.

Instructor at the weeklong CTUIR CRPP cultural resource and aboriginal skills training. Taught tribal members from a variety of tribes a map reading and compass use module as well as a global positioning system (GPS) class.

- Oregon State University, Corvallis, OR. March-May 1993 and September 1993 to July 1994. Assistant Crew Coach responsible for training, grade tracking, and preparing student athletes for competition. Assisted with coaching, recruiting, scheduling and planning team travel, fund raising activities, and planning and managing regattas. Taught four Physical Education classes of 20+ students each.

- Horner Museum, Corvallis, OR. October 1989 to May 1990.

Assisted in the set-up of museum displays. Catalogued and labeled new museum collections.

Aided in the preservation of museum photographs and negatives. Answered visitor questions.

#### Publications and Presentations

- “On the Rez, It’s All Our History”, in Archaeologies of Indigenous Presence, 2022 .

University of Florida press, Co-authored with Catherine Dickson.

- Forgotten forbs: Standard vegetation surveys underrepresent ecologically and culturally important forbs in a threatened grassland ecosystem, in Conservation Science and Practice.

Co-authored with Brian A. Endress, Joshua P. Averett, and Eric J. Quaempts, 2021.

- “The Cayuse, Umatilla, and Walla Walla Tribes’ Use of the Grande Ronde Valley and Beyond” presented at the Union County Historical Society, April 2012, La Grande, Oregon.

- “Returning to Buffalo: Traditional Practices of the Past Collide with the Politics of the Present” presented at the Northwest Anthropological Conference, March 2012, Pendleton, Oregon. Co- authored with Aaron Ashley.
- “Ground Penetrating Radar Survey at 10NP464: A Corps of Discovery Site in Hells Canyon, Idaho” presented at the Northwest Anthropological Conference April 2008, Victoria, BC
- “Use of Penetrating Radar at Archaeological Sites” presented at the Portland State University’s Field School, July 2007, Fort Vancouver, Washington
- “How Many Times is Enough? Survey Along Lower Monumental Reservoir,” presented at the Northwest Anthropological Conference, April 2002, Boise, Idaho. Co-authored with Catherine Dickson and Carey Miller.
- “Confederated Tribes of the Umatilla Indian Reservation’s Cultural Resource Protection Program Spatial Data Collection Methods and Uses,” presented at Intertribal GIS Conference, July 1999
- “Using Today’s Technology to map the Past,” presented at the Northwest Anthropological Conference, April 1999, Newport, Oregon
- Many cultural resource inventory reports submitted to State Historic Preservation Offices



**EXHIBIT 1.a.**

**Witness Testimony: Steinmetz**

Shawn Steinmetz

President, Hoyo

Testifying on Behalf of John Williams, Docket PCN 5

January 25, 2023

My name is Shawn Steinmetz and I'm the President of Hoyo, a 501c3 non-profit organization whose mission is to document, preserve, and protect cultural resources through identification, education and documentation. I have worked as an archaeologist in the Pacific Northwest for over 30 year. I am testifying on Idaho Power Company's (IPC) application for certificate of public convenience and necessity (CPCN) as to its potential affects to archaeological resources the property owned by John Williams (Williams Property).

It is my understanding that IPC's application for CPCN is a vehicle for IPC to expedite their efforts to condemn land along their Boardman to Hemingway (B2H) Transmission Line route. I believe that it is premature to start the condemnation process before all of the required studies have occurred on the Williams Property. I was first asked out to the Williams Property in the summer of 2021 and conducted a cursory survey of the proposed transmission line route and I identified two archaeological sites that IPC had not documented during their prior archaeological survey work. This information was shared with IPC's archaeological contractor, Tetra Tech. With this new knowledge, IPC's archaeological contractor, Tetra Tech,

located and documented the additional archaeological sites in the summer of 2022. During this time additional survey and subsurface testing at high probability areas and at isolated find locations were conducted (as outlined in the Historic Properties Programmatic Agreement). The results of this work are pending, but additional archaeological sites were located and documented during this time. The CPCN should not be granted until these studies are completed so that all parties can better understand how the B2H project could impact the archaeological sites on the Williams Property.

In the B2H Historic Properties Programmatic Agreement, IPC stated it would conduct archeological survey in a phased approach. This has occurred on the Williams Property, but the second phase reporting has not been completed. A Visual Assessment of Historic Properties Study Plan reconnaissance level survey has been completed, but an intensive level visual assessment survey report is pending. The cultural resource survey and testing for the 2022 transmission line route's High Probability Areas Assessment has been completed (report is pending) on the Williams Property, but determinations of National Register eligibility have not been completed. Maps shared with Mr. Williams, by IPC, concerning the placement of transmission towers show that two archaeological sites could be directly impacted by their construction, yet their National Register eligibility has not been completed. IPC has indicated micro-siting will avoid known sites, but it is unclear if that is the case at these locations. No avoidance plan for archaeological sites on the Williams Property has been developed and a site mitigation plan has yet to be completed (if needed on the Williams Property). These and any other incomplete studies should be completed before IPC obtains the CPCN.

There were many changes made to the route design and access roads need on the Williams Property in 2022 and it does not seem those plans are finalized even today. IPC should

have all of its right-of-way needs worked out on the Williams Property so that the land owner can understand how the B2H project might affect archaeological resources on the Williams Property before IPC is granted their CPCN request. Until the issues I have presented in this statement are completed I believe that it is premature to issue the CPCN to IPC.

I hereby declare that the above statements are true to the best of my knowledge and belief, and I understand that they are made for use as evidence in administrative and court proceedings and are subject to penalty of perjury.

Dated this 25<sup>th</sup> day of January, 2023.

/s/ Shawn Steinmetz

Shawn Steinmetz

## **EXHIBIT 2**

### **Links to Pending Supreme Court Appeal of the EFSC Site Certificate**

**[Opening Brief, McAllister](#)**

**[Amicus Brief, Morrison](#)**

Per the fact that these briefs are lengthy and the links are already in the PCN 5

Docket: <https://edocs.puc.state.or.us/efdocs/HAH/pcn5hah81518.pdf>. I am simply adding the links. If necessary to file the actual briefs as Exhibits in full, I will do so under a Motion to Admit prior to the Evidentiary Hearing, or other means as instructed by the ALJ.

## **Exhibit #3**

### **Programmatic Agreement -- Appendix E**

#### **BLM Record of Decision - 11/17/2017**

<https://eplanning.blm.gov/eplanning-ui/project/68150/570>

### **Appendix E – Programmatic Agreement**

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## Boardman to Hemingway Programmatic Agreement

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1 **FINAL**  
2 **PROGRAMMATIC AGREEMENT**  
3 **AMONG**  
4 **THE BUREAU OF LAND MANAGEMENT**  
5 **THE U.S.D.A. FOREST SERVICE**  
6 **THE BONNEVILLE POWER ADMINISTRATION**  
7 **THE U.S. ARMY CORPS OF ENGINEERS**  
8 **BUREAU OF RECLAMATION**  
9 **THE ADVISORY COUNCIL ON HISTORIC PRESERVATION**  
10 **THE OREGON STATE HISTORIC PRESERVATION OFFICER**  
11 **THE IDAHO STATE HISTORIC PRESERVATION OFFICER**  
12 **THE WASHINGTON DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION (SHPO)**  
13 **THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION,**  
14 **TRIBAL HISTORIC PRESERVATION OFFICER**  
15 **NATIONAL PARK SERVICE**  
16 **IDAHO POWER COMPANY**  
  
17 **REGARDING COMPLIANCE WITH**  
18 **THE NATIONAL HISTORIC PRESERVATION ACT**  
19 **FOR THE CONSTRUCTION OF THE**  
20 **BOARDMAN TO HEMINGWAY 500 KV TRANSMISSION LINE PROJECT**

21 **WHEREAS**, Idaho Power Company (Proponent) has proposed to construct, operate, maintain and  
22 eventually decommission the Boardman to Hemingway 500 kV Transmission Line Project (Undertaking),  
23 an approximately 300-mile-long transmission line stretching from near Boardman, Oregon to near  
24 Melba, Idaho across multiple federal, state and local jurisdictions and across the ancestral lands of  
25 several Indian tribes, requiring permits from multiple federal agencies; and

26 **WHEREAS**, the Bureau of Land Management (BLM), in consultation with the State Historic Preservation  
27 Officers (SHPOs) / Tribal Historic Preservation Officer (THPO), determined that a phased process for  
28 compliance with Section 106 of the National Historic Preservation Act (NHPA), as amended (54 USC  
29 §306108), through a Programmatic Agreement (PA) is appropriate, as specifically permitted under 36  
30 Code of Federal Regulation (CFR) 800.4(b)(2), such that the identification and evaluation of historic  
31 properties, determinations of specific effects on historic properties, and consultation concerning  
32 measures to avoid, minimize, or mitigate any adverse effects will be carried out in phases as part of  
33 planning for and prior to the issuance of any Notices to Proceed (NTP) as detailed in stipulation XII; and

34 **WHEREAS**, the Proponent intends to construct, operate and maintain and eventually decommission the  
35 Boardman to Hemingway Transmission Line Project according to general parameters contained in the  
36 project Plan of Development (POD) for the Undertaking which shall be appended to and made a part of  
37 the Record of Decision (ROD) authorizing the right of way (ROW) grant; and

## Boardman to Hemingway Programmatic Agreement

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1 **WHEREAS**, the BLM is considering the issuance of a ROW grant for the construction, operation and  
2 maintenance, and eventual decommissioning of the Undertaking, and the ROW grant will incorporate  
3 this PA by reference; and

4 **WHEREAS**, this PA, and the Historic Properties Management Plan (HPMP) that will be developed  
5 pursuant to this PA, will be incorporated into the approved project POD; and

6 **WHEREAS**, the BLM is a multiple use agency responsible for permitting and issuing a ROW grant and the  
7 protection of cultural resources on federal public lands as authorized under the Federal Lands Policy and  
8 Management Act (FLPMA) of 1976 (43 USC §1701) and the Proponent has requested a 30-year,  
9 renewable ROW grant from the BLM for the Undertaking; and

10 **WHEREAS**, portions of this Undertaking will occur on lands managed by the United States Department  
11 of Agriculture Forest Service (USFS), and USFS has designated that the BLM will serve as lead federal  
12 agency for Section 106 of the NHPA compliance pursuant to 36 CFR 800, the regulations implementing  
13 Section 106 of the NHPA of 1966, as amended (54 USC §306108) and is a Signatory to this PA; and

14 **WHEREAS**, portions of this Undertaking will occur on lands managed by the Bureau of Reclamation  
15 (Reclamation) and the Reclamation has designated that the BLM will serve as lead federal agency for  
16 Section 106 of the NHPA compliance pursuant to 36 CFR 800, the regulations implementing Section 106  
17 of the NHPA and is a Signatory to this PA; and

18 **WHEREAS**, the Bonneville Power Administration (BPA), owner of the Boardman to Lone transmission  
19 line and proposed Longhorn substation, may market and distribute power transmitted by the  
20 Undertaking, has agreed to fund a portion of the environmental and cultural compliance and permitting  
21 of the line, may participate in the construction of the line, has designated the BLM to serve as lead  
22 federal agency to serve as the agency official who shall act on its behalf, fulfilling any BPA  
23 responsibilities under Section 106 of the NHPA regarding the Undertaking, and is a Signatory to this PA;  
24 and

25 **WHEREAS**, the Portland and Walla Walla Districts, U.S. Army Corps of Engineers (USACE), with the  
26 Portland District serving as the lead district per a Memorandum of Agreement with the Walla Walla  
27 District, will evaluate a permit application for the Undertaking to place structures in, under, or over  
28 navigable waters of the U.S. pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC §403)  
29 and for the placement of dredged or filled material in the Waters of the U.S. pursuant to Section 404 of  
30 the Clean Water Act (33 USC §1344; 33 CFR 323) and the issuance of a permit under either statute will  
31 be a federal action associated with the Undertaking that requires compliance with Section 106 of the  
32 NHPA, and USACE has designated that the BLM will serve as lead federal agency for Section 106 of the  
33 NHPA compliance pursuant to 36 CFR 800, and is a Signatory to this PA; and

34 **WHEREAS**, the BLM has determined the Undertaking may have direct, indirect and cumulative effects  
35 on properties listed in, or eligible for the National Register of Historic Places (NRHP); and



## Boardman to Hemingway Programmatic Agreement

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1 **WHEREAS**, the BLM has notified the Advisory Council on Historic Preservation (ACHP) pursuant to  
2 Section 106 of the NHPA and the implementing regulations (36 CFR 800.6(a)(1)) and the ACHP has  
3 elected to participate in consultations and is a Signatory to this PA; and

4 **WHEREAS**, the Undertaking crosses both Oregon and Idaho, and the SHPOs for each state are  
5 participating in this consultation and are Signatories to this PA; and

6 **WHEREAS**, the Undertaking does not physically cross into Washington but the Area of Potential Effect  
7 (APE) for indirect effects on one of the alternatives extends into Washington and the Department of  
8 Archaeology and Historic Preservation (DAHP) is a Signatory to this PA; and;

9 **WHEREAS**, the APE for indirect effects extends onto the Umatilla Indian Reservation (UIR), and the  
10 Confederated Tribes of the Umatilla Indian Reservation (CTUIR) THPO is a Signatory to this PA;

11 **WHEREAS**, the National Park Service (NPS) has been invited to participate in this consultation in its  
12 capacity as administrator of the Oregon National Historic Trail and the Lewis and Clark National Historic  
13 Trail, as this Undertaking may affect segments of the Oregon National Historic Trail and the Lewis and  
14 Clark National Historic Trail, and is an Invited Signatory to this PA; and

15 **WHEREAS**, the Proponent has participated in consultation per 36 CFR 800.2(c)(4), agrees to carry out  
16 the terms of this agreement under BLM oversight, and is an Invited Signatory to this PA; and

17 **WHEREAS**, the Undertaking may have an adverse effect under NHPA Section 106 on the Oregon  
18 National Historic Trail, the Oregon-California Trails Association (OCTA) is committed to protect emigrant  
19 trails by working with government agencies and private interests, OCTA has been invited to participate  
20 in consultation and is a Concurring Party to this PA; and

21 **WHEREAS**, the Undertaking may have an adverse effect under NHPA Section 106 on some of Oregon's  
22 16 legislatively designated historic trails, as well as some National Historic Trails (NHT) in Oregon; and  
23 the Governor's Oregon Historic Trails Advisory Council (OHTAC) is committed to evaluating and  
24 recording trail conditions and making recommendations for marking, interpretation, education, and  
25 protection for Oregon's Historic Trails; and OHTAC has been invited to participate in consultation and is  
26 a Concurring Party to this PA; and

27 **WHEREAS**, the Undertaking does not physically cross into Washington but the APE for indirect effects on  
28 one of the alternatives extends into Washington and the Umatilla National Wildlife Refuge and the US  
29 Fish and Wildlife Service has been invited to participate in consultation and may be a Concurring Party  
30 to this PA; and

31 **WHEREAS**, the BLM has initiated government-to-government consultation with the following Indian  
32 tribes that may be affected by the proposed Undertaking and invited them to be concurring parties to  
33 this PA: The CTUIR; Shoshone-Paiute Tribes of the Duck Valley Indian Reservation; Nez Perce Tribe;  
34 Yakama Nation; Confederated Tribes of the Colville Reservation; Burns Paiute Tribe; Fort McDermitt

## Boardman to Hemingway Programmatic Agreement

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1 Paiute and Shoshone Tribe; Shoshone-Bannock Tribes of the Fort Hall Indian Reservation; and the  
2 Confederated Tribes of Warm Springs Reservation of Oregon. These Tribes understand that,  
3 notwithstanding any decision by these tribes, the BLM will continue to consult with them throughout  
4 the implementation of this PA pursuant to 36 CFR 800.2(c); and

5 **WHEREAS**, the BLM recognizes that historic properties may also include Traditional Cultural Properties  
6 (TCPs). Per NPS Bulletin 38, a TCP is defined as a type of historic property that is eligible for inclusion in  
7 the National Register because of its association with cultural practices or beliefs of a living community  
8 that are rooted in that community's history and are important in maintaining the continuing cultural  
9 identity of the community. A community may include a Native American tribe, a local ethnic group, or  
10 the people of the nation as a whole. TCPs may include historic properties that Native American  
11 communities consider to be traditional ecological knowledge properties or of traditional religious and  
12 cultural importance; and

13 **WHEREAS**, the CTUIR, Shoshone-Paiute Tribes of the Duck Valley Indian Reservation, the Burns Paiute,  
14 the Fort McDermitt Paiute and Shoshone-Bannock Tribes of the Fort Hall Indian Reservation have  
15 expressed interest in the Undertaking and desire to review studies conducted on their ancestral lands;  
16 and

17 **WHEREAS**, it is the position of Oregon Department of Energy (ODOE) that the execution of this PA can  
18 assist the Energy Facility Siting Council (EFSC), to which ODOE serves as technical staff, in determining  
19 whether the Undertaking complies with EFSC's Historic, Cultural and Archaeological Standard at OAR  
20 345-022-0090 during its review of the site certificate application for the Undertaking; and ODOE is a  
21 Concurring Party to this PA; and

22 **WHEREAS**, the project does not physically cross into Washington but the APE for indirect effects on one  
23 of the alternatives extends into Washington and the Undertaking may be visible from Lewis and Clark  
24 Historic Trail in both Oregon and Washington and the Lewis and Clark Heritage Trail Foundation  
25 Washington and Oregon state chapters have been invited to consult on this PA and are Concurring  
26 Parties to this PA; and

27 **WHEREAS**, the Navy was invited to be a Concurring Party to this PA and has opted not to sign this  
28 PA, and should any portion of the undertaking be proposed to occur on Naval Weapons Systems  
29 Training Facility (NWSTF) Boardman in Morrow County, Oregon, the U.S. Navy will serve as the lead  
30 federal agency for that portion of the Undertaking for Section 106 of the NHPA compliance pursuant to  
31 36 CFR 800, the regulations implementing Section 106 of the NHPA; and

32 **WHEREAS**, reference to "parties to this agreement" shall be taken to include the Signatories to this PA,  
33 Invited Signatories, and Concurring Parties. Tribes and other parties consulting under Section 106 of the  
34 NHPA may decline to sign this document; however, the decision not to sign shall not preclude their  
35 continued or future participation as consulting parties to this Undertaking; and

## Boardman to Hemingway Programmatic Agreement

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1 **WHEREAS**, all parties agree that the PA will serve as the definitive document delineating Section 106  
2 procedures to be followed for the undertaking, if actual or construed discrepancies arise between the  
3 PA's requirements and direction found in other documents, or appendices to the PA, the requirements  
4 set forth in the main body of the PA will be followed; plans/documents completed prior to execution of  
5 the PA will not necessarily require revision due to these circumstances; and

6 **NOW, THEREFORE**, the Signatories to this PA agree that the proposed Undertaking will be implemented  
7 in accordance with the following stipulations in order to take into account the effect of the Undertaking  
8 on historic properties and to satisfy all NHPA Section 106 responsibilities for all aspects of the  
9 Undertaking.

### 10 **STIPULATIONS**

11 The BLM will ensure that the following stipulations are carried out:

#### 12 **I. Area of Potential Effects (APE)**

##### 13 **A. Defining the APE**

14 The BLM, in consultation with the parties to this agreement, has defined and documented the  
15 APE based on potential direct, indirect and cumulative effects. The APE will apply to all lands  
16 regardless of management status that may be affected by the transmission line corridor,  
17 staging areas, access roads, borrow areas, transmission substations, or other related  
18 transmission infrastructures for this Undertaking. The APE, as defined and documented, is a  
19 baseline for survey and inventory.

- 20 1. Direct Effects—The following definition of direct effects APE takes into account ground-  
21 disturbing activities associated with the Undertaking:
  - 22 a. The direct effects APE for the above ground transmission line will be 250 feet on either  
23 side of centerline (500 feet total) for the ROW and extend the length of the  
24 Undertaking, approximately 300 miles.
  - 25 b. The direct effects APE for new or improved access roads will be 100 feet on either side  
26 of centerline (200 feet total). Existing crowned and ditched or paved roads will be  
27 excluded from inventory.
  - 28 c. The direct effects APE for existing unimproved service roads will be 50 feet on either  
29 side of centerline (100 feet total).
  - 30 d. The direct effects APE for the staging areas, borrow areas, substations and other  
31 ancillary areas of effects will include the footprint of the facility and a buffer of 200 feet  
32 around the footprint of the proposed activity.
  - 33 e. The direct effects APE for pulling/tensioning sites that fall outside the ROW will be a 250  
34 foot radius around these points.

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- 1 f. The direct effects APE for borehole locations needed for geotechnical studies conducted  
2 as part of detailed engineering will include a 250 foot radius area centered on the  
3 borehole location if outside the transmission line direct effects APE.
- 4 g. The direct effects APE for operation and maintenance activities will be the same as the  
5 APEs described in a.-f. above and within the area of the ROW grant.

### 6 2. Indirect Effects

- 7 a. The APE for indirect effects on historic properties will include, but not be limited to, the  
8 visual, audible and atmospheric elements that could adversely affect NRHP listed or  
9 eligible properties. Consideration will be given to all qualifying characteristics of a  
10 historic property, including those that may have been identified subsequent to the  
11 original evaluation of the property's eligibility for the NRHP.
- 12 b. The indirect effects APE for the Undertaking will extend generally for five miles or to the  
13 visual horizon, whichever is closer, on either side of the centerline of the proposed  
14 alignment and alternative routes.
- 15 c. Studies for previous 500 kV lines have identified noise created by corona and  
16 electromagnetic fields as possible indirect effects for transmission lines. These same  
17 studies indicate that these effects are greatest immediately under the line and within  
18 the APE for direct effects. Although they may on occasion be measured as far as 300  
19 feet from the centerline of a 500 kV line, data gathered for this Undertaking indicate  
20 that the noise created by corona and electromagnetic fields will be limited to within the  
21 inventoried indirect effects APE.
- 22 d. Where the indirect APE includes TCPs, NHTs, and other classes of visually-sensitive  
23 historic properties, additional analyses may be required and the indirect APE may need  
24 to be modified accordingly. These areas will require analysis on a case by case basis.

### 25 3. Cumulative Effects

- 26 a. The identification of the APEs will consider cumulative effects to historic properties as  
27 referenced in 36 CFR 800.5. Cumulative effects may be direct and/or indirect, or  
28 reasonably foreseeable effects caused by the Undertaking that may occur over time, be  
29 farther removed in distance or be cumulative.

### 30 B. Modifications to the APE

- 31 1. An APE may be modified where tribal consideration, additional field research or literature  
32 review, consultation with parties to this agreement, or other factors indicate that the  
33 qualities and values of historic properties that lie outside the boundaries of the APEs may  
34 be affected directly, indirectly and/or cumulatively.
- 35 2. Any party to this agreement may propose that the APEs be modified by submitting a  
36 written request to the BLM providing a description of the area to be included, justification  
37 for modifying the APE(s), and map of the area to be included. The BLM will notify the

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parties to this agreement of the proposal with a written description of the modification requested within 15 days of receipt of such a request. From the date of notification, the BLM will consult with the parties to this agreement for no more than 30 days to reach consensus on the proposal.

3. If the parties to this agreement cannot agree to a proposal for the modification of the APEs, then the BLM will consider their concerns and will render a final decision within 30 days after the consultation period closes.

4. For all modifications to the APE(s) the BLM will provide a written record of the decision to the parties to this agreement.

5. Amending the APEs will not require an amendment to the PA.

6. Minor changes to the APE during construction of the Undertaking that may require additional fieldwork, regardless of land ownership, may be handled through the BLM ROW grant variance process in accordance with stipulation VII.C.4.c.

### II. Identification of Cultural Resources

A. For the purposes of this document cultural resources are defined as archaeological, historical or architectural sites, structures or places that may exhibit human activity or occupation and/or may be sites of religious and cultural significance to tribes (excerpted from BLM Manual 8100).

B. All cultural resources within the APEs that will have achieved 50 years of age or more at the time of the completion of construction, defined as “the cessation of all construction activities associated with the Undertaking”, or shall have achieved “exceptional significance” (National Register Bulletin 15, Criteria Consideration G) shall be identified and evaluated.

C. The BLM will ensure that work undertaken to satisfy the terms of this PA and to adequately identify and document cultural resources that may be affected by this Undertaking and as described herein, will be consistent with ACHP and NPS guidance. The BLM will also ensure that all identification, evaluation, assessment and treatment of cultural resources will be conducted by, or under the direct supervision of, persons with applicable professional qualifications standards set forth in the Secretary of the Interior’s Standards for Archaeology and Historic Preservation (48 FR 44716 Federal Register, September 29, 1983) and the federal agency or SHPOs/THPO guidance or permitting requirements.

D. The Proponent will directly fund all fieldwork, analysis, reporting, treatment and curation. Fieldwork will be conducted only after the Proponent has obtained the appropriate federal, tribal and state permits for such fieldwork. Depending on land ownership, the appropriate federal or state agency will require fieldwork authorizations to conduct inventories on public lands upon receipt of an application from the Proponent and within the timeframes stipulated in the land-managing agency’s procedures. The CTUIR THPO will require fieldwork authorizations to conduct inventories on tribal lands.

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- 1 E. The Proponent will conduct the identification effort and inventory of cultural resources in  
2 order to identify historic properties for this Undertaking through the following series of steps  
3 including a literature review and phased field surveys. Details on these surveys are found in  
4 the Archaeological Survey Plan (Appendix A) and the Visual Assessment of Historic Properties  
5 (VAHP) Study Plan (Appendix B).

6 Class I Literature Review—The Proponent will conduct a literature review/record search  
7 and include a review of cultural resource investigations and all cultural resources previously  
8 identified within a corridor two miles wide on either side of the transmission centerline  
9 (four miles total) and will include the proposed and alternative routes to be considered for  
10 detailed analysis in the Draft Environmental Impact Statement (DEIS).

11 The Proponent will also conduct a literature review and record search for the indirect APE,  
12 which will comprise a corridor five miles wide on either side of the transmission centerline  
13 (10 miles total) and will include the proposed and alternative routes to be considered for  
14 detailed analysis in the DEIS. The literature review for the indirect APE will at minimum  
15 consist of review of ethnographic literature, General Land Office (GLO) and other available  
16 historic maps, an electronic search of the National Register Information System (NRIS), the  
17 Oregon Historic Sites Database, Archaeological Survey of Idaho Database, the Idaho Historic  
18 Sites Inventory forms, the Washington Information System for Architectural and  
19 Archaeological Records Data (WISAARD), the CTUIR THPO site database, local landmarks  
20 and registers, and an investigation of historic and contemporary aerial photography.  
21 Information on cultural resources existing in the indirect APE that may require further  
22 analysis will also be sought from parties to this agreement.

- 23 1. Class II Sample Inventory—The Proponent will undertake a Class II pedestrian inventory to  
24 document cultural resources within the 15 percent sample area of the direct effects APE for  
25 the Proponent's proposed alignment and analyzed DEIS alternatives. The 15 percent  
26 sample survey will consist of a series of one-mile long by 500-foot-wide units, centered on  
27 the centerline of the Proponent's proposed alignment and DEIS alternatives. The Class II  
28 survey will also record the location of areas judged to have high potential for buried  
29 cultural resources which may require further subsurface probing, as discussed under  
30 stipulation II.E.7.

- 31 2. Indirect Effects APE Inventory—The Proponent will identify cultural resources, within the  
32 indirect APE that may be affected by the visual, atmospheric and audible elements of the  
33 Undertaking.

34 The visual elements of the indirect APE will be identified using Geographic Information  
35 Systems (GIS) viewshed analysis and field verification. Details regarding the process for  
36 indirect visual effects are provided in the VAHP Study Plan (Appendix B). The BLM will  
37 consult with tribes to identify TCPs and properties of religious and cultural significance  
38 within the APE as described in stipulation VI.

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1 A reconnaissance level survey will be conducted to identify potential historic properties,  
2 including cultural landscapes. The preliminary results report will be distributed to the  
3 federal agencies that are parties to this agreement, SHPOs, THPO and tribes for  
4 consultation on eligibility as per stipulations V. and VIII. At their discretion, any federal  
5 agency may decline receipt and review of the report by notifying the BLM in writing prior  
6 to report distribution. Intensive level surveys (VAHP) will be conducted on select properties  
7 upon consultation with the appropriate parties to this agreement (the BLM to determine  
8 based on location, state and/or jurisdiction, property ownership, etc.). The reconnaissance  
9 and intensive level surveys (VAHP) will be documented in reports.

10 Once historic properties are identified, the BLM will seek additional information from  
11 relevant technical studies (such as the noise and electromagnetic field studies) as well as  
12 consult with parties to this agreement to assess indirect effects from atmospheric or  
13 audible elements that may diminish the integrity of the property's significant historic  
14 features (36 CFR 800.5(a)(2)(v)).

- 15 3. Initial Class III Intensive Level Inventory—The Proponent will complete a 100 percent Class  
16 III inventory to document cultural resources within the direct effects APE of the BLM-final  
17 selected alternative(s) and all roads and facilities related to the Undertaking on lands  
18 where access has been granted, including all federal, state, and private lands. Previously  
19 surveyed areas from the Class II inventory will count toward the 100 percent inventory. This  
20 survey will also record the location of areas judged to have high potential for buried  
21 cultural resources which may require further subsurface probing, as discussed under  
22 stipulation II.E.7.
- 23 4. Class III Intensive Level Inventory of Geotechnical Testing APE—The Proponent will  
24 complete Class III surveys around each proposed borehole location for areas outside the  
25 direct effects APE. See stipulation I.A.1.f.
- 26 5. Preconstruction Class III Intensive Level Inventory—The BLM shall ensure that Class III  
27 inventory is completed by the Proponent for areas within the direct effects APE that have  
28 not been subject to previous Class III inventories. See stipulation XII. These will include any  
29 areas where access was previously denied or where there are modifications to the  
30 Undertaking, such as modified access roads or lay-down yards that are identified after the  
31 ROD has been issued. Prior to conducting this Class III inventory, a record search will be  
32 conducted to obtain currently available data.
- 33 6. Subsurface Investigations for Purposes of Identifying Cultural Resources—The BLM will  
34 employ reasonable and good faith efforts to identify historic properties, in accordance with  
35 ACHP guidance titled *Meeting the "Reasonable and Good Faith" Identification Standard in*  
36 *Section 106 Review*. There will be neither collection of artifacts nor disturbance of ground  
37 during initial Class II and Class III intensive level pedestrian cultural resources surveys.  
38 Wherever possible, existing information and professional judgment will prevail in an effort  
39 to be efficient, pragmatic and protect the resources during the identification of historic  
40 properties. A sampling strategy model, including a provision for reporting the results and



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validity of the methods, may be employed. The sampling strategy will be tailored to account for results of previous strategies employed in the region.

Areas identified as possessing a high potential for buried cultural resources located within the direct APE may be subjected to subsurface probing to determine the presence or absence of cultural resources, where ground disturbing activities will occur. Selection of areas with a high potential for buried deposits, which include factors such as proximity to water, deep soils, geological features, etc. which may be coupled with low surface visibility, will be based on professional judgment, in consultation with the consulting parties, and comparison with existing site context in the area.

The BLM will develop a research design and sampling strategy for the subsurface investigation, in consultation with the Proponent, and parties to this agreement, prior to undertaking any such investigation. The details of the research design and sampling strategy for the subsurface investigation will be encompassed within the HPMP. The BLM will consult with Indian tribes and parties to this agreement regarding the potential areas proposed for this testing.

7. Subsurface Investigations Alternatives—For certain classes of resources, less invasive technologies, such as remote sensing, may be appropriate. Such methods may be considered as an alternative to subsurface testing.

F. The BLM will make a reasonable and good faith effort to identify properties of religious and cultural significance to Indian tribes, through tribal participation. Identification of historic properties of religious and cultural significance to Indian tribes will occur through government-to-government consultation and ethnographic studies.

The BLM will make a reasonable and good faith effort to identify TCPs as discussed in *National Register Bulletin #38, Guidelines for Evaluating and Documenting Traditional Cultural Properties*, of the NPS guidance, through the consultation and/or through ethnographic studies. Reports identifying such historic properties will be prepared with the participation of the associated group.

G. The BLM will ensure that the Proponent completes draft and final reports for the steps of stipulation II. The BLM will send the reports out to the parties to this agreement for review as described in stipulation V. Review times will be 30 days unless otherwise agreed to.

### III. Evaluation and Determination of Eligibility

A. The BLM, in consultation with the appropriate parties to this agreement in each state, will determine the NRHP eligibility of cultural resources within the APEs, pursuant to 36 CFR 800.4(c)(1), and 36 CFR 60.4 NRHP evaluations may be conducted in phases as project plans are refined. Initial evaluations may be followed by more thorough evaluations using NRHP Criteria A-D and NPS Bulletin 15 as the APEs become better defined. Cultural resources may remain unevaluated if there is no potential for effect from the Undertaking. Cultural resources that possess some or all of the characteristics of both archaeological and built environment



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resources, such as cultural landscapes and trails, shall be evaluated according to the provisions of stipulations C. through G. of this section.

- B. Determinations of eligibility will be consistent with applicable SHPO/THPO guidelines in each respective jurisdiction, in effect at the time of the signing of this PA. Determinations of eligibility require concurrence by the SHPO/THPO as detailed in stipulation III.H.

C. Archaeological Resources

1. Initial evaluations for archaeological resources may rely on surface observations, additional research or remote sensing. If a site is recommended as “eligible” during the initial evaluation and will be affected by the Undertaking, subsurface investigations (i.e. archaeological testing) may be required to make a final determination of NRHP eligibility, but shall be undertaken only after consultation with affected tribes.
2. Determinations of eligibility will be based on reasonable and good faith efforts using available knowledge and data such as existing surface manifestations of the site and cultural context from other site investigations, as well as the environmental and paleoenvironmental setting. Subsurface investigation may be considered as a tool to determine eligibility on an as needed basis but must be prudent and minimize disturbance of cultural deposits. The research design and sampling strategy outlined under stipulation II.E.7 will include provisions for the determinations of eligibility. Such testing will only occur in areas that cannot be avoided and will be directly impacted by the Undertaking.
3. In cases where surface observations, additional research or remote sensing are not sufficient to provide an initial recommendation of NRHP eligibility, the recorder will recommend the resource as requiring further investigation to assess eligibility. Further subsurface investigations will be undertaken in the event that final design will directly impact the resource, per stipulation II.E.7.

Subsurface investigation strategy shall include an assessment of the depositional environment and objectives for subsurface testing; methods to be employed for subsurface testing and probing; proposed disposition of materials associated with subsurface testing and probing; provisions for reporting and consultation on results of testing. If the site is found ineligible, the evaluation will be reported per the procedures established in stipulation III.G. If the site is found to be eligible, then effects will be assessed as outlined in stipulation IV, and a mitigation plan will be prepared, as applicable per stipulation VII.C.2.

Subsurface investigation strategy shall be subject to review and consultation per the terms of stipulations V. and VI. of this agreement.

4. In cases where surface observations are adequate to support a recommendation that the resource is “not eligible” for listing in the NRHP, this evaluation will be reported per the procedures established in stipulation III.G.

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### D. Built Environment

The BLM, in consultation with the parties to this agreement, will determine NRHP eligibility of built environment resources (e.g., buildings, structures, objects, districts, and sites with above ground components), pursuant to 36 CFR 800.4(c)(1).

1. Initial assessment of eligibility for built environment resources will take into account the resources' age and integrity (location, setting, design, materials, workmanship, feeling and association) per the guidance provided in NRHP Bulletin 16A, and per other applicable NPS and state guidance.
2. Resources determined NRHP eligible per initial assessment and assessed as affected by the Undertaking per the procedures established in stipulation IV. of this PA will be reassessed to verify their eligibility in terms of the resources' association with the NRHP criteria of significance. This secondary assessment may involve additional research into the history, events and people associated with the resource, as well as more detailed recordation of the resources' physical attributes and character-defining features.

### E. Historic Trails

The BLM, in consultation with the parties to this agreement, will determine the National Register eligibility of historic trails, trail segments and associated sites pursuant to 36 CFR 800.4(c)(1). Historic trails will be evaluated for eligibility as historic properties including linear resources along with associated trail sites such as camps, associated markers, glyphs or other trail elements. For designated National Historic Trails, such as the Oregon Trail, the trail elements, as well as trail segments, will be evaluated as contributing or non-contributing in terms of National Register eligibility based on their integrity (primarily for feeling, association, location and setting).

BLM may seek input and utilize existing information and strategies from other agencies and groups, such as the NPS and trail associations, as well as consulting parties in determining the National Register eligibility of sites and trail segments.

### F. Traditional Cultural Properties

Like all historic properties, to be considered eligible a Traditional Cultural Property (TCP) must be a district, site, building, structure, or object that meets at least one of the four criteria established by the NRHP. It must also be associated with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. TCPs apply to groups of every ethnic origin that have properties to which they ascribe traditional cultural value (NRHP Bulletin 38).

To identify TCPs, the BLM will rely on NRHP Bulletin 38 and other NPS guidance, and consultation with Indian tribes, ethnic groups or communities ascribing traditional significance to an area. The BLM will make its determinations of eligibility based on consultation and

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information from literature reviews, ethnographies, traditional use studies, field inventories, oral histories, interviews, and other forms of research.

### G. Properties of Religious and Cultural Significance to Indian Tribes

Federal agencies are required to consult with Indian tribes to identify properties of religious and cultural significance and to determine if they are eligible for the NRHP (NHPA Section 101(d)(6)(B) and 38 CFR 800.2(c)(2)). The BLM acknowledges that Indian tribes possess special expertise in assessing the eligibility of properties that may possess religious and cultural significance to them (NHPA Section 101(d)(6)(A) and 36 CFR 800.4(c)(1)). Unlike TCPs, the determinations of NRHP eligibility of such properties are not tied to continual or physical use of the property (ACHP Handbook on Consultation with Indian Tribes, 2012).

To identify properties of religious and cultural significance, the BLM will rely on consultation with Indian tribes. The BLM will make its determinations of eligibility based on consultation and information from literature reviews, ethnographies, traditional use studies, field inventories, oral histories, interviews, and/or other forms of research.

### H. Reporting on Initial and Final Recommendations of NRHP Eligibility

1. The BLM will distribute recommendations of initial NRHP eligibility to the appropriate parties to this agreement in each state for review and comment following 36 CFR 800.4(c). After a 30 day review period, the BLM will consider all comments and consult with parties to this agreement before submitting its determinations of eligibility, with all comments and responses, to the applicable SHPOs/THPO for concurrence. The BLM will then seek consensus on its determinations of eligibility with the appropriate SHPOs/THPO for all properties regardless of ownership.

a. If the applicable SHPOs/THPO, tribes, and BLM agree that the cultural resource is eligible, an assessment of effects will be completed in accordance with stipulation IV.

b. If the applicable SHPOs/THPO, tribes, and BLM agree that the cultural resource is ineligible, then the resource will receive no further consideration under this PA.

c. If the applicable SHPOs/THPO, tribes, and BLM do not agree on eligibility, the BLM will discuss issues of eligibility with the parties to this agreement and continue to consult to reach consensus. If agreement cannot be reached within 30 days, then the BLM will obtain a determination of eligibility from the Keeper of the NRHP pursuant to 36 CFR 800.4(c)(2) and 36 CFR 63. The Keeper's determination will be final. The BLM will distribute the Keeper's comments to the appropriate parties to this agreement in each state.

2. The BLM will distribute the results of the final evaluations to parties to this agreement for review and comment following 36 CFR 800.4(c). After a 30 day review period, the BLM will submit the final determinations of eligibility, with all comments to the applicable SHPOs/THPO for concurrence. The BLM will then seek consensus on the final determination of eligibility with the appropriate SHPOs/THPO for all properties regardless of ownership.

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### IV. Assessment of Effects

- A. The BLM, in consultation with the parties to this agreement, will assess the direct, indirect and cumulative effects of this Undertaking on historic properties consistent with 36 CFR 800.4(d) and identify effects on each historic property within the APEs in accordance with the criteria established in 36 CFR 800.5(a)(1)-(2), and provide the parties to this agreement with the results of the finding following 36 CFR 800.11(e)(4)-(6), as outlined under stipulation V. The assessment of effects will serve as the basis for the development of the Historic Properties Management Plan (HPMP) for those properties determined to have the potential to be adversely affected by the Undertaking.
- B. The BLM will consult with the parties to this agreement to seek ways to avoid or minimize adverse effects to historic properties. If historic properties cannot be avoided, subsurface investigation may be necessary for archaeological sites within the direct effects APE which may be adversely affected. Determination of the site boundaries in relation to the direct effect APE, and actual area of ground disturbance, may be undertaken through subsurface investigation to aid in developing alternative design and/or mitigation strategies. If adverse effects cannot be avoided, the BLM will consult with the parties to this agreement to determine appropriate mitigation measures to be detailed in the HPMP.
- C. The Proponent has developed a VAHP Study Plan, (Appendix B) in consultation with federal agencies party to this agreement, SHPOs, THPO and tribes, to assess whether the Undertaking will introduce visual effects that may alter the characteristics that qualify the historic property for the NRHP or that may diminish the integrity of the property's setting, feeling and/or association. The guidelines for conducting the assessment of visual effects of the Undertaking are located in the VAHP. The inventory will focus on indirect visual effects. Other potential indirect effects, including but not limited to atmospheric and audible elements, will be addressed as per stipulation IV.A. above.
- D. The Proponent will prepare maps indicating the extent of electromagnetic fields, corona and noise generated by the proposed Undertaking as well as the distribution of identified historic properties in the APE. The BLM will employ these maps in the agency's assessment of effects and will consult with parties to this agreement per the procedures outlined in stipulation V.
- E. The BLM, in consultation with the parties to this agreement, will broadly assess cumulative effects under Section 106 in order to identify all reasonably foreseeable, potentially adverse effects, such as effects due to increased access, as a result of the Undertaking (36 CFR 800.5(a)(1)). Potential cumulative or reasonably foreseeable effects will be based on the APEs for direct and indirect effect and be addressed in the HPMP.
- F. The BLM will provide all assessments of effect to historic properties in writing to the parties to this agreement. Review will proceed according to the procedures and timeframes established in stipulation V.
- G. Disagreement regarding assessments of effect will be handled according to the procedures established in stipulation XIV.

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### **V. Reporting and Review of Documentation**

- A. Consistent with the terms and conditions of this PA, the Proponent will prepare reports of cultural resource activities (inventory, evaluation, mitigation/treatment, monitoring and related cultural resource actions) including associated site records and organize them for distribution and review following these general guidelines:
1. Organization of reports by geographic/administrative boundaries: The Proponent will prepare separate reports, as applicable, for those cultural resource inventories and evaluations involving cultural resources and/or historic properties and the built environment (a) within the state of Oregon (excluding lands within the Umatilla Indian Reservation); (b) within the state of Idaho; and (c) on lands within the Umatilla Indian Reservation, utilizing the guidelines in the respective jurisdictions in effect at the time of the signing of this PA.
    - a. The Proponent will prepare reports (including report revisions) of activities within the state of Oregon (excluding the Umatilla Indian Reservation) for the BLM's distribution to the Oregon SHPO, federal agencies, applicable parties to this agreement and tribes.
    - b. The Proponent will prepare reports (including report revisions) of activities within the state of Idaho for the BLM's distribution to the Idaho SHPO, federal agencies party to this agreement and tribes.
    - c. The Proponent will prepare reports (including report revisions) of activities, cultural resources and/or historic properties on CTUIR tribal lands for the BLM's distribution to both the THPO and Chairman of the CTUIR.
  2. Reports shall clearly identify land ownership and administrative jurisdiction for both (a) lands covered by the report and (b) cultural resources/historic properties discussed in the report(s).
- B. At the conclusion of the phases of fieldwork described under stipulation II.E, as well as any variances undertaken, as described in stipulation VII.C.4.c, the Proponent will submit the draft report for the phases to the lead BLM office for distribution to the appropriate parties to this agreement in each state.
- C. Each report will follow appropriate state guidelines and formats including recommendations of eligibility and effect that are in effect at the time of the signing of this PA. Reports will include appropriate site inventory forms and recommendations on the NRHP eligibility of cultural resources (36 CFR 800.4(c)).
- D. The BLM will consolidate comments received from parties to this agreement on the reports and submit comments to the Proponent within 60 days of receipt of all comments. The Proponent will produce a revised report addressing these comments within 30 days of receipt. Additional time may be necessary depending on the extent of the revisions.
- E. Comments received by the BLM within 30 calendar days of receipt of the report will be considered. Comments may address issues such as the adequacy of inventory, methods of

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assessment and reporting, the eligibility of historic properties identified during each phase (36 CFR 800.4(c)), and the effects of the Undertaking on any historic properties (36 CFR 800.4(d) and 36 CFR 800.5). Reviewers will notify the lead BLM office if the 30 day review time frame cannot be met and request an extension from the BLM. Within 10 days of receipt of a request for an extension, the BLM will determine if the request will be granted and send written notification to the requesting party. After 30 days, provided there is no request for extension, the BLM will submit all comments to the Proponent for the Proponent to address per the process outlined in stipulation V.D.

F. For reports that are not time sensitive or are in excess of 200 pages, the BLM may expand review times beyond 30 calendar days.

G. The BLM will submit revised reports to the appropriate agencies, SHPOs/THPO, tribes and parties to this agreement for their records.

H. Versions of reports redacted (see stipulation VIII.) by the BLM for sensitive information, such as site-specific locations and names, may also be distributed to other parties to this agreement, who do not fall under the applicable professional qualifications standards set forth in the Secretary of the Interior's Standards for Archaeology and Historic Preservation (48 FR 44716 Federal Register, September 29, 1983) for review and comment.

I. The BLM will prepare a HPMP per the terms specified in stipulation VII.

J. Prior to any eventual decommissioning of the Undertaking, the Proponent will prepare a plan for protecting historic properties per the terms in stipulation VII.C.5.

K. The Proponent will provide a state specific, final summary report for each respective SHPO/THPO documenting all changes to previous report findings and additional cultural resources-related work not included in the pre-construction reports. The report format will be identified in the HPMP. A summary report may also be provided to parties to this agreement in accordance with stipulation VIII. The summary report will be produced no later than three years after the final surveys and will be considered the final Class III inventory report(s).

### VI. Consultation

A. Through government-to-government consultation with Indian tribes, based on the U.S. Constitution and Federal treaties, statutes, executive orders and policies, the BLM, in consultation with appropriate federal agencies, will make a good faith effort to identify properties that have traditional religious and cultural importance to Indian tribes and to determine whether they are historic properties. Discussion of these properties may be submitted as a separate report, such as an ethnographic study. Ethnographic studies are not required, but may be requested by tribes. Confidentiality concerns expressed by tribes for properties that have traditional religious and cultural importance will be respected and will be protected to the extent allowed by law. See stipulation VIII.

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1 B. BLM will ensure that tribes and parties to this agreement will be kept informed as to the  
2 development of the Undertaking and engaged in review and comment on all pertinent  
3 documents associated. The BLM will seek, discuss and consider the views of the consulting  
4 parties throughout the Section 106 process. Such consultation may take a variety of forms in  
5 order to accommodate the consultation process with different tribes and parties to this  
6 agreement. The consultation will occur through previously established protocols, Memoranda  
7 of Understanding and/or forums established for the Undertaking. BLM will consult with tribes  
8 and parties to this agreement during the identification of cultural resources, the  
9 determination of NRHP eligibility, determination of effect and avoidance and mitigation steps  
10 of the process. While the nature of consultation is fluid and the input may vary from tribes  
11 and parties to this agreement, in general, the procedures and schedule for review of  
12 documents outlined in stipulation V. will be followed.

### 13 VII. Historic Properties Management Plan (HPMP)

- 14 A. The BLM will begin to draft an outline of the HPMP in consultation with the parties to this  
15 agreement following execution of the PA that includes mitigation options for anticipated  
16 general classes of historic properties that may be affected by the Undertaking. This outline  
17 may include options for treatment of specific properties, as discussed under stipulation  
18 VII.C.2, if the details of the historic property are available and the exact effects have been  
19 determined. The final HPMP, including protection measures, property-specific mitigation  
20 plans, and monitoring plans will be finalized prior to the NTP.
- 21 B. The draft HPMP will characterize historic properties identified within the APE and will be used  
22 as a guide to address pre-construction and post-construction treatment measures to avoid,  
23 minimize and mitigate adverse effects to historic properties identified through subsequent  
24 phases of the Undertaking. The draft HPMP will also broadly identify classes of historic  
25 properties, relevant research, and potential data gaps in research for classes of properties  
26 present in the APE. A range of resource-specific (e.g. historic trails) strategies, will include but  
27 not be limited to, mitigation and monitoring, to address reasonably foreseeable direct,  
28 indirect and/or cumulative adverse effects that may be caused by the Undertaking. The  
29 mitigation measures will be commensurate with the nature of the effect and the significance  
30 of the resource, and shall take into account the views of the parties to this agreement and the  
31 public. The BLM will consult with the parties to this agreement to obtain written comments  
32 and recommendations for proposed treatment measures to be included in the HPMP per the  
33 procedures established in stipulations V. and VI. BLM, in consultation with the parties to this  
34 agreement, will develop a process for review and acceptance of mitigation to be outlined in  
35 the HPMP.
- 36 C. Wherever feasible, avoidance and preservation in place shall be the preferred treatment for  
37 historic properties located within the APE. Avoidance may include design changes or  
38 relocation of specific components of the Undertaking and/or use of fencing or barricades to  
39 limit access to identified historic properties. For historic properties that cannot be avoided the



## Boardman to Hemingway Programmatic Agreement

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HPMP will include the following plans and provisions to minimize or mitigate direct, indirect and/or cumulative adverse effects to historic properties that may result at any time during the Undertaking.

### 1. Protection Measures

The HPMP shall include measures to protect identified historic properties from adverse effects that may result from the Undertaking. These measures may include but not be limited to placement of barricades and fencing, notices to law enforcement, seasonal restrictions, and other appropriate measures.

### 2. Mitigation Plans

- a. All historic properties adversely affected by the Undertaking will be subject to property-specific mitigation plans to be drafted after issuance of the ROD to resolve adverse effects as determinations of effect for these properties are made pursuant to stipulation IV. The mitigation plans will be included in the final HPMP.
- b. Mitigation plans shall include appropriate measures to resolve adverse effects to the qualities of the historic property that make it eligible for listing in the NRHP. All mitigation plans will be consistent with Secretary of Interior Standards for archaeological, historical and architectural documentation; the ACHP Section 106 archaeology guidance and other guidance from the appropriate SHPOs/THPO.
- c. For effects to archaeological sites that will be mitigated through data recovery, mitigation plans shall include but not be limited to a research design that articulates research questions; data needed to address research questions; methods to be employed to collect data; laboratory methods employed to examine collected materials; and proposed disposition and curation of collected materials and records.
- d. Mitigation plans for direct effects to historic properties eligible for listing in the NRHP under criteria other than or in addition to criterion D shall articulate the context for assessing the properties' significance, an assessment of the character-defining features that make the property eligible for listing in the NRHP, and an assessment of how the proposed mitigation measures will resolve the effects to the property.
- e. Mitigation plans for indirect effects to historic properties eligible under any NRHP criteria shall include an assessment of the character-defining features that make the property eligible for listing in the NRHP; the nature of the indirect effect; an evaluation of the need for long-term monitoring; and an assessment of how the proposed mitigation measure(s) will resolve the effects to the property.
- f. Mitigation plans for direct, indirect, and cumulative effects to historic properties may include, but will not be limited to:
  - 1) Completion of NRHP nomination forms
  - 2) Conservation easements



## Boardman to Hemingway Programmatic Agreement

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3) Purchase of land for long-term protection of historic properties

4) Partnerships and funding for public archaeology projects

5) Partnerships and funding for Historic Properties interpretation

6) Print or media publication

### 3. Monitoring Plan

A Monitoring Plan will be developed as a subsection of the HPMP for implementation during construction, operation, and maintenance.

a. This plan will address monitoring for compliance with stipulations of the HPMP, as well as a potential strategy to avoid, minimize, or mitigate direct, indirect and/or cumulative adverse effects to historic properties at any time during the Undertaking.

b. All monitoring plans shall identify monitoring objectives and the methods necessary to attain these objectives, and in particular address those areas determined under the inventory to show a high probability for buried cultural deposits.

Monitoring shall, as appropriate, include archaeological inspection of construction activities by personnel either meeting the Secretary of Interior Professional Qualification standards or working under the direct supervision of a person meeting the standards. Provisions for tribal monitors will meet the above qualifications as well, per the discretion of consulting tribes.

c. Any cultural resources, human remains or funerary objects discovered at any time during construction, construction monitoring, or operation and maintenance activities will be treated in accordance with the Inadvertent Discovery Plan (IDP) contained within the HPMP.

### 4. Operations and Maintenance

The HPMP shall include operations and maintenance to address all activities related to the functioning of the Undertaking after construction and reclamation are completed and prior to decommissioning. During operations and maintenance, the ROW grant holder will be required to follow all the terms, conditions, and stipulations concerning historic properties which are included in the POD as part of the ROW grant.

a. The HPMP will identify those stipulations necessary to ensure the consideration of historic properties throughout the life of the ROW grant.

b. The BLM will be responsible for ensuring that the stipulations in the BLM ROW grant are enforced for the life of the ROW grant. Federal or state agencies issuing a permit for the Undertaking will take responsibility for permit enforcement under their jurisdiction.

## Boardman to Hemingway Programmatic Agreement

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c. The HPMP will identify a variance review process for construction, operations and maintenance, to address any changes in procedures that could have an adverse effect on historic properties in the ROW. The Proponent will submit a request for variance review to the BLM through BLM's third party Compliance Inspection Contractor for any proposed changes in use of equipment, additional work areas, access roads, ancillary features, reroutes or other changes that may result in ground disturbing activities outside of the previously surveyed APE. At a minimum the variance area will be checked to ensure that it falls within an area where the following have been completed:

- Class I literature review in accordance with stipulation II.E.1.
- Class III inventory in accordance with stipulation II.E.4
- Determinations of Eligibility in accordance with stipulation III.G.
- Assessment of Effects in accordance with stipulation IV.
- Protection, Mitigation and Monitoring plans in accordance with stipulation VII.C.1-3.

Where BLM determines that additional inventory is needed through the variance request process, no ground disturbance will be authorized in the variance area until the above items and any mitigation measures are completed, in consultation with parties to this agreement, and BLM approves the variance.

Additional inventory and evaluation undertaken for these variances will be reported as soon as feasible and sent to the BLM for review in accordance with stipulation V.B, as part of the Class III inventory. Any variance reports will also be included in the comprehensive report outlined in stipulation V.L. Such documentation will tier to the previous background context in the existing reports so that only new information such as site forms, eligibility determinations, etc. will be included.

The BLM will develop a list of operation and maintenance activities in consultation with parties to this agreement that will NOT be subject to additional Section 106 review, and will identify the types of activities that will require additional Section 106 review.

BLM administration of the ROW grant shall include appropriate BLM cultural resource specialists to participate in ROW grant review and to review compliance with stipulations or changes in procedures that may affect historic properties in the ROW.

### 5. Decommissioning

The POD will contain a stipulation to develop a decommissioning plan to address the potential effects of decommissioning on historic properties. Prior to decommissioning, the BLM, in consultation with the parties to this agreement, will assess the direct, indirect and cumulative effects of decommissioning this transmission line and associated facilities on historic properties and to seek ways to avoid, minimize or mitigate adverse effects under the plan.

## Boardman to Hemingway Programmatic Agreement

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1       B. Reporting

2           The HPMP shall provide for the preparation of reports as called for during the implementation  
3           of plan activities, including but not limited to monitoring reports, Historic American Buildings  
4           Survey / Historic American Engineering Record / Historic American Landscapes documentation,  
5           and archaeological data recovery documentation, if applicable.

6           The BLM will ensure that the Proponent completes draft and final reports as called for under  
7           the implementation of the HPMP. The BLM will send the reports out to the parties to this  
8           agreement for review as described in stipulation V. Review times will be 30 days unless  
9           otherwise noted.

10       C. HPMP and Mitigation Plans Review

- 11           1. The BLM shall submit the draft HPMP to the consulting parties for review. Distribution and  
12           review of the HPMP and associated documents shall proceed according to the terms  
13           outlined in stipulation V. of this agreement.
- 14           2. After consultation with the parties to this agreement to address comments and/or  
15           objections, and acceptance by the SHPOs/THPO, the BLM will finalize the HPMP.
- 16           3. Any party to this PA may object at any time to any actions proposed or the manner in which  
17           the terms of the HPMP are implemented. The objecting party must submit in writing to the  
18           BLM the reasons for, and a justification of, its objections. The BLM will consult with the  
19           party and the parties to this agreement to resolve the objection within 30 days. If the BLM  
20           determines that such objection cannot be resolved, the BLM will follow the procedures  
21           defined in this PA under stipulation XIV.

22       D. The HPMP will be finalized prior to the NTP to resolve adverse direct, indirect and/or  
23       cumulative effects to historic properties that may result from this Undertaking.

24       E. The Proponent, in consultation with the Signatories, will conduct a formal review of the HPMP  
25       and associated mitigation plans annually during the period of construction and every five (5)  
26       years thereafter throughout the life of this agreement.

27       F. Any party to this agreement may suggest an amendment to the HPMP and should submit the  
28       contents of the amendment in writing to the BLM. The BLM will consider the amendment  
29       within 30 days of receipt and consult with the parties on the amendment. An amendment to  
30       the HPMP will not require an amendment to the PA. After consultation with the parties to the  
31       agreement, the BLM will determine if an amendment will be incorporated into the HPMP by  
32       the Proponent.

33       **VIII. Confidentiality of Cultural Resources Information**

34       A. The parties to this agreement acknowledge that certain information about cultural resources  
35       may be protected from public disclosure under NHPA (54 USC §307103), ARPA (43 CFR 7.18),  
36       Idaho state law (Idaho Code § 9-340E(1),(2) and Oregon state law (ORS 192.501(11)). Parties  
37       to this agreement will ensure that all actions and documentation prescribed by this PA are

## Boardman to Hemingway Programmatic Agreement

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consistent with the non-disclosure requirements of these laws. BLM will ensure that reports sent to parties to this agreement who do not have staff meeting the Secretary of Interior Professional Qualifications have certain confidential information such as place names, location, etc. redacted, unless the party receiving the documents has an executed data sharing agreement with BLM. Due to the potential for inadvertent discoveries, incomplete prior evaluations or the passage of time resulting in changing perceptions of significance (36 CFR 800.4(c)(1)), cultural resources that have not been evaluated for eligibility or that have been determined Not Eligible will be afforded the same level of confidentiality under this agreement. The BLM may require data sharing agreements with parties interested in obtaining confidential information. The data sharing agreements will be written in consultation with the tribes and other parties which so request.

- B. The Proponent will not retain sensitive information that tribes and interested parties authorize them to collect, including but not limited to ethnographic data and similar information beyond the time that it is needed to inform the decision-makers and complete compliance with the terms of the PA. The Proponent will return sensitive information to the BLM, or destroy it and provide written documentation of such action to the BLM.

### **IX. Inadvertent Discovery of Cultural Resources and Human Remains on Non-Federal Lands**

The BLM in consultation with federal agencies that are a party to this agreement, SHPOs, THPO and tribes has prepared an IDP for the HPMP to include cultural resources and human remains, that establishes procedures for immediate work stoppage and site protection to be followed in the event that previously unreported and unanticipated cultural resources or human remains are found on state or private lands during the Undertaking in accordance with 36 CFR 800.13(a)(2)(b) and appropriate state laws.

### **X. Inadvertent Discovery of Human Remains, Funerary Objects, Sacred Objects or Objects of Cultural Patrimony (NAGPRA) on Federal Lands**

- A. The BLM in consultation with federal agencies party to this agreement, SHPOs, THPO and tribes has prepared an IDP for the HPMP, to include cultural resources and human remains, that establishes procedures for immediate work stoppage and site protection to be followed in the event that previously unreported and unanticipated cultural resources or human remains are found on federal lands during the Undertaking.

- B. Discovery of Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony on federal lands shall be subject to 25 USC §3001 et seq., the Native American Graves Protection and Repatriation Act (NAGPRA), and its implementing regulations, 43 CFR 10 et. seq. The BLM will prepare a NAGPRA Plan of Action (POA) in consultation with federal agencies party to this agreement and in consultation with Native American tribes party to this agreement. The POA will describe the procedures for the treatment and disposition of Native American human remains, funerary objects, sacred objects or objects of cultural patrimony for intentionally excavated and inadvertent

## Boardman to Hemingway Programmatic Agreement

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discoveries during construction and planned, if any, excavation of sites located within the Project APE on federal lands. The POA will be completed prior to any ground disturbing activities associated with the Undertaking.

### **XI. Curation**

- A. The BLM will ensure curation and other disposition of cultural materials and associated records not subject to the provisions of NAGPRA resulting from implementation of this PA on federal land is completed in accordance with 36 CFR 79. Documentation of the curation of these materials will be provided to the BLM and the appropriate SHPOs/THPO within 30 days of acceptance of the final cultural resource report for the Undertaking. Cultural materials not subject to the provisions of NAGPRA found on BLM and USFS lands will remain federal property when curated. Curation will be undertaken in a manner consistent with and respectful of cultural sensitivities. Materials found on federal land in Oregon will be curated at the federally approved Oregon Museum of Natural and Cultural History (OMNCH). Materials found on federal land in Idaho will be curated at the Archaeological Survey of Idaho-Western Repository in Boise at the Archaeological Survey of Idaho–Western Repository federally approved curation facility.
- B. Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony recovered from federal lands shall be subject to the provisions of NAGPRA, and shall be treated in accordance with protocol developed between the BLM, USFS, and consulting tribes and memorialized in the approved NAGPRA Plan of Action for the Undertaking. This protocol shall be consistent with 43 CFR 10.3-10.7, the regulations implementing NAGPRA.
- C. Collections made on state land in the State of Oregon, will comply with ORS 390.235 and ORS 97.745. Collections on state land in Idaho will be curated at the Archaeological Survey of Idaho-Western Repository in accordance with Idaho Statute Title 33, Chapter 39, Idaho Archaeological Survey, Sections 3901-3905.
- D. For collections recovered from private lands in Oregon, the Proponent will work with landowners and parties to this agreement, through applicable state permits, to arrange for the disposition of cultural resources collections. In Oregon, private landowners will be encouraged to rebury or donate cultural resources collections to the OMNCH and will be informed that Oregon state law (ORS 97.745) excludes retention of Native American human remains, funerary objects, or objects of cultural patrimony and requires the return of such objects to the appropriate tribe. Collections from private lands to be returned to the landowner will be maintained in accordance with 36 CFR 79 until any specified analysis is complete. The Proponent will provide documentation of the transfer of the collection to the landowner as well as to the BLM and the appropriate parties to this agreement within 30 days of acceptance of the final cultural resource reports for the Undertaking. In the event a landowner chooses to retain a collection they will be notified by the BLM or Proponent that tribes may prefer

## Boardman to Hemingway Programmatic Agreement

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collected items be reburied. Any arrangements for reburial will be negotiated with the tribe(s) outside of the Section 106 process.

- E. Collections recovered from private lands in Idaho remain the property of the landowner. The landowner will be encouraged to donate the collections to the Archaeological Survey of Idaho-Western Repository. Collections from private lands to be returned to the landowner will be maintained in accordance with 36 CFR 79 until any specified analysis is complete.
- F. The Proponent will assume the cost of curation including the preparation of materials for curation in perpetuity.

### **XII. Initiation of Construction Activities**

A. Construction will only occur after issuance of a federal ROW grant, Special Use Authorization and specific NTP or any other federal or state authorization to the Proponent which will occur after the ROD.

B. The BLM will ensure that mitigation for adversely affected historic properties is implemented to the degree required in the mitigation plans prior to issuance of NTPs. The BLM will authorize construction to begin once the parties to this agreement have been provided with documentation of mitigation activities and consultation has occurred pursuant to stipulation V. Disagreements regarding the adequacy of the implementation of mitigation plans are subject to resolution as described in stipulation XIV. NTPs may be issued to the Proponent for individual construction segments under the following conditions:

1. Construction of the segment will not restrict subsequent rerouting of the ROW corridor or affiliated ancillary feature locations to avoid, minimize, or mitigate the Undertaking's adverse effects on historic properties; and
2. The permitting agencies, in consultation with parties to this agreement, determine that all surveys have been completed and no cultural resources have been identified through Class III inventories and there are no historic properties within the APEs for the construction segment; or
3. The permitting agencies, in consultation with the SHPOs/THPO, have implemented the procedures described in the HPMP within the construction segment; and
  - a. The fieldwork phase of the treatment option has been completed;
  - b. The federal agencies that are a party to this agreement have accepted a summary description from the Proponent of the fieldwork performed and a reporting schedule for that work;
  - c. The permitting agencies have provided the parties to this agreement with a summary description of the fieldwork performed and a reporting schedule for that work; and
  - d. The permitting agencies, in consultation with the parties to this agreement, have determined that all preconstruction fieldwork is complete and adequate.

## Boardman to Hemingway Programmatic Agreement

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### C. Changes in Ancillary Areas/Construction ROW

1. The BLM will notify the parties to this agreement of proposed changes in ancillary areas or the ROW. The BLM will ensure that the APE of the new ancillary area or reroute is inventoried and evaluated in accordance with stipulation II, and will consult with the parties to this agreement on the proposed APE and the determination of eligibility and effect in accordance with stipulations III. and IV. The reports addressing these areas will be reviewed in accordance with stipulation V. of this PA.
2. The BLM will provide the tribes, and parties to this agreement with the revised addendum reports and findings on eligibility and effects for a 30 day review and comment period. The BLM will seek consensus determinations of eligibility for all properties identified in the APEs. If consensus cannot be reached, the process articulated in stipulation III. for seeking a determination of eligibility from the Keeper of the NRHP will be followed.

### XIII. PA Evaluation

- A. The BLM will evaluate the implementation and operation of this PA annually until all construction and reclamation activities and mitigation reports are complete. The annual evaluation will include a written report submitted by the BLM to the parties to this agreement and may include in-person meetings among the BLM and parties to this agreement to discuss any potential PA modifications or amendments.
- B. The BLM's written report will describe all activities pertaining to the Undertaking for that year and will be sent to all parties to this agreement by December 31st of each year. Parties to this agreement may provide comments on reports to the BLM within 30 days of receipt. The BLM will collate and distribute comments to the parties to this agreement, revise the report, as necessary, and explain why particular revisions were or were not made. If there are significant revisions needed, and if the parties to this agreement agree, the BLM may hold a meeting or conference call to discuss any needed revisions.

### XIV. Dispute Resolution

- A. Any party to this agreement may object at any time to any actions proposed or the manner in which the terms of this PA are implemented. The objecting party must submit in writing to the BLM the reasons for, and a justification of, its objections. The BLM will consult with the objecting party and all parties to this agreement to resolve the objection within 30 days. If the BLM determines that such objection cannot be resolved, the BLM will:
  1. Forward all documentation relevant to the dispute, including the BLM's proposed resolution, to the ACHP within 30 days after the BLM's initial determination that the objection cannot be resolved. The ACHP will provide the BLM with its advice on the resolution of the objection within 30 days of receiving adequate documentation. Prior to reaching a final determination on the dispute, the BLM will prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP



## Boardman to Hemingway Programmatic Agreement

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and parties to this agreement, and provide them with a copy of this written response within 30 days of receiving advice from the ACHP. The BLM will then proceed according to its final determination.

2. If the ACHP does not provide its advice regarding the dispute within the 30 day time period, the BLM may make a final determination on the dispute and proceed accordingly. Prior to reaching such a final determination, the BLM will prepare a written response that takes into account any timely comments regarding the dispute from the parties to this agreement to the PA, and provide to all parties to this agreement with a copy of such written response within 30 days.

3. The BLM's responsibilities to carry out all other actions subject to the terms of this PA that are not the subject of the dispute remain unchanged.

### **XV. Review of Public Objection**

At any time during implementation of the measures stipulated in this PA, should an objection to any such measure or its manner of implementation be raised by a member of the public, the BLM will take the objection into account, consult as needed with the objecting party and the parties to this agreement to resolve the objection. The BLM will determine the final resolution.

### **XVI. Amendment**

Signatories and Invited Signatories of this PA may request an amendment to the PA by providing proposed changes in writing. The BLM will notify all parties to this agreement of the proposed amendment and consult with them for no more than 30 days to reach agreement. The amendment will be effective on the date the amendment is signed by all Signatories. If the amendment is not signed within 60 days of receipt the BLM will reinitiate consultation for another 30 days. If all the signatories do not agree to the amendment, BLM will determine that the PA will stand as is.

### **XVII. Termination**

A. If any Signatory or Invited Signatory to this PA determines that its terms will not or cannot be carried out, that party will immediately provide written notice to the BLM and the other Signatories and Invited Signatories stating the reasons for the determination. BLM will then consult with all parties to this agreement to attempt to develop an amendment per stipulation XVI, above. If within 60 days (or another time period agreed to by all Signatories) an amendment cannot be reached, any Signatory or Invited Signatory may terminate the PA upon written notification to the other parties to the agreement.

B. If an individual SHPO/THPO terminates their participation in this PA, that termination will apply only within the jurisdiction of the SHPO/THPO electing to terminate

C. An individual SHPO/THPO may withdraw from the PA upon written notice to all Signatories and Invited Signatories after having consulted with them for at least 30 days to attempt to find



## Boardman to Hemingway Programmatic Agreement

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a way to avoid the withdrawal. Upon withdrawal, the BLM and the withdrawing SHPO/THPO will comply with Section 106 in accordance with 36 CFR 800.3 through 800.7 or the execution of an agreement in accordance with 36 CFR 800.14(b). Such Section 106 compliance will be limited to consideration of effects of the Undertaking solely within the jurisdiction of the withdrawing SHPO/THPO. This PA will still remain in effect with regard to the portions of the Undertaking located in the jurisdiction of the SHPO that have not withdrawn from the PA. If both SHPOs/THPO withdraw from the PA, the PA will be considered to be terminated. In the event this PA is terminated, and prior to work continuing on the Undertaking, the BLM will comply with 36 CFR 800.6(c)(8) and will take reasonable steps to avoid adverse effects to historic properties until another PA has been executed or will request, take into account, and respond to ACHP comments, in accordance with 800.7 BLM must either (a) execute a PA pursuant to 36 CFR 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR 800.7. If a withdrawal occurs, the BLM will notify all parties to this agreement as to the course of action it will pursue for Section 106 compliance for the Undertaking.

### **XVIII. Duration of This PA**

- A. Until the Undertaking has been initiated, the BLM shall convene a meeting of the Signatories and Invited Signatories five years after execution of the PA, and every five years following, to review the status of the Undertaking and the ROW, and to determine whether any amendments to the agreement are needed. This PA will expire if the Undertaking has not been initiated within 15 years of the execution of this PA, or the BLM ROW grant is terminated or is withdrawn. At that time, the BLM will notify, in writing, the parties to this agreement of this determination, whereupon this PA will be null and void.
- B. Unless this PA is terminated pursuant to stipulation XVII. above, another agreement executed for the Undertaking supersedes it, or the Undertaking itself has been terminated, this PA will remain in effect until the BLM, in consultation with the parties to this agreement, determines that construction of all aspects of the Undertaking has been completed and that all terms of this PA and any subsequent agreements have been fulfilled in a satisfactory manner, not to exceed 15 years. Upon a determination by BLM that implementation of all aspects of the Undertaking have been completed and that all terms of this Agreement and any subsequent tiered agreements have been fulfilled in a satisfactory manner, BLM will notify the parties to this agreement in writing of the agency's determination. The duration of the PA may be extended through an amendment as per stipulation XVI, through consultation with the parties to this agreement.
- C. Parties to this agreement shall meet at least one year prior to the expiration of the PA to determine if the conditions of this PA have been met. At that time, the parties to this agreement may agree to amend or terminate the PA or to meet again within an agreed-upon period of time to consider the status of the PA.

## Boardman to Hemingway Programmatic Agreement

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1 D. Upon termination of the PA, the instrument for addressing cultural resource concerns will be  
2 the POD within the ROW grant. The POD will contain the HPMP which outlines the  
3 management of historic properties through construction as well as operations and  
4 maintenance and decommissioning. The BLM will retain responsibility for administering the  
5 terms and conditions of the ROW grant pertaining to historic properties for the life of the  
6 grant.

### 7 **XIX. Financial Security**

8 The proponent will post a financial instrument approved under the ROW regulations (43 CFR  
9 2800) with the BLM in an amount sufficient to cover all post-fieldwork costs associated with  
10 implementing the HPMP, or other mitigative activities such as data recovery, curation, and report  
11 completion, as negotiated by the Proponent where they contract for services in support of this  
12 PA. Details regarding the instrument will be developed in the HPMP and posted prior to issuance  
13 of any NTP.

### 14 **XX. Failure to Carry Out the Terms of this PA**

15 In the event that the Proponent fails to follow the terms of this PA, the BLM will comply with 36  
16 CFR 800.4 through 800.6 with regard to individual actions pertaining to this Undertaking.

17 **EXECUTION** of this PA by the BLM, USFS, BPA, USACE, Reclamation, OR SHPO, ID SHPO, WA SHPO, and  
18 CTUIR THPO, as Signatories to this PA, and implementation of its terms evidence that the BLM has taken  
19 into account the effects of this Undertaking on historic properties and afforded the ACHP an opportunity  
20 to comment.

21 This PA may be executed in two or more counterparts, each of which shall be deemed an original but all  
22 of which together shall constitute one and the same instrument. The BLM may consolidate the original  
23 signature pages to produce the final copies. The BLM will distribute copies of all pages to all Consulting  
24 Parties once the PA is signed.

## Boardman to Hemingway Programmatic Agreement

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### *SIGNATURE PAGES – REQUIRED SIGNATORIES*

#### **BUREAU OF LAND MANAGEMENT**

Signature: \_\_\_\_\_

Donald Gonzalez, Authorized Officer

Date: \_\_\_\_\_

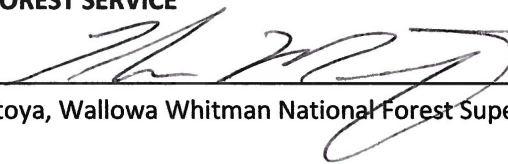
11/21/16

## Boardman to Hemingway Programmatic Agreement

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### *SIGNATURE PAGES – REQUIRED SIGNATORIES*

#### **U.S.D.A. FOREST SERVICE**

Signature:  Date: 10/24/16  
Tom Montoya, Wallowa Whitman National Forest Supervisor

## Boardman to Hemingway Programmatic Agreement

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*SIGNATURE PAGES – REQUIRED SIGNATORIES*

### **BONNEVILLE POWER ADMINISTRATION**

Signature: G. J. Dardinger Acting For Date: 10/27/2016  
F. Lorraine Bodi, Vice President, Environment, Fish and Wildlife

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SEPT. 30, 2016

## Boardman to Hemingway Programmatic Agreement

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### *SIGNATURE PAGES – REQUIRED SIGNATORIES*

#### **U.S. ARMY CORPS OF ENGINEERS**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Jose L. Aguilar, Colonel, District Commander

20161109

## Boardman to Hemingway Programmatic Agreement

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*SIGNATURE PAGES – REQUIRED SIGNATORIES*

**BUREAU OF RECLAMATION**

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Roland K. Springer, Area Manager

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SEPT. 30, 2016

## Boardman to Hemingway Programmatic Agreement

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### SIGNATURE PAGES – REQUIRED SIGNATORIES

1 **BUREAU OF LAND MANAGEMENT**

2 Signature: \_\_\_\_\_ [See page S-1] Date: \_\_\_\_\_  
3 Donald Gonzalez, Authorized Officer

4 **U.S.D.A. FOREST SERVICE**

5 Signature: \_\_\_\_\_ [See page S-2] Date: \_\_\_\_\_  
6 Tom Montoya, Wallowa Whitman National Forest Supervisor

7 **BONNEVILLE POWER ADMINISTRATION**

8 Signature: \_\_\_\_\_ [See page S-3] Date: \_\_\_\_\_  
9 F. Lorraine Bodi, Vice President, Environment, Fish and Wildlife

10 **U.S. ARMY CORPS OF ENGINEERS**

11 Signature: \_\_\_\_\_ [See page S-4] Date: \_\_\_\_\_  
12 Jose L. Aguilar, Colonel, District Commander

13 **BUREAU OF RECLAMATION**

14 Signature: \_\_\_\_\_ [See page S-5] Date: \_\_\_\_\_  
15 Jerrold D. Gregg, Area Manager

16 **OREGON STATE HISTORIC PRESERVATION OFFICER**

17 Signature: Christine Curran Date: 11.21.16  
18 Christine Curran, Deputy SHPO

19 **IDAHO STATE HISTORIC PRESERVATION OFFICER**

20 Signature: \_\_\_\_\_ [See page S-7] Date: \_\_\_\_\_  
21 Janet Gallimore, SHPO

22 **WASHINGTON DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION (SHPO)**

23 Signature: \_\_\_\_\_ [See page S-8] Date: \_\_\_\_\_  
24 Allyson Brooks, SHPO



## Boardman to Hemingway Programmatic Agreement

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*SIGNATURE PAGES – REQUIRED SIGNATORIES*

**IDAHO STATE HISTORIC PRESERVATION OFFICER**

Signature:  Date: November 30, 2016  
Janet Gallimore, SHPO

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SEPT. 30, 2016

## Boardman to Hemingway Programmatic Agreement

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### *SIGNATURE PAGES – REQUIRED SIGNATORIES*

1 **BUREAU OF LAND MANAGEMENT**

2 Signature: \_\_\_\_\_ [See page S-1] Date: \_\_\_\_\_

3 Donald Gonzalez, Authorized Officer

4 **U.S.D.A. FOREST SERVICE**

5 Signature: \_\_\_\_\_ [See page S-2] Date: \_\_\_\_\_

6 Tom Montoya, Wallowa Whitman National Forest Supervisor

7 **BONNEVILLE POWER ADMINISTRATION**

8 Signature: \_\_\_\_\_ [See page S-3] Date: \_\_\_\_\_

9 F. Lorraine Bodi, Vice President, Environment, Fish and Wildlife

10 **U.S. ARMY CORPS OF ENGINEERS**

11 Signature: \_\_\_\_\_ [See page S-4] Date: \_\_\_\_\_

12 Jose L. Aguilar, Colonel, District Commander

13 **BUREAU OF RECLAMATION**

14 Signature: \_\_\_\_\_ [See page S-5] Date: \_\_\_\_\_

15 Jerrold D. Gregg, Area Manager

16 **OREGON STATE HISTORIC PRESERVATION OFFICER**

17 Signature: \_\_\_\_\_ [See page S-6] Date: \_\_\_\_\_

18 Christine Curran, Deputy SHPO

19 **IDAHO STATE HISTORIC PRESERVATION OFFICER**

20 Signature: \_\_\_\_\_ [See page S-7] Date: \_\_\_\_\_

21 Janet Gallimore, SHPO

22 **WASHINGTON DEPARTMENT OF ARCHAEOLOGY AND HISTORIC PRESERVATION (SHPO)**

23 Signature:  Date: 12/14/16

24 Allyson Brooks, SHPO

## Boardman to Hemingway Programmatic Agreement

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*SIGNATURE PAGES – REQUIRED SIGNATORIES*

**CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION TRIBAL HISTORIC PRESERVATION  
OFFICER**

Signature: Carey L. Miller Date: Jan 22, 2017  
Carey Miller, Tribal Historic Preservation Officer

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SEPT. 30, 2016

## Boardman to Hemingway Programmatic Agreement

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### *SIGNATURE PAGES – REQUIRED SIGNATORIES*

#### **ADVISORY COUNCIL ON HISTORIC PRESERVATION**

Signature: John M. Fowler Date: 2/7/17  
John M. Fowler, Executive Director

## Boardman to Hemingway Programmatic Agreement

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### *SIGNATURE PAGES – INVITED SIGNATORIES*

#### **IDAHO POWER COMPANY**

Signature:  Date: 11-7-16

Adam Richins, General Manager of Customer Operations, Engineering and Construction

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SEPT. 30, 2016

## Boardman to Hemingway Programmatic Agreement

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### *SIGNATURE PAGES – INVITED SIGNATORIES*

NATIONAL PARK SERVICE

Signature: \_\_\_\_\_

Aaron Mahr, Superintendent for National Trails, Intermountain Region

Date: \_\_\_\_\_

10/28/16

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SEPT. 30, 2016

## Boardman to Hemingway Programmatic Agreement

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*SIGNATURE PAGES – CONCURRING PARTIES*

**OREGON DEPARTMENT OF ENERGY**

Signature:  Date: 12.16.16  
Michael Kaplan, Director

## Boardman to Hemingway Programmatic Agreement

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### SIGNATURE PAGES – CONCURRING PARTIES

1 **OREGON DEPARTMENT OF ENERGY**

2 Signature: \_\_\_\_\_ [See page S-13] Date: \_\_\_\_\_

3 Michael Kaplan, Director

4 **SHOSHONE-PAIUTE TRIBES OF THE DUCK VALLEY INDIAN RESERVATION**

5 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

6 Lindsey Manning, Chairman

7 **CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESERVATION**

8 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

9 Gary Burke, Chair, Board of Trustees

10 **SHOSHONE-BANNOCK TRIBES OF THE FORT HALL INDIAN RESERVATION**

11 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

12 Blaine Edmo, Chairman

13 **NEZ PERCE TRIBE**

14 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

15 Mary Jane Mills, Chairman

16 **CONFEDERATED TRIBES OF THE COLVILLE RESERVATION**

17 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

18 Dr. Michael E. Marchand, Chairman

19 **BURNS PAIUTE TRIBE**

20 Signature:  Date: 1-12-17

21 Jose DeLaRosa Jr., Chairperson

22 **FORT MCDERMITT PAIUTE AND SHOSHONE TRIBE**

23 Signature: \_\_\_\_\_ [See page S-15] Date: \_\_\_\_\_

24 Brad Crutcher, Chairperson

25 **CONFEDERATED TRIBES OF THE WARM SPRINGS INDIAN RESERVATION**

26 Signature: \_\_\_\_\_ Date: \_\_\_\_\_

27 Eugene Austin Greene Jr., Chair



## Boardman to Hemingway Programmatic Agreement

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### *SIGNATURE PAGES – CONCURRING PARTIES*

#### **FORT MCDERMITT PAIUTE AND SHOSHONE TRIBE**

Signature: 

Date: 11-7-2016

Brad Crutcher, Chairperson

## Boardman to Hemingway Programmatic Agreement

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### *SIGNATURE PAGES – CONCURRING PARTIES*

#### **OREGON-CALIFORNIA TRAILS ASSOCIATION**

Signature: William Symms Date: 10/21/2016  
William Symms, NW Chapter Preservation Officer

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SEPT. 30, 2016

## Boardman to Hemingway Programmatic Agreement

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### SIGNATURE PAGES – CONCURRING PARTIES

**1 CONFEDERATED TRIBES OF THE YAKAMA NATION**

**2 Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**3 JoDe L. Goudy, Chairman**

**4 OREGON AND CALIFORNIA TRAILS ASSOCIATION**

**5 Signature:** \_\_\_\_\_ [See page S-16] **Date:** \_\_\_\_\_

**6 William Symms, NW Chapter Preservation Officer**

**7 OREGON HISTORIC TRAILS ADVISORY COUNCIL**

**8 Signature:** Glenn Harrison **Date:** 10/22/16

**9 Glenn Harrison, Oregon Historic Trails Advisory Council representative**

**10 U.S. FISH AND WILDLIFE SERVICE**

**11 Signature:** \_\_\_\_\_ [See page S-18] **Date:** \_\_\_\_\_

**12 Lamont Glass, Manager, USFWS Umatilla National Wildlife Refuge**

**13 LEWIS AND CLARK HERITAGE TRAIL FOUNDATION**

**14 Signature:** \_\_\_\_\_ [See page S-19] **Date:** \_\_\_\_\_

**15 Robert Heacock, Director Washington State Chapter**

## Boardman to Hemingway Programmatic Agreement

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### *SIGNATURE PAGES – CONCURRING PARTIES*

#### **U.S. FISH AND WILDLIFE SERVICE**

Signature:  Date: 11/1/16

Lamont Glass, Manager, USFWS Umatilla National Wildlife Refuge

## Boardman to Hemingway Programmatic Agreement

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### *SIGNATURE PAGES – CONCURRING PARTIES*

#### **LEWIS AND CLARK HERITAGE TRAIL FOUNDATION**

Signature: Robert Heacock Date: 10/25/16

Robert Heacock, Director Washington State Chapter



## Boardman to Hemingway Programmatic Agreement

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### *APPENDICES*

- 1 Appendix A: Archaeological Survey Plan
- 2 Appendix B: Visual Assessment of Historic Properties Study Plan







## Boardman to Hemingway Transmission Line Project

### Archaeological Survey Plan

*Prepared by*  
Tetra Tech  
3380 Americana Terrace  
Suite 201  
Boise, ID 83706

*Prepared for*  
Idaho Power Company  
1221 W Idaho Street  
Boise, ID 83702

**January 2013**



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## 1.0 PURPOSE AND GOAL

Idaho Power Company (IPC) is proposing to construct, operate, and maintain approximately 300 miles of 500-kilovolt (kV) transmission line, known as the Boardman to Hemingway Transmission Line Project (Project; IPC 2011). Figure 1 shows the proposed and alternative routes. The Project is complex, located in both Idaho and Oregon and involving multiple federal and state agencies, and the cultural resource work will occur in phases. For these reasons, a Programmatic Agreement (PA) regarding the Section 106 National Historic Preservation Act (NHPA) process will be developed pursuant to 36 Code of Federal Regulations (CFR) 800.4(b)(2) and 36 CFR 800.14(b). The PA for this project is an agreement between the Bureau of Land Management (BLM), United States Department of Agriculture Forest Service (USFS), Idaho and Oregon State Historic Preservation Officers (SHPOs), Confederated Tribes of the Umatilla Reservation Tribal Historic Preservation Officer (CTUIR THPO), Advisory Council on Historic Preservation (ACHP), and other parties, such as Oregon Department of Energy (ODOE), Tribes, and IPC, as appropriate. The PA outlines the general process for completion of all phases of the Section 106 process, i.e., how the lead government agency will define the Areas of Potential Effect (APE), how historic resources will be identified and evaluated, how effects will be assessed, and how effects to historic properties will be resolved. The PA will be in place prior to the BLM's Record of Decision (ROD), but was not completed prior to the start of archaeological field work. IPC acknowledges that additional fieldwork may be necessary if work completed prior to signing the PA is not consistent with the terms of the PA.

This Archaeological Survey Plan (Plan) describes the processes for the file search and literature review and Class II and Class III pedestrian archaeological inventories, which will complete the identification efforts required by Section 106 of the NHPA and provide information for the ODOE Energy Facility Siting Council (EFSC), subject to laws requiring confidentiality. Within the parameters of laws requiring confidentiality, information collected through application of this plan will be used in support of IPC's Application for Site Certificate to EFSC and will be provided to the BLM to assist with the preparation of a National Environmental Policy Act (NEPA) document for the Project. This Plan is not intended to address the entire cultural resources identification process; rather it is intended only to describe IPC's plan to conduct archaeological inventories and outlines the methods and protocols for file searches and literature reviews and the conduct of Class II and Class III archaeological inventories. Evaluations of visual impacts to historic structures, trails, and other aboveground resources will also occur for the Project. The methodology for those studies is presented in a separate Visual Assessment of Historic Properties Study Plan (VAHP; Tetra Tech 2012). Ethnographic studies are in progress; these studies will be conducted to identify both properties of religious and cultural significance and Traditional Cultural Properties. As defined in NRHP Bulletin 38 (NPS 1998), a traditional cultural property can be defined generally as one that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. Religious and cultural significance have been added to this definition to reflect that BLM will also identify and assess impacts to properties of significance to tribes that may not meet the NRHP criteria as a TCP.

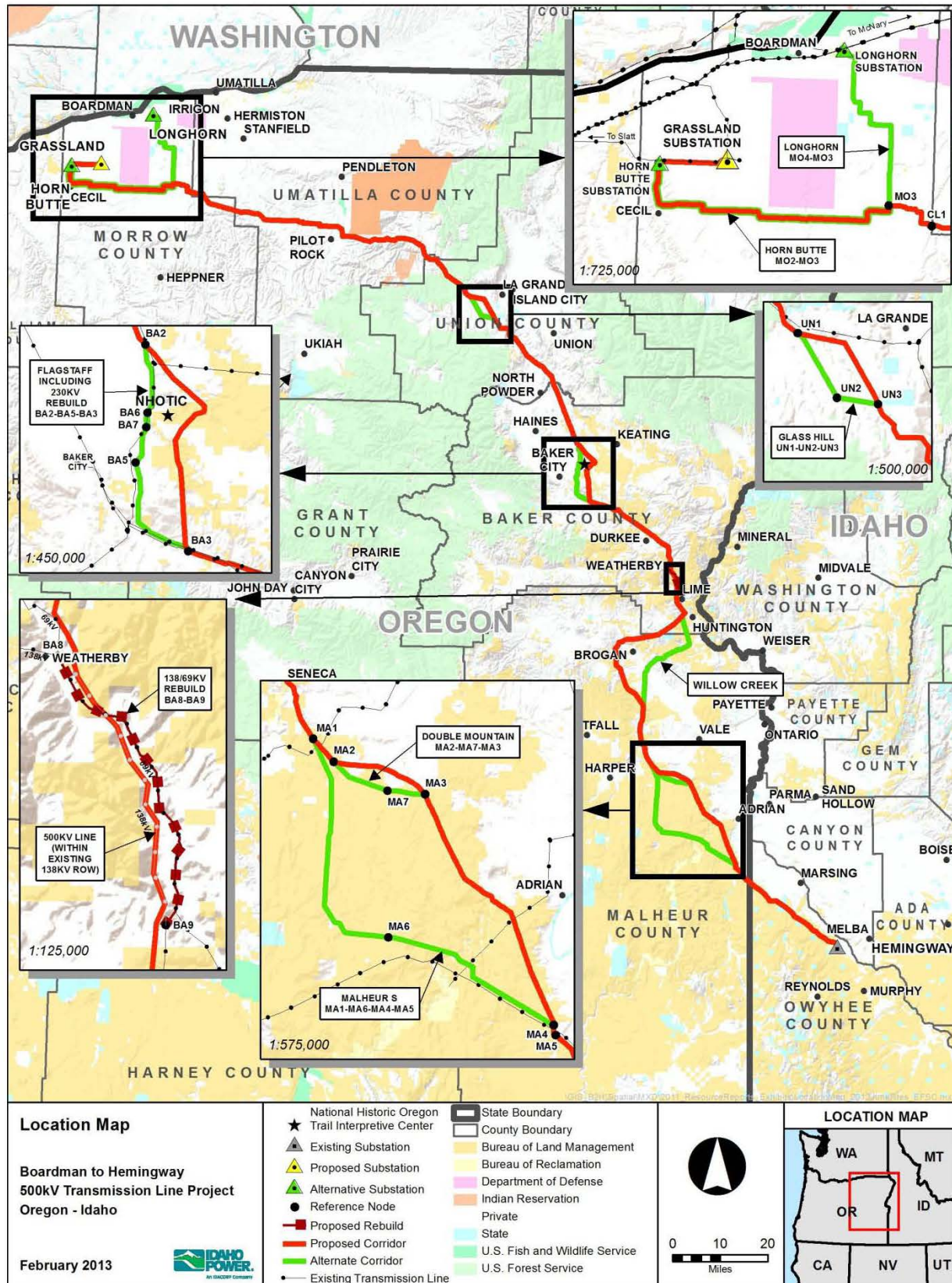


Figure 1. Proposed and Alternative Routes for NEPA Analysis

## 2.0 TECHNICAL STUDIES

This section outlines the scope of field investigations and the site National Register of Historic Places (NRHP) eligibility evaluation methodology for the Project archaeological inventory. Field investigations will focus on three inter-related tasks: surface survey, subsurface testing, and resource recordation. To meet Project needs, these tasks will be conducted in two stages. The initial survey will consist of a 100 percent (BLM Class III) inventory of the proposed route segments and all currently identified Project facilities, including access roads and ancillary facilities, as well as a 15 percent (BLM Class II) survey of alternative routes (see Figure 1). The findings of the inventory will be compiled into a formal report and submitted to consulting parties for review as well as presented in the Draft Environmental Impact Statement (EIS). Additional surveys will focus on completion of 100 percent inventory of any modifications to route access roads, laydown areas, or other Project surface modifications identified subsequent to the initial survey. Subsurface probing to assist in resource identification, boundary determination, or NRHP eligibility may be conducted as part of the survey effort, as determined by the agencies and consulting parties. In addition, in the event that an alternative corridor is selected as an element of the preferred route, all portions of this corridor segment not previously surveyed as part of the 15 percent sample will be subject to a complete 100 percent inventory. The inventory will be completed prior to initiation of construction activities, and findings will be presented in the Final EIS. All technical studies will comply with Section 106 of the NHPA, as well as follow applicable Idaho and Oregon SHPO standards.

### 2.1 File Search and Literature Review

Archaeological records searches and literature reviews were conducted for both the Oregon and Idaho portions of the Project. In Oregon, Tetra Tech initially conducted a file search and literature review at the Oregon SHPO for an area extending one mile on either side of the centerline of the proposed route and all alternatives; at the Idaho SHPO, a file search and literature review of an area 0.5 mile on either side of the centerline was conducted. This study area was later expanded through additional records searches to 2 miles on either side of the center line of the proposed route and alternatives in both Oregon and Idaho. Supplemental file searches at appropriate agency offices were also conducted to ensure that updated information from inventories and previously recorded cultural resources were considered prior to completion of field work. These offices included the Baker and Vale District Offices of the BLM, the Wallowa-Whitman National Forest, and the CTUIR THPO.

In addition to agency records, the file searches and literature reviews included examination of archaeological and historical literature of the region; General Land Office (GLO) plats and survey notes; a variety of modern and historic maps, including Oregon Trail maps provided by the National Historic Oregon Trail Interpretive Center in Baker City, Oregon; aerial photographs; and abandoned mine data from the BLM. Records were collected on all available resources, inclusive of archaeological sites and historic features and structures. Additional inventory and review of historic resources are addressed in the VAHP (Tetra Tech 2012). Examination of the data from the file searches and literature reviews indicates that 111 previously recorded sites are present within the study area. Previously recorded precontact sites are dominated by lithic scatters, but also include quarry sites, camps, cairns, and rock alignments. Historic sites include several segments of the Oregon Trail, other historic trails, stage stops, structures, and railroad grades.

An additional 143 potential historic sites were identified within the 2-mile study area from the examination of GLO plats, historic maps, etc. These locations are dominated by mining sites, but also include canals and ditches, cemeteries, trails, and wagon roads.



## **2.2 Archaeological Inventory Methods**

As discussed above, the cultural resources inventory will be conducted in two phases. Phase 1 will consist of an intensive pedestrian inventory (BLM Class III) of the proposed corridor segments and all currently identified Project facilities, as well as a sample (BLM Class II) survey of alternative corridors. Any additional survey required to complete a 100 percent inventory of the selected route, as well as any necessary subsurface inventory or evaluation efforts, will be conducted during Phase 2. Methods to be employed during these phases are presented below. All inventory and recordation efforts, regardless of land ownership, will be conducted under the direct supervision of archaeologists who meet the Secretary of the Interior's Standards and Guidelines and appropriate state requirements.

### **2.2.1 Intensive Field Survey**

The intensive Class III survey will focus on the Project's direct APE, identified as areas on the centerline of the right-of-way as well as proposed ancillary facilities such as substations, access roads, laydown areas, fly yards, and pulling and tensioning sites as identified in IPC's Plan of Development (POD; IPC 2011). The APE is applicable to the entire Project, regardless of land ownership. The APE is for direct project impacts to archaeological sites and other cultural resources, and may change with modifications to the Project or revisions to the APE by the consulting parties.

The APE identified for the initial Class III pedestrian inventory includes the following:

- 250 feet each side of the centerline of the Proposed Route. This area is twice the width of the final right-of-way grant that is being requested for the Project, and provides sufficient margin to allow realignment of the line as necessary.
- 50 feet on either side of the centerline of existing access and service roads. This width will allow for any minor alignment changes needed and provide adequate clearance for any new disturbance associated with road repair.
- 100 feet on either side of the centerline of new access and service roads. This width will allow margin for changes to the horizontal and vertical alignment of the road and for any cut and fill requirements.
- 200 feet beyond the boundary of the planned areas of disturbance of ancillary Project features such as staging areas, fly yards, and pulling and tensioning sites.
- 250 feet beyond the boundary of pulling/tensioning sites and borehole locations that fall outside the right-of-way.

The survey will be conducted using pedestrian transect intervals of 20 meters or less. Control will be maintained through the use of 1:24,000 scale maps and Global Positioning System units with sub-meter accuracy with the Project centerline or ancillary facility footprint programmed into the unit.

An intensive BLM Class III level inventory will be conducted of the entire survey area, as defined above. Areas with very steep slopes (in excess of 25 percent) may be excluded; however, if the file search and literature review indicate a potential for certain types of sites typically found on steep slopes (such as mines, talus pits, etc.) to occur in the area, these slopes will be examined. The examination of steep slopes will take into account the safety of the crew, and transect intervals may be increased. Areas not surveyed, or surveyed at a reduced level, will be clearly identified in the report, with the rationale behind their exclusion or reduced survey effort spelled out.



### **2.2.2 Sample Field Surveys**

For purposes of providing a comparative analysis of the proposed and alternative routes, an archaeological inventory of a 15 percent random sample will be conducted of all route alternatives subject to study in the Draft EIS. Combined with the results of the records search, literature review, and ethnographic study, application of this approach is designed to aid in characterizing the probable density, diversity, and distribution of cultural resources along the alternative routes, particularly in areas where no previous inventories have been conducted. This information is being collected for use in the EIS analysis. Within the sample survey units, methods used are identical to those applied in a Class III intensive survey, and all pedestrian survey and site recording and reporting for a Class II survey will meet Class III standards. An intensive cultural resource inventory will be completed along the preferred route after selection and before initiation of construction. Data collected during the sample inventory will be provided to the BLM in the form of a technical report prepared in compliance with laws requiring confidentiality and will contribute to but will not replace complete inventory of the selected route.

The sampling plan developed for the Project employs random selection of sampling units. Inventory will be conducted using 1-mile-long by 500-foot-wide survey blocks. The 1-mile length is used as an arbitrary measure, while the 500-foot width corresponds to the width of the comprehensive inventory being conducted along the proposed Project corridor. Following this procedure, all completed sample units will directly contribute to completion of the comprehensive inventory, once a final route is selected.

Individual survey units will be selected based on the following sampling strategy. First, for each alternative route, 1-mile-long parcels will be designated with a unique survey unit number (e.g., sampling units along a 50-mile-long segment will be designated 1-50). A table of random numbers will then be used to select specific units for inventory within a route segment. Sufficient numbers of units will be selected to account for inventory of 15 percent of each route segment. To ensure adequate representation of each route segment, units will be selected regardless of land ownership and will likely include a mix of private, state, and federally managed lands. It is anticipated that access constraints will affect the ability to complete survey of units selected on private lands. To account for this and to ensure completion of a 15 percent sample, additional units will be selected at random and held in reserve for use in case of denied access or other access issues. Following these procedures, it is anticipated that sufficient information will be collected to allow for assessment and comparison of cultural resources by proposed and alternative route segment.

For alternatives that are being analyzed in the Draft EIS, revised maps showing sample locations will be prepared and submitted for agency review. A complete 100 percent survey of the preferred route will be completed in accordance with this inventory plan.

### **2.2.3 Subsurface Probing**

Subsurface probing will be conducted for sites for which SHPO and THPO consultation has indicated that Phase 2 efforts are necessary to determine NRHP eligibility under Criterion D. Subsurface survey methods (e.g., shovel probes) will be employed to assist with the discovery of buried deposits, definition of archaeological site boundaries, and determinations of site eligibility, as stipulated in the PA. Site identification shovel probes may be particularly useful in forested areas containing dense undergrowth and accumulations of surface litter and duff/humus, especially within zones where there is probability for the presence of cultural materials or features. Shovel probes may also prove useful for locating sites in zones of active sediment accumulation, where recent sediment deposition (i.e., fluvial, alluvial, colluvial, or aeolian) has concealed earlier cultural deposits. Shovel probes will measure 50 by 50

centimeters square and will be used to assist in 1) the identification of cultural resources during surface survey (site discovery probes) and 2) site boundary definition (site boundary probes). Identifying site boundaries during a survey is important because a site's location relative to the proposed project is critical to assessing Project effects and developing appropriate mitigation measures. When site boundaries cannot be defined based on surface evidence alone, such as in densely wooded montane areas, subsurface probing has the potential to provide crucial data to guide Project design and resource management decisions. As specified in the PA, neither collection of artifacts nor disturbance of ground will occur during initial Class II and Class III intensive-level pedestrian cultural resources surveys. Upon issuance of the ROD, areas identified as possessing a high potential for buried cultural resources located within the direct APE will be subjected to subsurface probing to determine the presence or absence of cultural resources, where ground-disturbing activities will occur. All identification surveys will follow the methodology presented in this Archaeological Survey Plan. Indian tribes and consulting parties to this agreement will be consulted prior to commencement of any ground-disturbing or collection activity and appropriate federal and state permits will be obtained.

During initial survey efforts, Tetra Tech crews will track the location of areas of high site potential and low surface visibility where subsurface probing may be determined appropriate during a subsequent phase of archaeological investigations. These areas of high site potential will be clearly indicated on tables and maps in the resulting survey reports and will be subject to consultation with Native American tribes. High probability areas will be determined by taking into account relevant environmental variables such as slope, distance to water, locations near stream confluences, vegetation, and potential tool stone sources, as well as areas with tribal place names, which often have correlations with archaeological sites. Low surface visibility is defined as thick vegetative cover or other material preventing adequate examination of the ground surface. Maps indicating high site potential will be considered confidential and subject to laws regarding confidentiality of cultural resources.

Prior to excavation of any shovel probes, a probing plan detailing the approach to subsurface survey will be submitted to state and federal agencies for consultation and approval, and all appropriate federal and state permits will be obtained. Excavation or removal (collection) of archaeological resources from any federally managed land (e.g., BLM, USFS, or other federal agencies) necessitates an ARPA permit from the federal land manager. In Idaho, State excavation permits are required within a known site on state land in accordance with Idaho Code 67-4120; no permits are required on private lands. In Oregon, state law (Oregon Revised Statutes [ORS] 358.905-955, 390.235, Oregon Administrative Rules 051-360-080 to 090) requires that all field investigations conducted on non-federal public lands requiring ground disturbance, and all investigations of known sites on private lands, require a State of Oregon Archaeological Excavation Permit (Oregon SHPO 2007:34). Archaeological permits are required for any surface collections or subsurface field investigation that has the potential to disturb, destroy, or otherwise alter a site or sensitive area. Permits are not required for non-ground-disturbing research activities.

#### **2.2.4 Discoveries of Human Remains**

If human remains are discovered during any phase of the Project, work will cease within 200 feet of the location of the discovery and the remains will be protected. If the find is on federally administered lands in either state, the appropriate agency field official will be notified in accordance with the agency obligations under the Native American Graves Protection and Repatriation Act and other laws.

For discoveries on non-federal lands, the applicable law enforcement agency or other entity will be contacted in accordance with appropriate state statutes. In Idaho, Tetra Tech will comply

with Idaho Code §27 501–504 and notify the Idaho State Historical Society and the BLM cultural resources lead who will commence notification of the appropriate tribes, which consist of the Shoshone-Bannock Tribes of the Fort Hall Reservation, Shoshone Paiute Tribes of the Duck Valley Indian Reservation, the Confederated Tribes of the Umatilla Indian Reservation, and the Burns Paiute Tribe.

In Oregon, Tetra Tech will comply with ORS 97.745(4) and will notify the Oregon State Police, the Oregon SHPO, the Commission on Indian Services (CIS), and the BLM cultural resources lead. The BLM cultural resources lead will then commence notification of the appropriate tribes, which may consist of the Shoshone Paiute Tribes of the Duck Valley Indian Reservation, the Confederated Tribes of the Umatilla Indian Reservation, the Burns Paiute Tribe, and other tribes.

## **2.3 Site Documentation and Reporting**

The results of the file search, literature review, and Class II and Class III inventories will be incorporated into technical reports that will be submitted to BLM to assist in NHPA and NEPA compliance. Separate stand-alone technical reports will be provided for each state; a separate report will be prepared for the USFS documenting inventory on USFS-managed lands. Reports will be prepared in accordance with BLM and USFS permit requirements and applicable SHPO guidelines for each state.

Reports will include full documentation of all archaeological and cultural sites and resources identified during inventory efforts, recorded per appropriate state requirements as described below, but within the parameters of and subject to laws requiring confidentiality:

- **Oregon.** All archaeological resources encountered will be recorded on Oregon Archaeological Site Forms or Oregon State Cultural Resource Isolate Forms ([http://www.oregon.gov/OPRD/HCD/ARCH/docs/Online\\_Site\\_Form\\_Manual\\_Dec2009.pdf](http://www.oregon.gov/OPRD/HCD/ARCH/docs/Online_Site_Form_Manual_Dec2009.pdf)). Field surveys will be conducted and results reported in accordance with the *Guidelines for Conducting Field Archaeology in Oregon* ([http://www.oregon.gov/OPRD/HCD/ARCH/docs/draft\\_field\\_guidelines.pdf](http://www.oregon.gov/OPRD/HCD/ARCH/docs/draft_field_guidelines.pdf)) and State of Oregon Archaeological Reporting Guidelines ([http://www.oregon.gov/OPRD/HCD/ARCH/docs/State\\_of\\_Oregon\\_Archaeological\\_Survey\\_and\\_Reporting\\_Standards.pdf](http://www.oregon.gov/OPRD/HCD/ARCH/docs/State_of_Oregon_Archaeological_Survey_and_Reporting_Standards.pdf)) issued by the Oregon SHPO. Definitions of sites and isolates will be those provided in the *Guidelines for Conducting Field Archaeology in Oregon* unless permit stipulations require otherwise. For aboveground historic resources, data will be entered into the Oregon SHPO Historic database.
- **Idaho.** All archaeological resources encountered will be recorded on Archaeological Survey of Idaho Site Inventory Forms. Treatment of historic buildings, structures, and facilities, as discussed in a separate inventory plan addressing aboveground resources, will be recorded on Idaho Historic Sites Inventory Forms (both forms available at <http://history.idaho.gov/shpo.html>). Field inventories will be conducted and results will be reported in accordance with *Guidelines for Documenting Archaeological and Historical Inventories* (<http://www.history.idaho.gov/sites/default/files/uploads/SurveyGuidelines.4.5.2012.pdf>).

If survey is conducted on tribal lands of the Confederated Tribes of the Umatilla Indian Reservation, additional forms required by, and provided by, the THPO will also be completed.

### 3.0 DEFINITIONS

**Area of Potential Effects (APE)** means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking (see 36 CFR 800.16[d]). The APE includes all lands regardless of ownership in the survey area, as well as any associated area of potential impact associated with ancillary facilities. The effects may be direct, indirect, or cumulative.

**Class I Inventory** (Record Search and Literature Review) is a compilation of all reasonably available cultural resources data and literature and a management-focused, interpretive narrative overview and synthesis of the data. Existing cultural resource data are obtained from published and unpublished documents, BLM cultural resource inventory records, institutional site files, state and national registers, and other information sources.

**Class II Inventory** (Probabilistic Field Survey) is a sample survey designed to aid in characterizing the probable density, diversity, and distribution of cultural resources in an area. Within sample units, methods used are the same as those applied in Class III intensive survey. While Class II surveys are generally not appropriate for determining specific effects of a proposed land use, they are useful when comparing alternative locations for proposed undertakings (per BLM Manual 8110).

**Class III Inventory** (Intensive Field Inventory), also referred to as survey, is a professionally conducted, thorough pedestrian inventory of an entire target area (except for any subareas exempted), intended to locate and record all cultural resources. It describes the distribution of properties in an area; determines the number, location, and condition of properties; determines the types of properties actually present within the area; permits classification of individual properties; and records the physical extent of specific properties. It is conducted in accordance with standards in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 *Federal Register* 44716, September 29, 1983) per BLM Manual 8110.

**Consultation** refers to the general process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process. The Secretary's "Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act" provides further guidance on consultation (36 CFR 800.16 [f]). See also the ACHP (2008) *Consultations with Indian Tribes in the Section 106 Review Process: A Handbook*.

**Cultural Resources** include archaeological, historical, or architectural sites, structures, or places that may exhibit human activity or occupation, or may be sites of religious or cultural significance to tribes. Cultural resources include, but are not limited to, archaeological sites, cultural landscapes, natural resources and landforms, grave sites, buildings, and structures. The term "cultural resources" encompasses properties of traditional religious significance that may or may not be eligible for listing in the NRHP but are of critical significance for tribes. The current plan is designed primarily to address the identification of archaeological resources.

**Effect** means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the NRHP (36 CFR 800.16[i]).

**Historic property** refers to a district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes

properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the National Register criteria (36 CFR 800.16[1][1]).

**Programmatic Agreement (PA)** refers to a legally binding document that memorializes the terms and conditions agreed upon to fulfill the lead federal agency's compliance with Section 106 of the National Historic Preservation Act, in accordance with 36 CFR 800.14(b) and 36 CFR 800.16(t). Programmatic Agreements are undertaken as alternatives to Section 106 procedures, and are often used when effects on historic properties are similar and repetitive; are multi-state or regional in scope; when effects cannot be fully determined prior to approval of an undertaking; or when non-federal parties are delegated major decision making responsibilities.

**Proposed Route** is the route proposed by IPC in the November 2011 POD. This route is subject to change with new data, but will not be inventoried until the POD is officially changed.

**State Historic Preservation Officer (SHPO)** means the official appointed or designated pursuant to Section 101(b)(1) of the NHPA to administer the State historic preservation program or a representative designated to act for the State historic preservation officer (36 CFR 800.16[v]).

**Study Area** is the area subject to a complete record search and literature review for the purpose of compiling information on previously recorded cultural resources and previous cultural resource surveys. The study area measures 2 miles on either side of the centerline, for a total study area corridor width of 4 miles.

**Survey Area** is the area that will be examined on foot by archaeologists to determine the presence or absence of archaeological resources. For purposes of the current document, this term is synonymous with the APE.

**Traditional Cultural Properties (TCPs)** are a class of National Register-eligible properties that possess association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. (See *National Register Bulletin 38: Guidelines for Evaluating and Documenting Traditional Cultural Properties*).

**Tribal Historic Preservation Officer** refers to the tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for the purposes of Section 106 compliance on tribal lands in accordance with section 101(d)(2) of the NHPA and 36 CFR 800.2.

**Undertaking** means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license, or approval (36 CFR 800.16[y]).

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## Boardman to Hemingway Transmission Line Project

### Visual Assessment of Historic Properties Study Plan

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## **ABBREVIATIONS AND ACRONYMS**

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effects
ASC	Application for Site Certificate
BLM	Bureau of Land Management
BPA	Bonneville Power Administration
CFR	Code of Federal Regulations
CTUIR	Confederated Tribes of the Umatilla Indian Reservation
EFSC	Energy Facility Siting Council
EIS	Environmental Impact Statement
GIS	geographic information system
GLO	General Land Office
GPS	global positioning system
IHSI	Idaho Historic Sites Inventory
ILS	Intensive Level Survey
IPC	Idaho Power Company
KOP	key observation point
kV	kilovolt
MET	Mapping Emigrant Trails
NEPA	<i>National Environmental Policy Act of 1969</i>
NHPA	<i>National Historic Preservation Act of 1966</i>
NHT	national historic trail
NPS	National Park Service
NRHP	National Register of Historic Places
OAR	Oregon Administrative Rules
OCTA	Oregon–California Trails Association
ODOE	Oregon Department of Energy
OHSD	Oregon Historic Sites Database
PA	Programmatic Agreement
Project	Boardman to Hemingway Transmission Line Project
RLS	Reconnaissance Level Survey
ROW	right-of-way
SHPO	State Historic Preservation Office
THPO	Tribal Historic Preservation Office
USC	United States Code
USFS	United States Forest Service
VAHP	Visual Assessment of Historic Properties
VCR	visual contrast rating



## **1.0 INTRODUCTION**

### **1.1 Project Summary**

Idaho Power Company (IPC) proposes to construct, operate, and maintain the Boardman to Hemingway Transmission Line Project (Project), a 305 mile-long, single-circuit 500-kilovolt (kV) overhead electric transmission line and related facilities. The Project will begin at the proposed Grassland Substation near Boardman, Oregon, and terminate at the existing Hemingway Substation near Melba, Idaho (Figure 1-1). In addition, 5.3 miles of 138-kV and 69-kV transmission lines will be relocated and/or rebuilt. IPC's proposed Project provides additional capacity connecting the Pacific Northwest and Intermountain regions of southwestern Idaho to alleviate existing transmission constraints and ensure sufficient capacity to meet present and forecasted load requirements. The proposed Project route crosses federal, state, and private lands.

IPC has applied to the United States Bureau of Land Management (BLM) for a right-of-way (ROW) grant and to the United States Forest Service (USFS) for a special-use permit for the use of public lands along portions of the Project. These entities are or will be conducting an independent environmental review of the proposed Project as part of their respective evaluations of the IPC applications for Project permits. The BLM and USFS will be preparing a joint Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (NEPA) to document the environmental review of the Project. In addition, the Bonneville Power Administration (BPA) will be providing some of the funding for the Project. The Project is also subject to Section 106 of the National Historic Preservation Act (NHPA) (16 United States Code [USC] 470) and its implementing regulations (36 Code of Federal Regulations [CFR] Part 800).

IPC will submit an Application for Site Certificate (ASC) for the Project to the Oregon Department of Energy (ODOE) through the state's Energy Facility Siting Council (EFSC). To receive a Site Certificate, the Project must satisfy the regulatory requirements contained in the Oregon Administrative Rules (OAR) 345-021-0010(s) [Contents of An Application, Exhibit S] and OAR 345-022-0090 [General Standards for Siting Facilities: Historic, Cultural and Archaeological].

IPC and its environmental consultant, Tetra Tech, are assisting the BLM and USFS and the cooperating federal and state agencies and tribes in meeting NEPA, NHPA, and EFSC requirements. Tetra Tech, on behalf of IPC, retained URS Corporation to conduct a Visual Effects on Historic Properties study according to the methods and standards required by Section 106 of the NHPA, the BLM, the BPA, the USFS, the Oregon and Idaho State Historic Preservation Offices (SHPOs), as well the Tribal Historic Preservation Officer (THPO) of the Confederated Tribes of the Umatilla Indian Reservation (CTUIR). Tetra Tech may elect to engage other firms as necessary to complete this work.

The federal government, the State of Oregon, and other affected government agencies all require the proposed Project be adequately analyzed to determine environmental effects associated with the Project's implementation, including effects to historic properties and their visual settings.



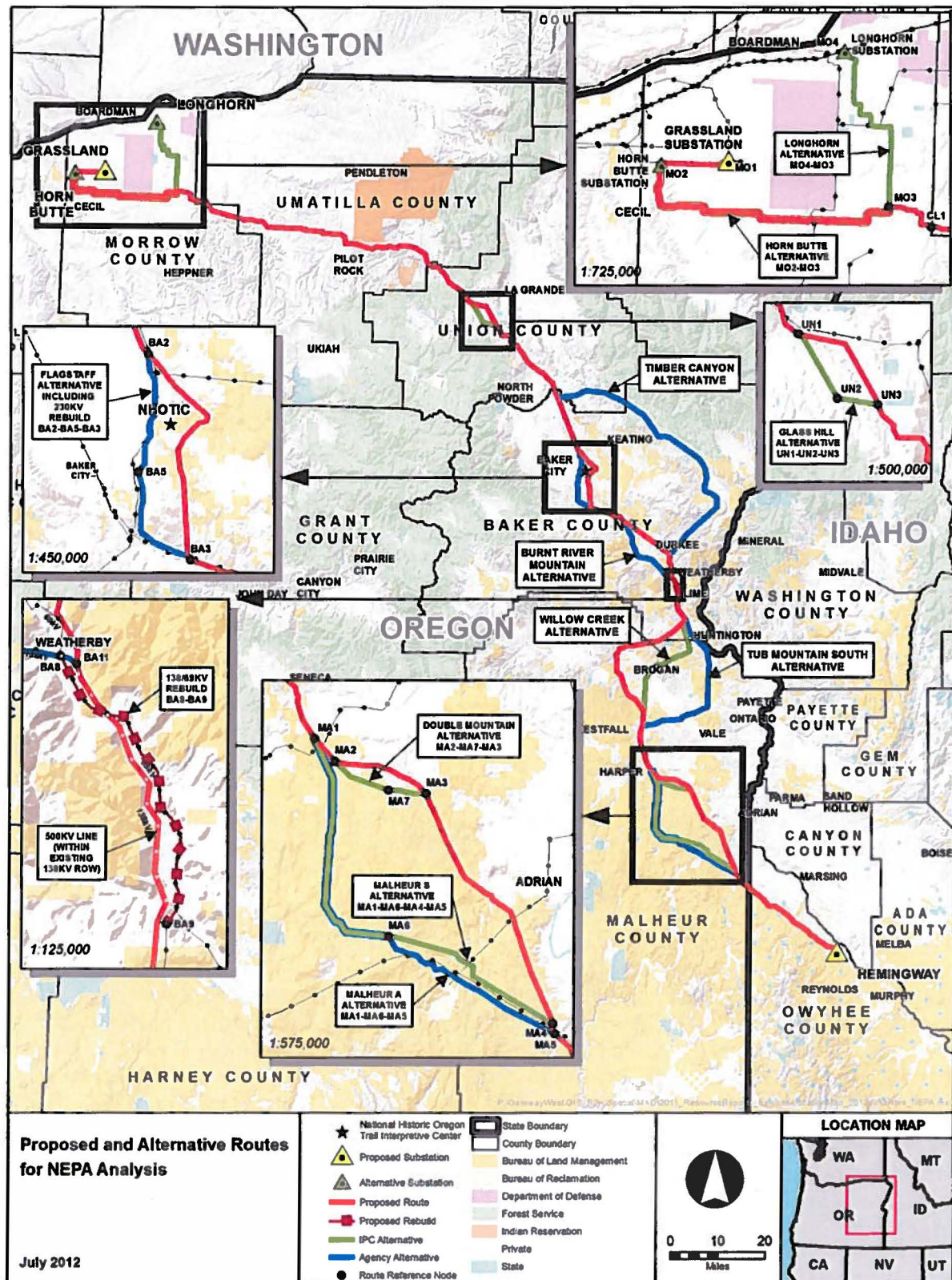


Figure 1-1. Proposed and Alternative Routes

The Project, including road construction (i.e., new roads in addition to widening and improving existing roads), staging areas, substations, and the installation of large overhead transmission towers and conductors, may directly or indirectly affect built environment historic properties (e.g., ranches, homesteads, or mines). The Project may also directly or indirectly affect National Historic Trails (NHT), NHT variants from the original trail, other historic trails, and associated resources (e.g., stage stations and/or grave sites). Many of the routes manifest the westward emigration that dominated the mid-nineteenth century, while other historic routes document the evolution of trails and variants to other forms of transportation, including wagon and automobile roads, from the late nineteenth through mid-twentieth centuries. While some historic trails have been recognized as a part of the National Historic Trail program by the National Park Service (NPS), other historic trails affected by the Project may also be classified as historic properties under the NRHP criteria. Trail segments that lack integrity will be considered non-contributing elements to the trail, and will not be subject to further study.

The Project may also directly or indirectly affect prehistoric sites eligible under criteria other than D only, as well as Traditional Cultural Properties (TCP) and properties of religious and cultural significance to tribes. Eligibility, effect, and treatment of these types of properties will be addressed through consultation between the BLM and the appropriate tribe or interested party.

## **1.2 Study Purpose**

The purpose of this Visual Assessment of Historic Properties (VAHP) Study Plan is to outline the methods proposed to:

- 1) conduct a reconnaissance and intensive level inventory of the Area of Potential Effects (APE) of above ground resources inclusive of the proposed route and alternatives being evaluated for NEPA and EFSC;
- 2) identify NHTs, NHT variants from the original trail, other historic trails<sup>1</sup> and associated resources (e.g., stage stations and/or graves sites), other historic transportation related sites and features, TCPs, properties of religious and cultural significance to tribes, historic structures, canals and ditches, home- and ranchsteads, and historic structures;
- 3) evaluate the historic resources by applying the National Register of Historic Places Criteria for Evaluation;
- 4) conduct a visual assessment of historic properties, in addition to historic trails, identified during the resource inventory, and analyze potential Project effects.

The preliminary results of the study will be distributed to the BLM, BPA, USFS, tribes, and other consulting parties for consultation on eligibility and effect. The final results of this study will be documented as a report submitted to the BLM and USFS to assist in the preparation of the NEPA EIS and Section 106 of the NHPA compliance documents. The report will also be filed as a part of Exhibit S of the ASC to satisfy the regulatory requirements of the ODOE.

Recommendations from this study will contribute to the development of the Historic Properties Management Plan (HPMP). This Plan is being developed pursuant to the Section 106 Programmatic Agreement (PA) for the Project which will include measures to avoid, minimize, or resolve adverse effects to historic properties identified and evaluated in the VAHP study.

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<sup>1</sup> "Other historic trails" may include trails that are designated at the state level and that are administered by the Oregon Historic Trails Advisory Council (OHTAC).



The VAHP study is part of a series of studies to consider the Project's impacts to various types of historic properties and/or visual resources that may also have cultural values, recreational values, and archaeological and historical significance. The study, therefore, is designed to be coordinated with, and complementary to these other studies including:

- Literature Review
- Visual Resources Assessment Study
- Archaeological Survey Plan
- Ethnographic Studies

It should be noted that this study does not identify or evaluate archaeological sites, but will identify those previously recorded sites (either by this project or during previous investigations) that have the potential to be visually affected by the Project and that are eligible under National Register criteria other than or in addition to Criterion D. These resources include, but are not limited to rock cairns, petroglyphs, stone circles, and other historic properties of religious and cultural significance. Due to the sensitive nature of these sites, it is anticipated that the BLM and USFS will undertake tribal consultation to identify and evaluate these resources, and assess potential impacts to these resources.

## **2.0 REGULATORY BACKGROUND**

### **2.1 State Requirements**

It is anticipated that IPC will submit an ASC for the Project to the Oregon Department of Energy (ODOE) through the state's EFSC. To receive a Site Certificate, the Project must satisfy the regulatory requirements contained in OAR 345-021-0010(s) [Contents of An Application, Exhibit S] and OAR 345-022-0090 [General Standards for Siting Facilities: Historic, Cultural and Archaeological]. EFSC relies on the Oregon SHPO as the state reviewing agency to assist EFSC with determining whether standards under OAR 345-022-0090 are met. The Project could affect historic, cultural and archaeological resources within the Project area; therefore, the Project's EIS and the EFSC ASC must include an assessment of the potential impacts.

It is also anticipated that the state and federal regulatory processes will be coordinated between the applicable federal and state agencies. The BLM and USFS are developing a PA with the Oregon and Idaho SHPOs, CTUIR THPO, BPA, the Advisory Council on Historic Preservation (ACHP) in addition to other consulting parties to allow the Project to move forward under the NEPA and NHPA processes. ODOE-EFSC is also an invited signatory to this agreement.

### **2.2 Federal Requirements**

The BLM is the designated lead federal agency for the Project under NEPA and for compliance with Section 106 of the NHPA and will coordinate the preparation of an EIS for the Project. Tetra Tech will prepare a VAHP report for the BLM that will analyze the potential for the project to impact historic properties and NHTs and to provide supporting documentation to comply with NEPA, Section 106 of the NHPA, and Oregon EFSC.

The Section 106 process stipulates that the responsible lead federal agency, in this case the BLM, establishes the undertaking (permitting of the Project), identifies consulting parties, identifies historic properties, and assesses Project effects on those historic properties. Section 106 requires the BLM to consider the effect the Project might have on historic properties before approving the Project and granting a ROW or special-use permit. Historic properties are defined at 36 CFR 800.16(l)(1) as "any prehistoric or historic district, site, building, structure, or object



included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior.” The BLM develops appropriate measures to resolve adverse effects to those historic properties in consultation with the Oregon and Idaho SHPOs, CTUIR THPO, the ACHP, the BPA, the USFS, American Indian tribes, IPC, and other consulting parties. When completed, the NHPA process will provide mitigation measures applicable to the route and associated facilities, such as access roads and staging areas. A PA is currently in preparation. Once the PA is signed by the applicable signatory parties, the Section 106 process, with the stipulated consultation requirements, resource identification efforts, and any mitigation measures contained or anticipated in the agreement, would be implemented.

In accordance with the National Trails System Act of 1968 (Public Law 90-543, as amended 2009), the BLM and NPS have developed management plans to identify and protect the NHTs and associated sites and resources (BLM 1986a; NPS 1998). It is the responsibility of the BLM to protect and interpret trail resources under its jurisdiction (BLM 1986a). Implementing these responsibilities includes, but is not limited to, regular monitoring of the resource, keeping the NPS informed, defining boundaries, erecting and maintaining trail markers, providing and maintaining facilities, issuing and enforcing regulations, maintaining the scenic/historic integrity, avoiding the destruction of segments, and mitigating unavoidable effects (BLM 1986a).

### **2.2.1 Criteria for Evaluating Historic Properties**

In order to be eligible for or listed in the NRHP, a resource must maintain integrity and be judged significant under one or more of the four National Register Criteria. More specifically, and as noted in 36 CFR 60.4, the resource must

- 1) possess integrity of location, design, setting, materials, workmanship, feeling, and association: and
- 2) possess at least one of the following National Register Criteria which includes:
  - A) an association with events that have made a significant contribution to the broad patterns of our history; or
  - B) an association with the lives of persons significant in our past; or
  - C) embodying the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
  - D) that have yielded or may be likely to yield, information important in history or prehistory.

Additional criteria considerations may also apply in special instances to properties that have been moved, religious properties, cemeteries, individual graves or birthplaces, reconstructed or commemorative properties, and properties that have achieved significance within the past 50 years. Due to the Project's extended construction timeframes all previously recorded resources that are 50 years old, or will have achieved 50 years of age at the time of the completion of the construction, will be assessed for their eligibility to the NRHP.

All resources may be eligible under any one or more of these criteria. For example, a historic building that has sufficient integrity to convey its historic associations may be eligible under Criterion B for its association with a significant person and Criterion C as an excellent example of a particular style of architecture. Guidelines for applying the criteria are provided in *How to Apply the National Register Criteria for Evaluation, Bulletin 15* (NPS 1997a) and *Guidelines for Evaluating and Registering Archeological Properties, National Register Bulletin 36* (NPS 2000).

During implementation of the VAHP study, archaeological resources, commonly determined eligible solely under Criterion D for their data potential, will not be evaluated.

### **2.2.2 Assessing Project Effects**

For those properties that are determined as eligible, federal agencies are required to apply the "criteria of adverse effect" to determine whether the project will affect historic properties (36 CFR 800.5). Adverse effects are found when an undertaking alters, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects that are caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative (36 CFR 800.5(1)).

This Project differs from some other types of projects as it introduces conspicuous features (e.g. transmission line towers) on the landscape that can indirectly affect certain elements of a historic property's integrity such as setting, feeling, and association. This study plan provides the methodology by which these indirect effects to historic properties will be analyzed.

## **3.0 HISTORIC CONTEXT**

This chapter provides a brief overview to an approach for developing the applicable historic contexts for the Project APEs. A historic context typically consists of prevailing historic themes and chronological periods of development within a given geographic area to assist in understanding cultural resources within the APEs (see section 4.1) of the Proposed Project and Alternatives. When the VAHP Study is prepared, the historic context will use the identified historic resources in addition to published ethnographic data, historic documents, previously recorded oral histories, and secondary sources to develop a more complete history of the resources within the Project APEs.

In order to assess the significance of a historic property and formally evaluate it for listing in the NRHP, a historic context must first be established to demonstrate how a particular resource relates to a local or regional history. The historic context will focus on American Indian and European American land use within the vicinity of the Project APEs. Although the majority of built environment resources are likely to date to the twentieth century, a few mid to late-nineteenth century resources, such as farms and ranches, the Oregon Trail, and the route of the forced march of the Shoshone-Paiute Tribes to Fort Simcoe, do exist within the APEs. The historic context reaches farther back than the dates of anticipated resources to provide information on trends and themes that influenced development patterns found today. It should be noted that this research, for the purposes of the study plan, will be organized by geographic area and then topically subdivided into chronological period and then historical theme consistent with the NPS approach to historic contexts (NPS 1997a; NPS 1997b).

### **3.1 Anticipated Historic Properties**

#### **3.1.1 Historic Period Themes, Ethnohistoric Occupation, and Associated Resource Types**

From the period of early historic contact through the 1960s, the landscape in the vicinity of the Project has been shaped by a number of broad historic themes. These themes include, but are not limited to; American Indian land use, early historic contact between American Indian tribes and Euro-American settlers, the fur trade, tribal and Euro-American relations, trails and

transportation, community growth and town building, rural electrification, railroads and highways, mining, agriculture and timber, homesteading, ranching, and irrigation.

In addition to these broad historic themes, the Project crosses an area that is layered with a number of cultural and ethnic patterns of occupation. The Project, for instance, crosses the aboriginal and ethnohistoric ranges of the Northern Paiute, Bannock, Nez Perce, Cayuse, Umatilla, Shoshone, and Walla Walla people. Also, the Project occurs in an area that retains important cultural associations with Basque, Chinese, and Latino settlers and workers. All of these groups, in addition to Euro-American settlers, have shaped the historic landscape and will be discussed in the historic context.

Resources constructed during the nineteenth and twentieth centuries and associated with the aforementioned themes are listed in Table 3-1. This table is *not inclusive* of all resources that may be encountered during the survey but provide preliminary indication of resource types in the Project APEs.

**Table 3-1. Historic Themes and Anticipated Resource Types**

Theme	Resource Category	Resource Type
Agriculture: Ranching, Farming, and Forest Management	Homesteads and Ranches, (Agricultural Uses)	Barns, granaries, poultry houses, root cellars, cool houses, stock sheds, water towers, smokehouses, chicken coops, irrigation networks and canals, historic rock alignments/sheep fences, cisterns, wells, corrals, dendroglyphs, cairns, stock driveways, and line shacks.
	Homesteads and Ranches (Domestic Uses)	Residences (Rural Gothic, Queen Anne, Colonial Revival, Bungalow, English Cottage, Craftsman, vernacular), migrant houses and camps, shepherd cabins
	Forest Management	Ranger's Station/Cabins, Warehouses, Recreational Cabins, bunkhouses, Civilian Conservation Corps (CCC) era resources, fire lookouts, and communication sites
Trails and Transportation	Road Networks	culverts, bridges, viaducts, retaining walls, road cuts, right-of-ways, CCC-era buildings and features, road projects, and diversion canals,.
	Trail Networks	Trails, stagecoach stations
	Railroads	Culverts, bridges, viaducts, embankments, railbeds, stations, and construction camps
	Aviation	Airports--runways, taxiways, hangars, control towers, warm up pads. Airways—beacons, radio ranges
Industry and Commerce	Mining	Adits, ditches, open pits, headframes, tailings, assay, generator house, power plant, rock cairns, tailings, mills, and camps
	Manufacturing	Concrete plant, hydroelectric plant, electrical transmission/distribution lines
	Commercial hubs	Stores, warehouses, hotels, stables, gas stations
	Timber	Sawmills, water impoundments, log flumes, camps, and springboard stumps

Theme	Resource Category	Resource Type
Ethnohistoric Resources	Assorted	TCPs, cambium peeled trees, Basque/Greek sheepherder cabins and camps, dendroglyphs, tribal allotment homesteads, Chinese sites, work camps
Theme	Resource Category	Resource Type
Settlement and Community	Cities, towns and crossroads communities	Houses, residential subdivision, grid plan town, schools, courthouse, jail, churches, office buildings
Prehistoric Resources	Assorted	Petroglyphs, rock circles, cairns, prehistoric trails

### 3.1.2 Multi-Component Resources with Important Visual Contexts

It is anticipated that some historic properties that have been previously recorded as archaeological resources may maintain characteristics that also make them eligible under National Register Criteria A, B, and/or C. With many of these properties containing multiple occupations or uses through time, historic contexts will play a critical role in identifying and assessing the importance of each component.

It is also anticipated that these resources may have visual settings that contribute to their overall significance. Resources such as rock cairns, rock circles, and petroglyphs, for instance, often occur in areas where their physical context or setting is an important character-defining feature. The historic (or prehistoric) context surrounding these resources, however, is often known only to Tribes with associations to the area. Tribal consultation by the BLM and other federal agencies for this project will play a role in developing a better understanding of the contexts (physical, cultural, and historical) behind these resources. Ethnographic and traditional use studies conducted by/for the applicable tribes would also assist in developing the context for these resources.

## 4.0 METHODS

### 4.1 Area of Potential Effects and Project Setting

In consultation with the other agencies and consulting parties and through the PA, the BLM has established an APE for indirect visual effects as five miles or to the visual horizon, whichever is closer, on either side of the centerline of the proposed alignment and alternative routes. In rare instances, the indirect visual effects APE may extend beyond the file-mile convention to encompass properties that have visually sensitive resources. For the purposes of this Project, indirect effects include, but are not limited to, effects that change the characteristics that make the property eligible for inclusion in the National Register, as well as the introduction of visual, atmospheric, or audible elements that alter any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the property's integrity. This study is, however, specifically directed towards visual effects. Other indirect effects outside of visual will be analyzed through the Project's Draft Environmental Impact Statement or evaluated through Section 106 consultation. Those aspects of integrity that are most likely to be indirectly affected by visual effects include setting, feeling, and association. The Project's potential to contribute to cumulative effects will also be analyzed consistent with 36 CFR 800.5(1). In several areas, for instance, the Project will be placed immediately beside existing transmission lines and may affect historic properties in a cumulative manner. The instances in which this occurs are listed in Table 4-1.



**Table 4-1. Existing Transmission Line Corridors Within the APEs**

<b>Route/Alternative Name</b>	<b>Approximate MP Range</b>	<b>County</b>	<b>Existing Transmission Line Voltage</b>
Proposed Route	0-6.5	Morrow County	500kV
Proposed Route	96.4-98.9	Union County	230kV
Proposed Route	103.0-111.6	Union County	230kV
Proposed Route	124.0-125.8	Union County	230kV
Proposed Route	128.0-150.0	Union County/Baker County	230kV
Flagstaff Alternative (and 230kV Rebuild)	0-5.0	Baker County	230kV
Flagstaff Alternative	7.5-11.0	Baker County	230kV
Flagstaff Alternative	11.0-14.4	Baker County	138kV
Proposed Route	162.2-164.9	Baker County	69kV/138kV Corridor
Proposed Route	164.9-167.5	Baker County	138kV
Proposed Route	170.0-173.7	Baker County	138kV
Proposed Route and DC Rebuild	187.0-191.1	Baker County	69kV/138kV Corridor
Proposed Route	191.1-197.0	Baker County	138kV
Malheur A Alternative	20.0-33.2	Malheur County	500kV
Malheur S Alternative	25.9-33.6	Malheur County	500kV
Proposed Route	271.6-280.0	Malheur County/Owyhee County	500kV
Proposed Route	283.0-299.7	Owyhee County	500kV

The APE for indirect effects includes approximately 3,400 square miles located in Umatilla, Union, Baker, Morrow, and Malheur Counties of Oregon and Owyhee County in Idaho. The APE consists of terrain with varying degrees of visibility, vegetation density, and accessibility and contains large parcels of private, state, tribal, and federal land. Some of the Proposed Corridor is collocated with existing transmission lines and near the major transportation corridor of Interstate 84. It will also cross near the National Historic Oregon Trail Interpretive Center. The APE is relatively undeveloped and there are few population centers. Communities within or near the indirect APE include Adrian, Boardman, Pilot Rock, La Grande, North Powder, Baker City, Vale, Willowcreek, Brogan, and Ontario, Oregon as well as Marsing, Idaho. While none of the Project's proposed or alternative routes go through the Umatilla Indian Reservation (UIR), the Project's indirect APE will include portions of the UIR. In addition to being consulted on resources of importance to the tribe off the reservation, the CTUIR THPO will be consulted on any resources identified on the Reservation that have the potential to be indirectly affected by the Project. A permit will be secured from the tribe to access to the Reservation.

Geographic Information System (GIS) "bare earth" modeling will be used to assess areas that will not be visually affected by Project elements. This modeling consists of establishing Project heights and using ground elevation data to determine whether an area would have views of the Project or whether intervening landforms would block views. This analysis will be completed as part of the visual resources analysis prepared for the overall Project. These areas will be mapped and used during the field survey to verify that resources situated within these zones would not be visually affected by the Project.

Other mapping overlays will be used from the Visual Resources Assessment to identify areas that have been previously inventoried for visual/aesthetic qualities. Particular attention will be

paid to places that included visible cultural resources (historic barns, hay derricks, fence lines, canals, etc.) that complement the scenic quality of that particular area. These mapping overlays will assist field crews to better anticipate and assess the integrity of a resource's setting and ensure consistency between the visual and historic property studies.

## **4.2 Pre-Field Research Methods**

A literature review was conducted for this Project to identify potential historic properties within the Project direct APE. Consistent with BLM Manual 8110 (BLM 2004) and 36 CFR 800.4(2), a literature review consists of a reasonable compilation of existing information assembled from a review of previously recorded historic resources and any associated studies. For this Project, information was retrieved from the Oregon Historic Sites Database (OHSD), Oregon SHPO archaeological records, Idaho Historic Sites Inventory (IHSI), Archaeological Survey of Idaho (ASI), BLM and USFS site files (including the Oregon Heritage Information Management System), CTUIR site database, and available historical and ethnographic literature. The study area for the literature review was two miles wide on either side of the centerline of the proposed and alternative routes. This APE was established to aid route-siting efforts, to accommodate shifts in the proposed route, and to cover areas where access roads, substations, and other construction or operation facilities may occur outside the 500-foot-wide intensive survey corridor (direct effect APE).

Due to the scale of the Project and the relatively rural setting for much of the corridor, the identification efforts for the indirect visual APE, which is out to five miles on either side of the Project centerline, will consist of a reconnaissance level survey (RLS) (known in Oregon as a selective RLS) and an intensive level survey (ILS) of resources that:

- have been previously identified through historic resource investigations and that appear in the OHSD, IHSI, or ASI;
- are listed on the NRHP;
- are participants in the Oregon and Idaho Century Farms and Ranches Program;
- appear in State and local registers and landmarks lists;
- are considered by the county as a Statewide Planning Goal 5 Resource (Oregon only);
- have been identified by federal or state agencies;
- have been identified by consulting parties, tribes, local historical societies or private individuals as potentially important historical resources that warrant identification and evaluation;
- are on General Land Office (GLO) plat maps or Ogle and Metsker maps dating to before 1965; and
- Current published and unpublished literature, emigrant diaries, journals, letters, newspaper accounts, Army topographical engineer maps describing trails, older USGS topographic maps and folios, published trail descriptions, chronologies, cultural and historical contexts, ethnographic reports, and information provided by the BLM, USFS, local counties, and National Park Service (NPS) National Trails Office (e.g., historic survey records, maps, etc.).

Research on NHTs and associated resources, such as camps sites, glyphs, and graves, will begin with a review of GLO maps to identify additional trails and establish a record of the historic route of each trail (BLM 2011a). The site records for each resource will also be reviewed to determine the extent of the resource, recording history, and current NRHP status. A summary

of this information, spatially organized west to east, will be included in the overview sections for each trail resource in the Project APEs.

A variety of digital data sources will be used to spatially assemble the network of trails within the Project APEs. These data sources include NPS and BLM shapefiles, as well as digitized trail information from the Idaho Chapter of the Oregon-California Trails Association (OCTA) (Eichhorst 2010) and the Northwest Chapter of OCTA, in addition to trail resources identified in *Emigrant Trails of Southern Idaho* (Hutchison and Jones 1993), and from *Powerful Rocky: The Blue Mountains and the Oregon Trail* (Evans 1991). The Oregon Historic Trails Advisory Council (OHTAC) would also be consulted to identify potential historic trail locations in Oregon. Collectively, these data sources will be used to produce a list of legal locations (township, range, and quarter-quarter section) for each trail resource, inclusive of primary routes, alternates, and cut-offs. The pre-field research combined with the digital data effort will assist with cross referencing historic accounts, mapping, and documentary evidence of historic trail(s) locations.

### **4.3 Standards for Conducting Fieldwork**

The field methods to be employed for the VAHP will be consistent with the Secretary of the Interior's *Standards for Archaeology and Historic Preservation* (NPS 1983, as amended) in addition to the *Oregon SHPO Guidelines for Historic Resource Surveys in Oregon* (OPRD2011), *How to Apply the National Register Criteria for Evaluation* (NPS 1997a), *How to Complete the National Register Registration Form* (NPS 1997b), *Guidelines for Evaluating and Documenting Rural Historic Landscapes* (NPS 1999), *Guidelines for Local Surveys: A Basis for Preservation Planning* (NPS 1985), and other applicable state and federal standards, guidelines, and white papers that may be consulted as field efforts proceed. These documents may include, but not be limited to *Guidelines for Historic Resources Surveys in Oregon* (OPRD 2011) and Idaho's *Architectural and Historic Sites Survey and Inventory* or *Guidelines for Documenting Archaeological and Historical Inventories*, as appropriate (ISHPO 2011). The level of effort for fieldwork to identify historic properties will be consistent with 36 CFR 800.4(b)(1) as well as "Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review" (ACHP 2011). In addition to taking into account the previously discussed background research and consultation, the field survey methodology also considers the magnitude and nature of the Project and the nature and extent of potential Project effects on historic properties. An architectural historian and/or an archaeologist (as appropriate) that meets the Secretary of Interior's Standards and Guidelines (36 CFR 61) will supervise each crew (each crew will have two staff members) that conducts the field survey. Field staff will have an established familiarity with the OHSD as well as the IHSI, methodologies explained in the most recent survey guidance published by the Oregon and Idaho SHPOs, as well as the methods explained in this Study Plan. Field crew members will have experience in history, architectural history, archaeology, and/or the role of landscape in the significance of historic resources. Having multi-disciplinary field teams will be particularly beneficial when assessing the integrity of a multi-component resource's setting and how setting contributes to the significance of that resource.

### **4.4 Field Survey Methods**

#### **4.4.1 Reconnaissance Level Survey (RLS)**

A RLS is designed to be a "first look" at a broad group of historic resources and records basic information. Fieldwork for the RLS will be conducted by teams of two field crew members, who will drive publicly accessible rights-of-way and record resources in a systematic manner. For those resources inventoried in the APEs, specific information will be collected, at least two or

more photographs taken, and each resource noted on a field map with latitude, longitude, and UTM coordinates recorded. The information collected in the field will include the address, historic name, original use (when readily evident), preliminary eligibility recommendations, construction date, materials, style, plan type, and number of contributing and non-contributing resources, and any additional location information, as well as comments that make note of any loss of historic integrity. Data collected in the field will be entered into the appropriate OHSD, IHSI, or ASI forms. While there are some differences in the types of data needed to complete respective data entry into the OHSD, IHSI, or ASI forms, field crews will ensure that the appropriate information is collected in the field and entered into the appropriate database. The data collected and entered into the database will be consistent with the respective state's requirements for conducting built environment and archaeological surveys.

For a resource identified during the RLS that retains integrity (including integrity of the setting), is 45 years old or older<sup>2</sup>, may be eligible under any of the NRHP criteria for evaluation, and that has the potential to be indirectly affected by the Project, the resource<sup>3</sup> will be subject to additional analysis so that NRHP eligibility can be ascertained during the ILS. Prior to the finalization of the RLS, the preliminary results of the survey will be shared with the BLM, BPA, USFS, appropriate SHPOs/THPO, and consulting parties as an interim summary report so that the relative effectiveness of the methodologies can be gauged and adjusted.

#### **4.4.2 Intensive Level Survey (ILS)**

The ILS is a detailed look at each individual resource, and records in-depth information collected from a physical examination of the resource and includes research about the resource's property and ownership history. It identifies the resource's potential eligibility for the NRHP, either individually or as a contributing resource to a historic or archaeological district. Field crews conducting the ILS will record information about each resource that is consistent with the survey guidelines of Oregon and Idaho. This will include sufficient photographs to record the characteristics that potentially make the resource eligible for the NRHP. A site plan that records the physical layout of the property and its relationship to the Project also will be prepared.

To complement this more intensive field recordation, additional research will be undertaken to better understand the resource's history. This will include SHPO/USFS/BLM files, historic maps (such as GLO, Metsker's, and Sanborn Fire Insurance maps), newspapers, and other applicable resources such as census records, genealogical records, biographical encyclopedias, city directories, oral histories, family histories, or tribal consultation. The ILS also will contain a list of literature cited that will include any primary and secondary sources consulted for the specific history of the resource as well as the resource's historic context. After taking into account the overall integrity and historical significance of the resource, a final recommendation concerning a resource's eligibility for the NRHP will be made. This information will be entered into the OHSD or onto IHSI.

Once the ILS is completed, an interim summary report with recommendations concerning the eligibility of resources for the NRHP will be forwarded to the BLM, SHPOs/THPO, and consulting parties for review. The SHPOs/THPO would then review the findings and either

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<sup>2</sup> The 45 year criterion was chosen to take into account the effects that could be present during the full Project construction period.

<sup>3</sup> It should be noted that the RLS and ILS will be coordinated with the archaeological investigations to ensure that multi-component resources (see Section 3.1.2) are correctly identified and evaluated.



concur or not concur with the BLM's determinations of eligibility. Resources determined to be eligible for the NRHP would then be subject to an assessment of Project effects. If an adverse effect to a specific property is found, then mitigation or other treatment will be completed under the terms of the Project Programmatic Agreement and associated Historic Properties Management Plan.

#### 4.4.3 National Historic Trails and Associated Resources Survey

Historic trail segments within the APEs of the proposed route and alternatives will be identified and recorded during the RLS and ILS for the Project. A table will be created for each resource that includes the crossing location, a photo of the trail, the trail condition including the integrity of the setting, and the NRHP status. Each field crew will be equipped with a Trimble® GeoXH global positioning system (GPS) unit. These GPS units will be loaded with digital maps, allowing field crews to navigate to the proposed route and alternative centerlines and record the trail segment.

When potential trail locations and/or actual trails have been identified, the crew will define the class of trail consistent with the standards and examine the condition of the trail consistent with the OCTA classification and examine the setting and condition of the trail (see Table 4-3 Trail Classification Categories), and document the trail and any associated features or artifacts. These classification strategies will be dovetailed with an assessment of the trail's physical integrity, as well as the integrity of its setting, that will utilize the applicable National Register guidance as well as guidance published in recent BLM and NPS historic trails management plans (Management and Use Plan Update/Final Environmental Impact Statement Oregon National Historic Trail/Mormon Pioneer National Historic Trail, NPS 1999; BLM 2011b). Digital photographs will be taken of each trail, and photos facing each cardinal direction will be taken to document the current setting condition. Photos looking at and from along the path of the trail will be taken so that a proper assessment of the trail's setting can be conducted. Existing Oregon survey forms and Idaho ASI forms will be used to record historic trails. Addendum sheets may be used to include additional mapping and other trail data as needed.

The 5-part MET classification of trail categories for overland emigrant trails and roads is designed to assess the condition of trails at the time of mapping. These five categories are OCTA's standard classification for all emigrant trail mapping (OCTA 2002) and will be used to guide judgments concerning the historical integrity of historic trails. Trail condition and integrity will be classified and assessed using the terminology and classification system as defined in the OCTA publication Mapping Emigrant Trails (MET) (OCTA 2002). The system will be used for the NHTs and other historic trails. The terms and classifications are provided in Table 4-2 (Trail Terminology) and Table 4-3 (Trail Classification Categories). These classifications are one aspect of evaluation for NRHP eligibility and can aid in determining the level of integrity of trail segments, but do not replace NRHP significance assessments.

**Table 4-2. Trail Terminology**

Term	Description
Trace	A general term for any original trail segment.
Swale	A depression, but of deeper dimensions and with sloping sides.
Depression	A shallow dip in the surface, often very faint and difficult to see.
Rut	A deep depression without a center mound and with steep sides.
Erosion feature	A trace of any sort that has been deepened and altered by subsequent wind and/or water action; sides are often irregular.
Track	A visible trace caused by the compacting of surface or discoloration due to salt evaporation on alkali flats; little or no depression. Often seen as streaks across an alkali flat.

Term	Description
Two-track	Parallel wheel tracks separated by a center mound. Typically an unimproved ranch road currently used by motorized vehicles. Usually a Class 2 trail.
Scarring	An irregularly wide flat surface devoid of vegetation that no longer shows any wagon depressions or swales. Often seen trailing through sagebrush flats in an uneven pattern.
Improved road or secondary road	Bladed, graded, crowned, graveled, oiled, or blacktop roads usually having side berms, curbs, or gutters.

Source: OCTA 2002.

**Table 4-3. Trail Classification Categories**

Term	Type	Description
Class 1	Unaltered Original Trail	The trail route remains representative of its original condition, not having been used by motor vehicles or altered by road improvements. There is clear physical evidence of the original trail in the form of depressions, ruts, swales, or tracks, some of which may be eroded and/or visible only intermittently.
Class 2	Used Original Trail	The trail route retains its original character although it has been used by motor vehicles. The road has not been bladed, graded, crowned, or otherwise improved and typically remains as a two-track road traversing the original wagon trail. In some forested areas, the trail may have been used for logging but still retains its original character.
Class 3	Verified Original Trail	The trail route is accurately located and verified from written, cartographic, artifact, wagon ruts, evidence of wheel impact such as grooves, polish or rust on rocks, and/or topographic evidence, but due to subsequent weathering, erosion, or development (e.g., paved roads, agricultural use, logging, etc.), physical remains of the trail will be non-existent or insignificant. Typically, this would include trails that once traversed through forests or meadows, across excessively hard surfaces or bedrock, over alkali flats, through soft or sandy soils, alongside streams or rivers, on ridge, or through ravines.
Class 4	Impacted Original Trail	The trail route is located and verified accurately, but the trail has permanently lost its original physical and environmental integrity due to the impact of development. Most often, this impact takes the form of light-duty or secondary roads overlaying the trail (bladed, graded, crowned, graveled, oiled, or blacktop roads). In other cases, residential, industrial, pipeline, agricultural, or recreational development have altered or destroyed the trail remains and its natural environment, though the trail location is still known.
Class 5	Approximate Original Trail	The trail route is no longer verifiable or accurately located. In some cases, there is not enough historical or topographic evidence by which to accurately locate the trail. In many cases, it has been destroyed entirely by highway, urban, agricultural, industrial, or utility corridor development. In other cases, it has been submerged under reservoirs or raised lakes. Thus only the approximate route is known.

Source: OCTA 2002.

## 4.5 Analysis of Indirect Visual Effects to Historic Properties and Trails

The ultimate goal of this analysis will be to identify those indirect visual Project effects, in particular the indirect visual effects, that diminish the integrity and thus the characteristics that make the historic property eligible for the NRHP. While the Project may have indirect visual effects upon historic properties within the APEs, this analysis will help determine whether these effects are adverse. The Visual Assessment of Historic Properties (VAHP) analysis will be

conducted in the field after resources have been determined eligible for the National Register. To provide recommendations on Project visual effects to the BLM, the visual effects analysis will utilize the VAHP Form (Appendix A) which consists of four different parts. This includes:

- 1) types of indirect visual effects on historic property;
- 2) integrity of historic property;
- 3) viewshed and setting; and
- 4) distance, contrast, obstruction, and fragmentation.

These four components of the analysis will include information observed during fieldwork in addition to GIS viewshed modeling. The modeling will help in understanding the geographic extent of Project visibility from the historic property. Project visual simulations will also be used to estimate the placement of Project elements and its impact upon the setting.

#### **4.5.1 Viewshed and Setting**

For the purposes of this study, a *viewshed* is defined as the geographic area visible from a historic property that includes the spatial extent of potential views of the Project within the APEs. Individualized viewshed analyses will be conducted for those historic properties with views of the Project. The viewshed will estimate the extent of the Project's visibility through fieldwork and/or GIS modeling

The viewshed will be determined first by reviewing a GIS viewshed model that illustrates the geographic extent of Project visibility. For the purposes of this analysis, input parameters will include:

- Maximum tower heights are estimated for 500-kV towers to be 195 feet tall, 138/69-kV rebuild towers to be 100 feet tall, and 138-kV relocation towers to be 100 feet tall.
- Digital Elevation Modeling that illustrates the role topography plays in Project visibility.

If, after a review of the model, it is determined that the historic property would not be visually affected by the Project (i.e., would have no views of the Project), then a "no effect" (36 CFR 800.4(d)(1)) recommendation will be made for the specific historic property, and no additional information will be collected. Field visits to each historic property will confirm the veracity of the GIS model. For those historic properties with views of the Project, the VAHP form will be used to document the estimated extent of Project visibility from key contributing elements of the historic property.

The bare earth model viewshed will define the geographic area considered in the analysis of setting. This analysis will identify and map significant features of the landscape tied to the historic setting of the historic property, such as historic circulation patterns, land divisions, land uses, presence or absence of buildings and structures, current vegetation composition and patterns, and topography. This analysis will provide descriptive data on the settings of historic properties.

#### **4.5.2 Integrity of Historic Properties and Trails**

Due to the nature of the Project's indirect visual effects, only three of the seven aspects of integrity will be evaluated for each historic property during the visual assessment. These aspects include:

- setting – the physical environment of a historic property;

- feeling – a property's expression of the aesthetic or historic sense of a particular period of time; and
- association – the direct link between an important historic event or person and a historic property (NPS 1997a).

The constituent parts of the *setting* include aspects such as surrounding vegetation, topography, the presence of other forms of land use and manmade buildings, structures, or features. Field crews will record and attempt to ascertain whether these features within the larger setting were present during the property's period of significance and thus evaluate whether they collectively contribute to a Property's integrity of *feeling*. Field crews will record whether the historic property retains its integrity of *association* by assessing whether it is sufficiently intact to convey its links to important historic events or people (NPS 1997a).

For those properties whose integrity of setting, feeling, and association have already been significantly compromised or where those aspects of integrity do not contribute to the resource's significance, no additional information will be collected beyond the RLS stage and a "no effect" recommendation will be made consistent with 36 CFR 800.4(d)(1). It should also be noted that the integrity of historic trails will also be assessed using the MET classification categories noted in Table 4-3.

Additional consultation between the BLM and tribes or other interested parties will occur for the assessment of integrity of properties of religious and cultural significance or Traditional Cultural Properties.

#### 4.5.3 *Indirect Effect Criteria: Distance, Contrast, Obstruction, and Fragmentation*

For the purposes of this visual assessment, there will be four indicators used to inform the effects assessment for historic properties. They include distance, contrast, obstruction, and fragmentation (BLM 1984, 1986b), and will be addressed on the VAHP form. *Distance* plays an important role in analyzing indirect visual effects upon the landscape that surround historic properties. Typically, as distance between the Project and the property increases, the perception of visual contrast of the Project with the surrounding landscape decreases. At greater distances, for example, atmospheric haze often makes colors become paler and reduces the strength of lines (BLM 1986b) (See also Figure 4-1). For the purpose of this analysis distance will be measured from visible Project elements to the historic property, and classified into the following distance zones: foreground (less than 2 miles), middleground (between 2 and 5 miles) and background (more than 5 miles) (See Table 4-4).

**Table 4-4. VRM Distance Zones**

Distance Zone	Distance Parameter
Foreground	Less than 2 miles
Middleground	Between 2 and 5 miles
Background	More than 5 miles

Distance plays an important role in determining Project visibility and thus the extent of Project contrast. *Contrast* is linked to the degree to which the Project "stands out" amidst the landscape in which it exists either through line, form, color, reflectivity, texture, scale, or space. For transmission lines, for instance, a strong contrast can often occur when a transmission structure is "skylined"; where the transmission structure is easily recognized as rising above the surrounding topography and observable against the sky. Likewise, a strong contrast can also

result from clearing a linear swath through forested areas. A weak contrast would occur for Project features that are in the middle to background zones and set against a landscape of low hills that inhibit skylining and that obscure Project components. Observations made in the field will be guided by the following matrix in order to best characterize the Project's potential to contrast in a landscape that is visible from a historic property (See Table 4-5).

**Table 4-5. Degree of Contrast**

Degree of Contrast	Criteria
None	The Project element contrast is not visible or perceived.
Weak	The Project element contrast can be seen but does not attract attention.
Moderate	The Project element contrast begins to attract attention and begins to dominate the characteristic landscape.
Strong	The Project element contrast demands attention, will not be overlooked, and is dominant in the landscape.

While distance and contrast play a role in understanding the degree to which a Project affects a particular historic property, they do not entirely describe how the Project may affect the physical inter-relationships of the historic property with other historic properties in the surrounding landscape. For instance, the Project may obstruct the sightlines between the historic property and prominent natural or manmade features that are integral to the property's significance. *Obstruction*, therefore, is another important component of effect and will assist in identifying specific instances where the Project has the potential to interfere with landscape inter-relationships. Levels of obstruction will be estimated in the field by noting "obstruction", "partial obstruction", or "no obstruction" (See Table 4-6). In some instances simulations will be used to estimate the level of obstruction in addition to contrast, in order to give the Project engineers the opportunity to develop more sensitive Project siting options.

**Table 4-6. Level of Obstruction**

Level of Obstruction	Criteria
None	A visible Project element does not visually obstruct a landscape component and thus does not diminish the integrity of a historic property's setting, association, and/or feeling.
Partial Obstruction	The Project element partially obscures a landscape component that contributes to the property's overall significance and thus may diminish the integrity of a historic property's setting, association, and/or feeling.
Obstruction	The Project element noticeably obscures a landscape component that contributes to the property's overall significance and clearly diminishes the integrity of a historic property's setting, association, and/or feeling.

Field observations and simulations may also provide indications of how the Project interacts with open spaces present within a particular viewshed. Project components, for instance, may result in the *fragmentation* of open spaces that are character-defining features within a particular historic landscape by introducing new vertical or horizontal elements or by clearing linear strips of vegetation through forested areas. Fragmentation of open space will be gauged as "fragmentation of open space," "moderate fragmentation," and "little to no fragmentation" depending upon the Project's routing and interaction with open spaces.



**Table 4-7. Level of Fragmentation**

Degree of Contrast	Criteria
Little to no fragmentation	The Project element contrast is at most minimally visible from the historic property and does not subdivide open spaces that contribute to the integrity of a historic property.
Moderate fragmentation	The Project element is visible from the historic property and contributes to the fragmentation of open space, but the division is not complete due to intervening land forms and a moderate Project contrast with the surrounding landscape.
Fragmentation of Open Space	The Project element is plainly visible from the historic property and clearly fragments open space that is a character defining feature of the historic landscape that surrounds the historic property.

## 4.6 Level of Effects to Historic Properties and Trails

Although it is anticipated that the overall Project effect will have an adverse effect on historic properties, the purpose of this plan is to assess the visual effects to individual properties. This will be done to aid in the development of mitigation strategies and the HPMP. When taken together, the visual assessment of a historic property's setting, association, and feeling, the property's role in the larger landscape, and the propensity for the Project to diminish the characteristics that make that property eligible for the NRHP provides a rough basis for effect recommendations. So assuming that the resource retains its historic integrity, when Project features are in the background distance zone, exhibit little contrast to their surroundings, do not obstruct landscape inter-relationships and/or fragment open spaces, then a "no adverse effect" (36 CFR 800.5(b)) finding would be appropriate for the individual property. Whereas, a potential "adverse effect" (36 CFR 800.5(d)(2)) would occur for a property when the Project is in the foreground distance zone, presents a high contrast, obstructs views to important landscape elements, or fragments open space that contribute to a property's historic integrity.

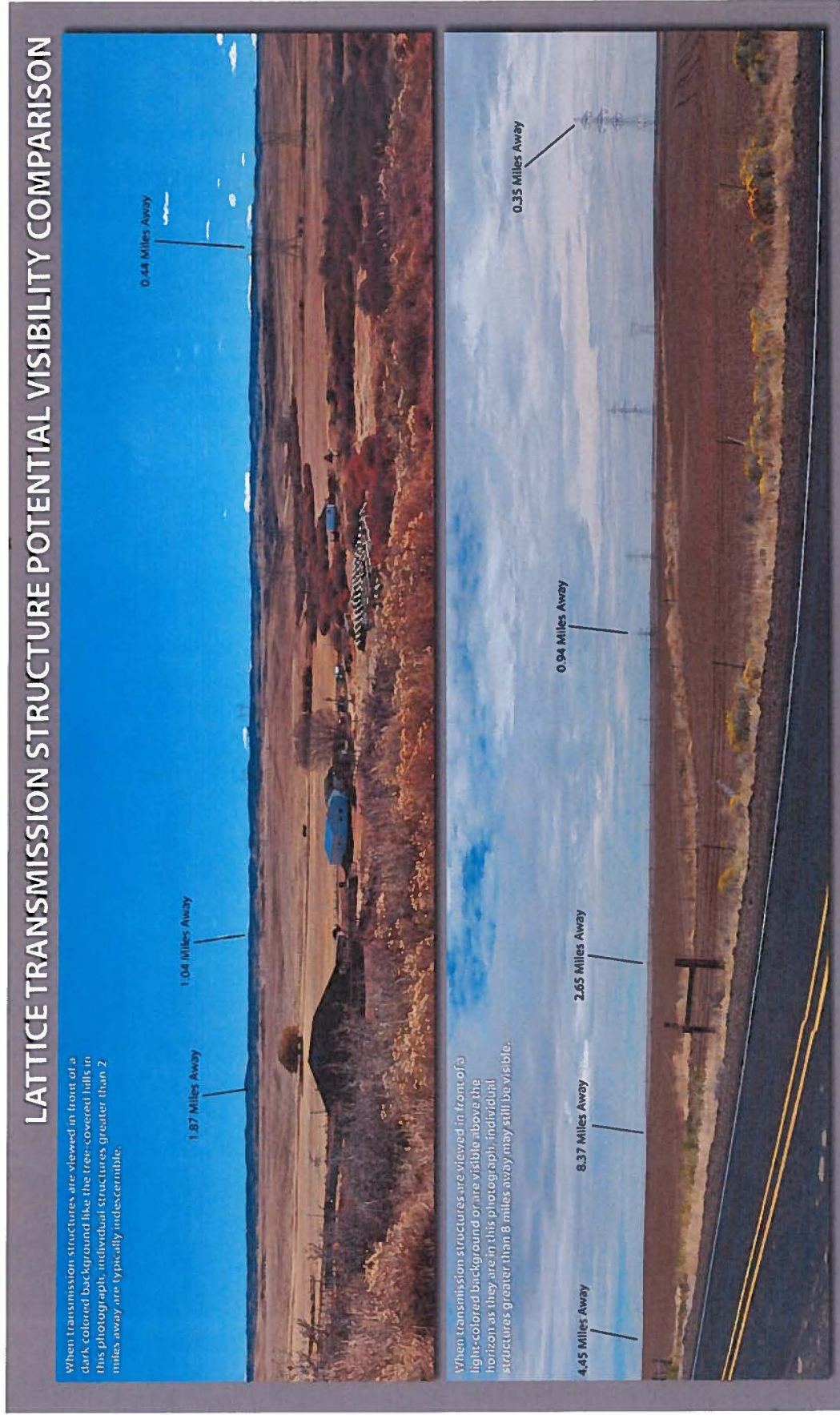
Due to the complex interplay of a particular property's integrity and significance in addition to the range in effects that a property may be exposed to, the Project team will make every effort to identify similar situations to ensure consistency in the effect recommendations. To facilitate a qualitative approach and consistency, recommendations of no adverse effect and adverse effect will be based upon the information (including photographs) collected in the VAHP field form (Appendix A) in addition to the selective use of viewshed modeling and simulations particularly when a property may be adversely affected by a Project element.

**Table 4-8. Level of Fragmentation**

	Distance	Degree of Project Contrast	Level of Obstruction	Level of Fragmentation
Level of Integrity (Setting)				
High	Background	None or Weak	None	Little to None
	Middleground	Moderate or Strong	Partial or Full Obstruction	Moderate or Full Fragmentation

	Foreground	Moderate or Strong	Partial or Full Obstruction	Moderate or Full Fragmentation
Medium	Background	None, Weak, or Moderate	None, Partial Obstruction	Little to None, Moderate
	Middleground	Weak	Partial Obstruction	Moderate
	Foreground	Strong, Moderate	Obstruction	Fragmentation
Low	Background	None	None	Little to None
	Middleground	Weak, Moderate	Partial Obstruction	Moderate
	Foreground	Strong	Obstruction	Fragmentation

Shaded cells: Indicates that the level of Project impacts, when combined with other factors in the table, would diminish the integrity of the historic property's setting and thus adversely affect the characteristics that make the property eligible for the NRHP.



**Figure 4-1.** Lattice Transmission-Structure Potential-Visibility Comparison



## 5.0 DOCUMENTATION

### 5.1 Schedule

Over the course of this study, the components of this study will be reported through interim summaries (one each for the RLS and ILS) and a draft and final report. Table 5-1 provides the reporting and consultation phases.

**Table 5-1. Project Reports and Consultation Phases**

Phase	Report
1	Completion of RLS Interim Summary
1a	BLM/USFS review of RLS Interim Summary
1b	IPC/TT address comments
2	BLM/USFS Request for Review and Comment from BPA, Tribes, SHPOs/THPO, and consulting parties on RLS Interim Summary
3	Completion of ILS Interim Summary and Effect Assessment
3a	BLM/USFS review of RLS Interim Summary
3b	IPC/TT address comments
4	BLM/USFS Request for Review and Comment from BPA, Tribes, SHPOs/THPO, and consulting parties on ILS Interim Summary and Effect Assessment
5	Draft VAHP Report
5a	Completion of ILS Interim Summary and Effect Assessment
5b	BLM/USFS review of RLS Interim Summary
6	BLM/USFS Request for Review and Comment from BPA, Tribes, SHPOs/THPO, and consulting parties on Draft VAHP Report
7	Final VAHP Report

### 5.2 Description of Study Deliverables

As noted in Table 5-1, each Interim Summary and the Draft VAHP Report will be made available by the BLM and USFS for an initial review and comment. After the initial comments are addressed, the revised draft will be distributed to the BPA, Tribes, SHPOs/THPO, and the consulting parties. At the conclusion of each review and comment period, the BLM and USFS will take into account the views of these parties and provide direction on subsequent study to be conducted.

The RLS Interim Summary will include summary data on the number of resources that were identified through the literature review and background research, the number of resources that were re-located and/or identified during the field investigation, and which resources will be carried forward for study into the ILS and effect analysis. The RLS Interim Summary will include location information, whether the resource potentially meets the NRHP Criteria for Evaluation, level of integrity, age, and a photograph. The intent of the summary is to provide the BLM, BPA, USFS, Tribes, SHPOs/THPO, and the consulting parties with information, including NRHP eligibility recommendations, about the resources encountered in the field and to obtain direction on moving forward with the next phase of study.

The ILS Interim Summary and Initial Effect Assessment will include brief paragraphs on the history of each resource that was studied at the intensive level in addition to the resource's level of integrity, and a recommendation of potential Project effects. Photographs and a map of each resource and its relationship to the Project will be provided. Representative viewshed mapping and Project simulations may also be included to illustrate the extent and nature of effects to historic properties during fieldwork. The intent of the summary is to provide the BLM, BPA,

USFS, Tribes, SHPOs/THPO, and the consulting parties with preliminary information about the integrity of resources and the potential extent of Project effects. The BLM and USFS will review the documents and distribute to other agencies, tribes, and consulting parties in accordance with the PA to determine the eligibility of resources for the NRHP and the effects upon historic properties.

Once the BLM and USFS have taken into account the views of the BPA, Tribes, SHPOs/THPO and consulting parties, a Draft VAHP Report will be prepared. The Report will include the full results of the RLS and ILS Interim Summaries and the Effect Assessment for compliance with Section 106 of the NHPA and to also satisfy the requirements of Oregon's EFSC. The Draft Report will at a minimum include the following:

- Literature review, Background Research, and Historic Context
- Regulatory Background
- Methods of Identification and Evaluation of Historic Properties and Effect Analysis
- RLS Results
- ILS Results and NRHP Eligibility Recommendations
- Visual Effect Assessment and Effect Recommendations
- Recommendations for Avoidance, Effect Minimization, and/or Resolution of Adverse Effects
- An appendix that includes VAHP field forms for all applicable properties

The completed Draft VAHP Report will be reviewed by the BLM and USFS prior to submission to the BPA, respective Tribes, SHPOs/THPO and consulting parties. Once the BLM and USFS has reviewed and approved the report, it will be submitted to the respective SHPOs/THPO for concurrence and to the Tribes and consulting parties for comment in accordance with the PA.

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## **APPENDIX A VISUAL ASSESSMENT OF HISTORIC PROPERTIES FORM**



## VISUAL ASSESSMENT OF HISTORIC PROPERTIES FORM

### Boardman to Hemingway Project

Property Name and #: \_\_\_\_\_

Property Eligibility (NRHP Criteria A, B, C, or D): \_\_\_\_\_ Period(s) of Significance: \_\_\_\_\_

Date of Form: \_\_\_\_\_ Recorder: \_\_\_\_\_

#### TYPES OF EFFECT

View of Project? Y / N (if no, then no additional information is necessary: "No Historic Properties Affected")

Trans. Tower (# & type): ☐ \_\_\_\_\_ Access road: ☐ Veg. clearing: ☐ Substation: ☐ Laydown/Staging: ☐

#### VIEWSHED & LANDSCAPE CONTEXT

Breadth of Viewshed from Historic Property Affected: 90° 180° 270° 360°

Is Property part of larger cultural landscape? Y/N

If "yes", then does the property contribute to the significance of that landscape or is the landscape part of the property's overall setting?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

In box to right sketch breadth of viewshed from historic property towards Project (note background and intervening topography, historic circulation patterns, land divisions, land uses, buildings and structures, and prevailing vegetation type and patterns, & prominent open spaces; include North arrow).

#### EXISTING INTEGRITY OF HISTORIC PROPERTY/ TRAIL

Aspect of Historic Integrity	Existing Retention or Loss of Integrity
<i>Setting – physical environment of a historic property</i>	
<i>Feeling – a property's expression of the aesthetic or historic sense of a particular period of time</i>	
<i>Association – the direct link between an important historic event or person and a historic property</i>	

**INDIRECT VISUAL EFFECT CRITERIA: DISTANCE, CONTRAST, OBSTRUCTION, AND FRAGMENTATION**

Distance to Project: **Foreground (< 2 mi.)** \_\_\_\_\_ **Middleground (2-5 mi.)** \_\_\_\_\_ **Background (> 5 mi.)** \_\_\_\_\_

Expected Degree of Project Contrast: **None** **Weak** **Moderate** **Strong**

Describe Project features and how they will contrast with landscape (line, form, color, texture, scale, or space):

Level of Obstruction: (Obstruction of views of important landscape components): **None** **Partial Obstruction** **Obstruction**

Describe Project features and how they obstruct landscape components that contribute to the property's integrity/significance:

Level of Fragmentation (Open Space): **Little to No Fragmentation** **Moderate Fragmentation** **Fragmentation of Open Space**

Describe how open space is/is not fragmented by Project elements:

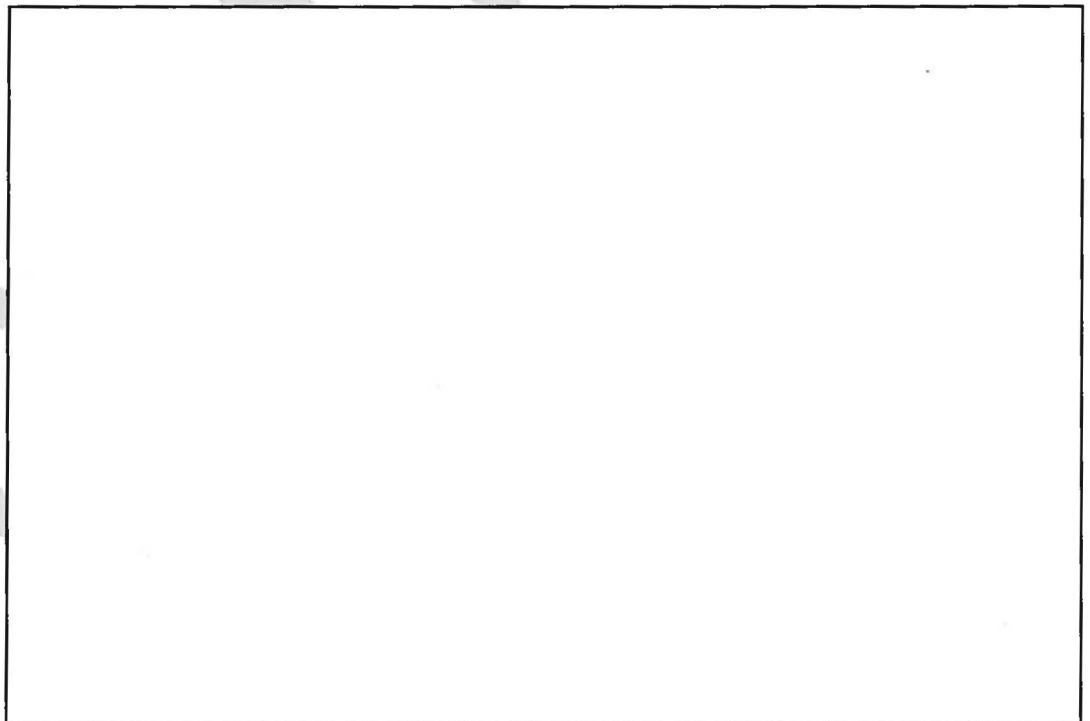
**Photograph**

Include representative view of Project as seen from historic property. Include direction of view. If necessary, provide additional photos and/or simulations on addenda sheets.

Direction of view:

Date of photo:

Description:



**LEVEL OF EFFECT**

Effect Recommendation	Y/N
Adverse Effect 36 CFR 800.5(d)(2)	
No Adverse Effect 36 CFR 800.5(b)	

**Adverse Effect** An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

**No Adverse Effect:** The undertaking's effects do not meet the criteria of adverse effect (as found in 36 CFR 800.5(a)(1) or the undertaking is modified or conditions are imposed so that adverse effects are avoided.



## **Exhibit 4 (104)**

**Two Maps: John C. Williams property**

- 1) Displaying new/proposed access roads (in white)**
- 2) Displaying location of new and additional towers proposed due to EFSC mitigation for Morgan Lake route and new corresponding access roads.**

**From “Memorandum of Easement Option Agreement Packet”**



# Boardman to Hemingway

## LEGEND

### Boreholes to Add or Keep

- ADD
- KEEP

### Boreholes to Remove

- REMOVE

### Phase 1 NTP Boreholes

- Borehole APE (250-ft Buffer)

### Structures

- Communication Station Distribution Lines

### Access

- Existing Road, No Substantial Modification, 0-20% Improvements
- Existing Road, Substantial Modification, 21-70% Improvements
- Existing Road, Substantial Modification, 71-100% Improvements
- New Road, Bladed
- New Road, Primitive
- Routes

### Communication Stations

- Communication Stations

### Structure Work Areas

- Pulling and Tensioning
- Structure Work Area
- Transmission Right-of-way (ROW)
- Additional Site Boundary (Feb. 15, 2022)

### Parcels By ROE Status

- ROE Granted
- ROE Forced
- ROE Not Required
- ROE Pending
- No Response or Not Contacted

### Parcels By ROE Status (boundary)

- ROE Granted
- ROE Forced
- ROE Not Required
- ROE Pending
- No Response or Not Contacted

Disclaimer: For Internal Discussion Purposes Only. Not for Public Review or Comment.

Map Date: 3/25/2022

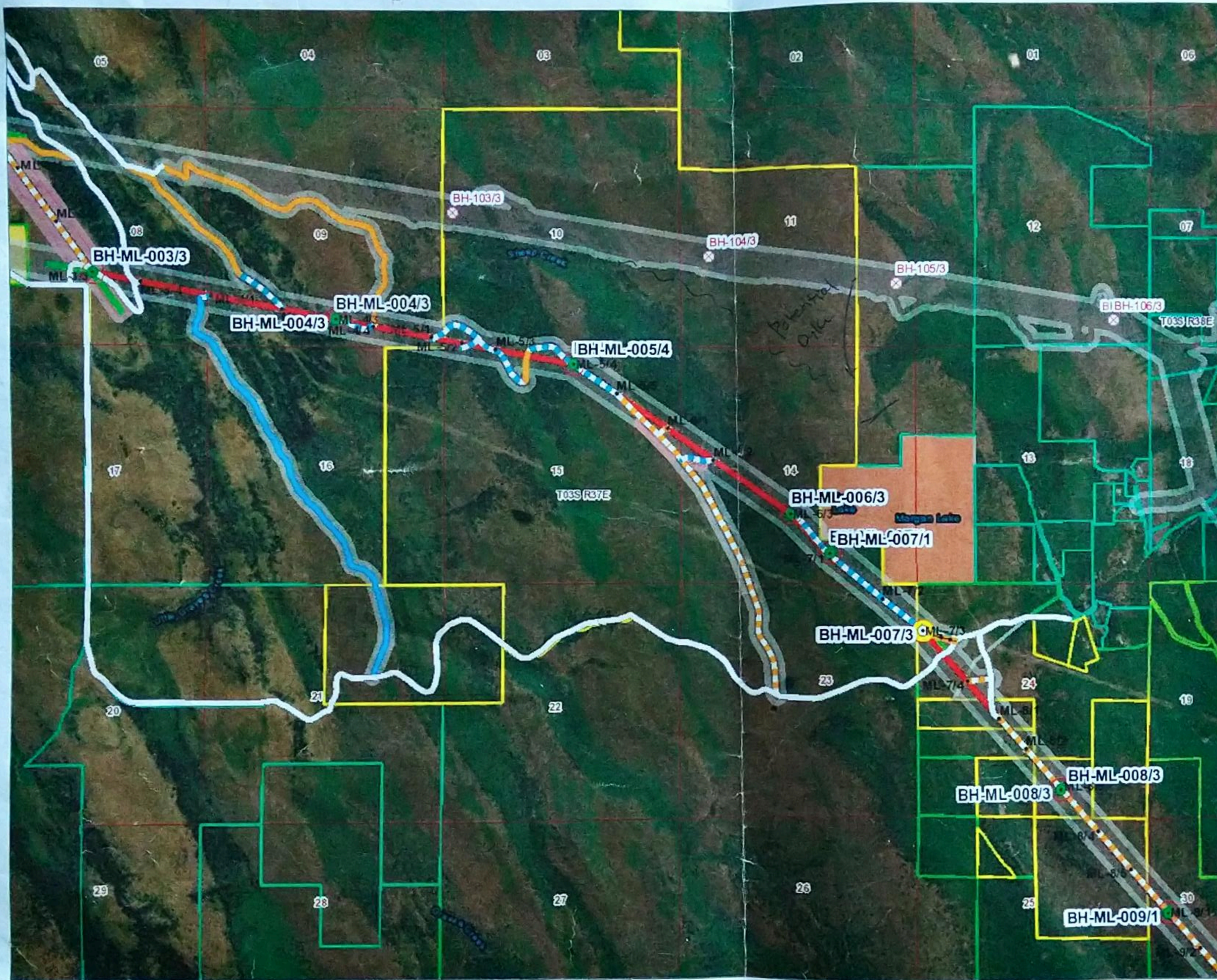


0 6,100 Feet

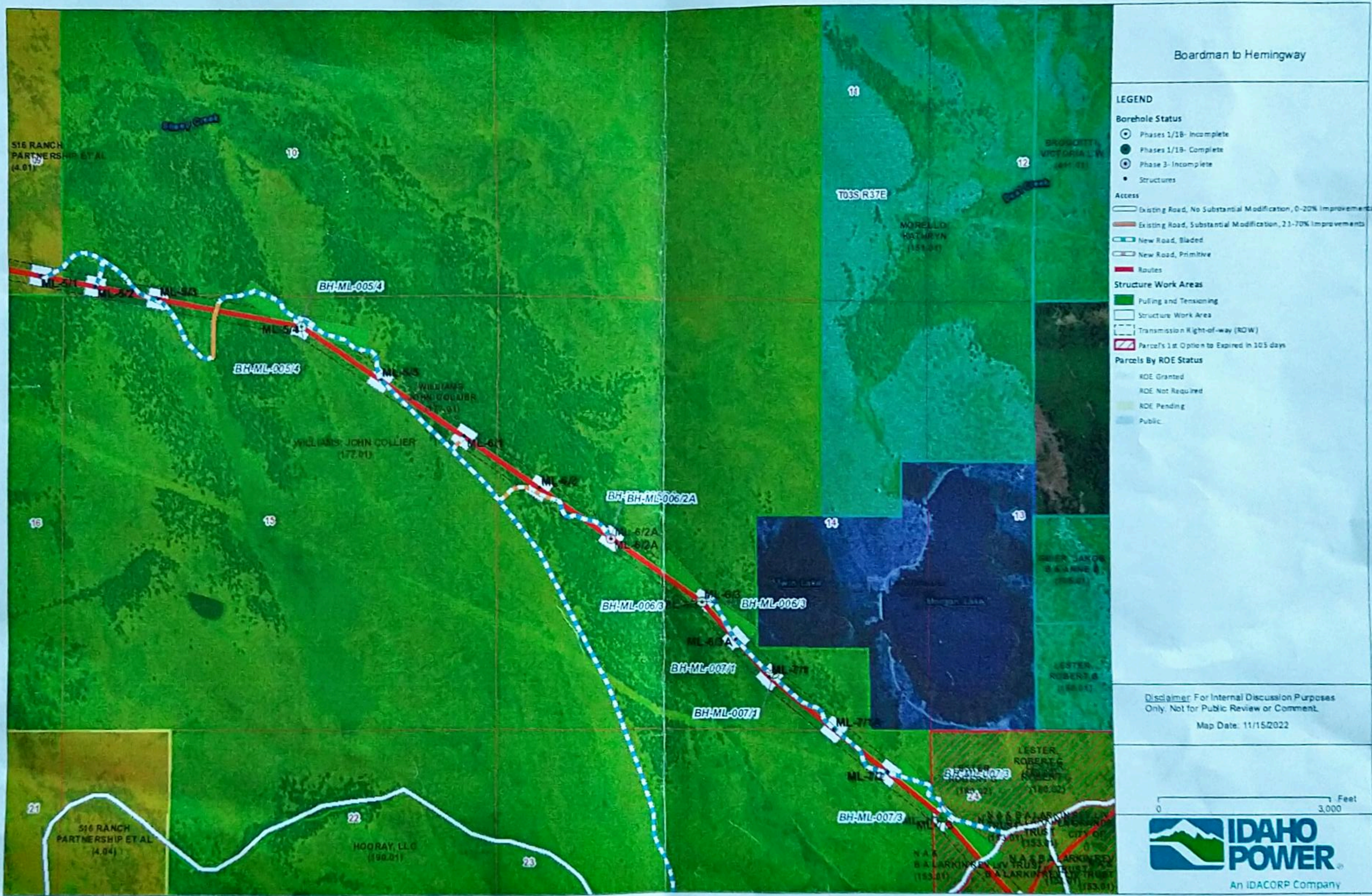


An IDACORP Company

City of LaGrange  
Taylor?









**CERTIFICATE OF MAILING**

On February 1, 2023, I certify that I filed the above Opening Testimony with the Administrative Law Judge via the OPUC Filing Center, for the Docket # PCN-5.

/s/ John C. Williams

John C. Williams

Intervenor, PCN-5